



Medicinal Marijuana, Inc.: A Critique on the Market-led Legalization of Cannabis and the Criminalization of Rural Livelihoods in Colombia

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Abstract

In Colombia, Law 1787 of 2016 legalized marijuana for medicinal and scientific purposes. The law promotes social inclusion in two ways: (1) establishing mechanisms to incentivize rural marijuana production; and (2) protecting and strengthening small producers in the context of governmental efforts to voluntarily substitute illicit crops. These commitments are consistent with the peace agreement reached in 2016 between the guerrilla group, *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC-EP) and the Colombian government, in which a solution to the problem of illicit crops based on voluntary substitution and rural development was proposed. What has happened, however, is that instead of the proposed “inclusion,” the legalization of marijuana has benefited the corporate sector almost exclusively. Employing a southern criminological approach, we first analyze the punitive rationale in the so-called “War on Drugs” and the shift to a purportedly more benign pro-poor and pro-health legalization discourse. From here, we critique the legal architecture to regulate the production of marijuana. In so doing, we illustrate how uneven power relations and governmental capitalist favoritism have been utilized by corporate ventures located in the political and economic bureaucratic heart of Colombia, reproducing the historical marginalization of impoverished mestizo *campesinos* (peasant farmers), whose livelihoods have been dependent on illicit crops.

Introduction

Although cannabis is the world’s most widely consumed illegal drug, the trajectory of its commodity chain has received less attention than any other drug (Taylor et al. 2013). While contemporary research has analyzed broadly the consumption practices of the substance (Carah 2015; Chu 2015; Giroto et al. 2015), its urban markets (Crawford 2014; Irwin-Rogers 2019), and the impacts of legalization for recreational use in parts of the Global North (Barry et al. 2014; Caulkins & Kilmer 2016; Dyer 2014; Heddleston 2013; Hickenlooper 2014; Single et al. 2000), little has been written about the agrarian politics

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of production in rural areas (but see August 2013; O’Dea et al. 1997) and the market-led processes of its legalization. This article seeks to fill this gap by analyzing the legalization of marijuana for medical use and scientific research in Colombia from two complementary perspectives: juridical discourses and the agrarian change triggered by legalization after the implementation of an historical peace agreement between *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC-EP) and the Colombian government (Oficina del Alto Comisionado para la Paz 2016).

Following the United Nations Single Convention on Narcotic Drugs (1961), Colombia passed Law 13 of 1974, which legalized the production and trade of narcotic drugs for medical and scientific purposes in Colombia. The licensing process never materialized, however, and thus opportunities of legalizing the production of drugs for medical and scientific uses were not realized. Thirty-five years later, Legislative Act 02 of 2009, supported by Juan Manuel Galán, a member of Congress, attempted to regulate the scientific and medicinal production of marijuana based on two core arguments: the benefits of a harm-reduction approach to the consumption of illicit drugs (Collins 2016a; Huber et al. 2016), and the opportunities of pharmaceutical experimentation for medical use of delta-9-tetrahydrocannabinol (THC), the principal psychoactive constituent of cannabis (Bifulco & Pisanti 2015; Guy et al. 2008; Mechoulam 2000; Potter 2014). It would take another seven years (in 2016), however, for marijuana to be legalized and regulated for medicinal and scientific purposes pursuant to Law 1787 (cf. Calderón Vallejo et al. 2017). This law, which excluded recreational consumption, was based on two rationales: the healing properties of cannabis could be beneficial to humanity, and legalization could provide the rural peasant population with economic opportunities by involving them in the production of marijuana.

The combination of a pro-poor and pro-health legislation reflected a radical shift from what del Olmo (1998a) describes as a *delictive stereotype* of producers and consumers of illicit drugs to a new *benign stereotype* encompassed by a pharmacological discourse that espouses the “good” properties of marijuana. The new perspective fit the political momentum of change in Colombia when, in November of 2016, FARC-EP and the Colombian government signed an historic agreement that included, as a key commitment for peace-making, a progressive vision to put an end to the problem of illicit drugs. In contrast to previous proposals on forced eradication through fumigation, military interventions, and criminalization of the grower, the *Programa Nacional Integral de Sustitución de Cultivos Ilícitos* (PNIS) (National Comprehensive Program for the Substitution of Illicit Crops) was based on (1) voluntary eradication; (2) investment and technical assistance in agricultural enterprises; (3) social participation in governmental planning; and (4) a transition period (two years) in which coca growers were to receive basic economic assistance.

With the combination of PNIS and Law 1787 on legalization (Ministerio de Salud 2017), an idealistic scenario of voluntarily substituting coca crops for medicinal marijuana crops (for medicinal purposes) emerged—one that was soon revealed to be too good to be true. While the PNIS was initiated only in 21% of the municipalities that were prioritized for the implementation of the peace agreement (FIP 2018), its execution was fragmented, delayed, and excluded marijuana-producing farmers (Vélez-Torres 2019)—a failure evidenced by the increasing deforestation of tropical forests (Sollund et al. 2019), the growth of coca cultivation (EFE 2020) and, more generally, the return of armed conflict in those territories previously under the control of FARC-EP. Furthermore, four years after the peace agreement was signed and Law 1787 was passed by Congress, a market-led boom in the production of medicinal marijuana could be observed. This prompted us to examine the agrarian change as a result of the production of medicinal marijuana, the juridical

discourses framing national politics and policies, and the local marginalization generated by this nascent corporate industry.

This article analyzes the normative trajectory of the legalization of marijuana in Colombia from a southern criminological standpoint. It seeks to examine the legislative discourses that, although apparently seeking to overcome the stigmatization of cannabis cultivation as criminal, generated a new benevolent pro-health image that works to benefit the corporate pharmaceutical industry. The article explores the shifting discourse surrounding an agrarian market-led change in the production of marijuana, leaving unresolved the needs of impoverished mestizo *campesinos*¹ who depend on the very same crops. To support this analysis, we draw on fieldwork conducted at marijuana-growing farms in Corinto—a municipality in *Departamento del Cauca* (the Cauca Department)—over a period of three years. We also interviewed key government and corporate actors involved in the production of medicinal marijuana and reviewed relevant legislation on cannabis and substitution of illicit crops² in Colombia.

Conceptual Framework

Normative Asymmetries, State-Building and Environmental Injustice

A critical analysis of legal systems can help unwrap the ways in which inequalities emerge and are reproduced through legislative developments in the context of state-led neoliberalism. It can shed light, for example, on corporate legal protectionism in resource-rich countries that allow multinational corporations to expand their activities (Hernández et al. 2012; Hernández & Ramiro 2016). In addition, studies have criticized the influence of powerful financial entities, such as the World Bank and the International Monetary Fund, for their roles in the shaping of state normative architectures that result in social exclusion processes (see, e.g., Barro & Lee 2005; Campbell 2000). Others have demonstrated different ways in which the government rationalities and the practical impacts of their laws have excluded people and communities based on ethnic-racial identity, gender, literacy and social class (Hougaard & Vélez-Torres 2020; Li 2007; Palmater 2014; Vélez-Torres 2014).

The concept of “normative asymmetry”—a disequilibrium in legal systems that reproduces social disparities—adds insights into the critical analysis of legislation by focusing on the trajectories and power relations that, bound by regulations, tend to favor multinational corporations over states generally located in the Global South (Hernández 2009). Dados and Connell (2012) argue that such “asymmetry” expands beyond the spatial domain of states toward geopolitical relations of power across nations. Goyes (2018) suggests that contemporary geopolitics can weaken or disrupt state-centered governance, and that this requires a new kind of thinking in criminology to understand who has control over

¹ A *campesino* is a rural inhabitant with little or no land, who in the context of this research has self-identified as such.

² In this article, we have chosen to employ the term, “illicit crops,” to reflect the punitive and criminalizing discourse that is utilized by the Colombian government to refer to coca, marijuana and poppy crops. We use the term, “crops for illicit use,” to refer to the perspective of the peasants who argue that (i) the crop, itself, should not be illegal, but the use given to it; and (ii) these are the very same crops that enable impoverished communities to access basic needs.

natural resources and populations within state borders and how such power comes to be exercised.

It is our understanding that the concept of “normative asymmetry” allows for the examination of legal systems from the critical analysis of the “outward” and “downward” constellations of entities, trajectories, drivers and power relationships that benefit corporate actors and interests over public ones. While legislation “territorializes” in unique social, institutional and geographic ways (see, e.g., Bedford et al. 2020; Lund 2006), “normative asymmetries” can impact territories and the everyday lives of the people who inhabit targeted areas. Asymmetries thus occur as much in Global North–Global South power relations between states and multinational corporations that influence national legislation, as they can—and do—in the local enactment and enforcement of institutional norms and practices that impact the daily dimensions of people’s lives. Analyzing the exclusions that emerge in specific normative settings allows one to examine legislative discourses—at their effects on the production and reproduction of relationships of oppression, marginalization, and exclusion, which, marked by differences in ethnicity, gender, race, social class, and spatiality, are at the base of post-colonial state-building (Li 2007; Palmater 2014; Safford & Palacios 2002; Uribe 2017).

In the context of a capitalist world system, studying “normative asymmetries” can illuminate environmental injustice on a very fundamental level and has the potential to lay bare the nexus between legislation, capital accumulation, and environmental degradation in a globally connected world. Mining and agro-industrial corporate extractivism has been linked to social and environmental harm in the Global South as it creates ecological destruction and dispossesses local communities of cultural, economic, and social capital (Mol 2017; Vélez-Torres 2014). Furthermore, so-called “green neoliberal economies” have endorsed discourses of environmental governance, conservation and sustainability, but in practice, have been counterproductive to improvements in quality of life, while driving new and old forms of violence (Vélez-Torres & Lugo 2021). In the context of capitalist neoliberal expansion, legislation has proven to be both an ideological as well as an executive mechanism of a model that is characterized by “profits of extermination” (Cuellar 2005), which directly and indirectly supports uneven relationships between geographies and populations of wealth, growth, and accumulation, and that develops *at the expense* of “other” geographies and social groups (cf. Foster & Holleman 2014; Hornborg 2009). As we will explain below, tailored social and spatial peripheries are privileged targets of punitive mentalities and sensibilities.

Punitive Governmentality in the “War on Drugs”

The so-called “War on Drugs,” led by the United States (US), is the most prominent example of a criminal justice policy disseminated from the Global North to the Global South in last three decades (Crick 2012). It has endured post-colonial relationships by expanding a prohibitionist and militaristic response to drug-related crime (Andreas & Nadelmann 2008). For the US and other countries in the Global North, the illegal trade of narcotics is a “universal crime” that harms international economic and sociocultural development; from a southern criminology perspective, however, the illegal trade of narcotics could be better understood as a transnational crime that arises in the Global South as a consequence of a growing demand for illegal drugs in the Global North (del Olmo 1987). The geopolitics of drug-related crime makes governments in the Global South victims of the “War on Drugs” when international cooperation and aid is conditioned on anti-narcotics operations, which

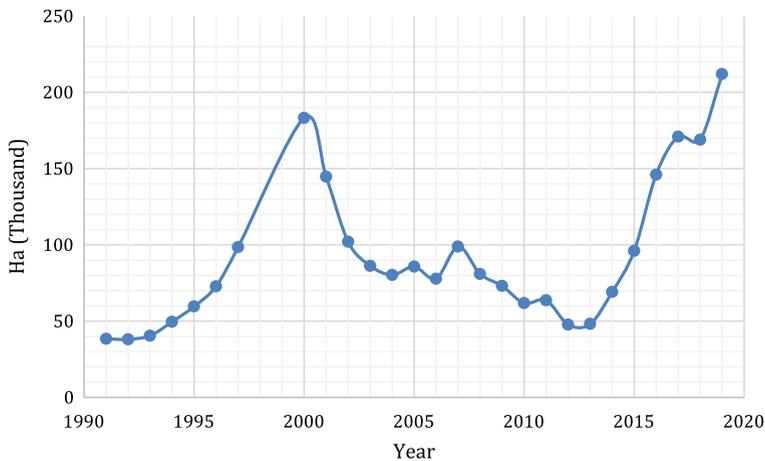


Fig. 1 Coca cultivation area in Colombia (1991–2019). *Source* EFE (2020); UNODC (2019); U.S. Department of State (2001)

often requires the implementation of both aerial fumigations and military interventions for eradication.

Such a punitive approach has resulted in two major problems. On the one hand, many countries have experienced an incarceration boom due to a spike in arrests and convictions for drug-related crimes (Collins 2016b; UNDP 2015; Yepeuzmán et al. 2012; Yepes, Hernández & Olivera 2017). For example, Colombia saw a 300% increase in drug-related crimes between 2000 and 2015 (Yepes et al. 2017). On the other hand, Northern states have tried to eliminate the supply of drugs by pushing drug-producing countries to enact stricter measures rather than transforming demand and reducing harm at home (CEDD 2014; Mejía 2010). In Colombia, more than 13% of the national budget has been devoted to military spending (3.2% of the Gross Domestic Product—the second highest in Latin America). In 2019 alone, approximately US\$377 million dollars were invested in activities related to the “War on Drugs,” such as aerial spraying of glyphosate, interdiction, prosecution, and incarceration, while in this same year, the US Congress approved US\$418 million dollars—US\$27 million more than in the previous year—to expand the government’s anti-narco-terrorist efforts (Banco Mundial 2019; Rico et al. 2018; El País 2019). Figure 1 shows the fluctuation in the cultivation of coca crops, which reflect shifting government policies and market pressures that have pushed forced eradication, and that have resulted in community impoverishment and attempts to move coca crops to avoid detection (Vélez-Torres & Lugo 2021).

Since the early 2000s, the Colombian “War on Drugs” has focused on “Plan Colombia”—an expanded anti-narcotics strategy that has encompassed efforts to defeat terrorism. This has entailed military interventions in areas of coca cultivation (Jensen et al. 2004). Based on the work by Garland (1991) and Cook and Powell (2003), we argue that the punitive approach to the “War on Drugs” has acted as a tool of social control simultaneously targeted against left-wing insurgencies and impoverished rural inhabitants. During the first two decades of its implementation, the anti-narcotic and counterinsurgency military actions by the Colombian state have not dismantled guerrilla groups (Smith et al. 2014); instead, such actions have strengthened corporate extractive economies in resource-rich territories

(Paley 2015). And though Plan Colombia's anti-narcotic and anti-terrorist approach led to a one-decade drop in coca cultivation (2000–2010), the impacts on human rights and the environment have been considerable. Moreover, numerous scholars have argued that the “War on Drugs” has created a balloon effect—instead of diminishing coca cultivation, aerial fumigation and military interventions for the eradication of illegal crops have displaced people, pushing them into new areas where they continue to cultivate such illegal crops (Vélez-Torres & Lugo 2021; Vargas 1999, 2005). One example of this balloon effect is illustrated in the latest monitoring report by the United Nations Office on Drugs and Crime (UNODC 2020) for Colombia, which shows that after the peace agreement, cultivation areas decreased but cocaine production increased. This phenomenon, explained as a result of access to technical assistance and the implementation of Good Agricultural Practices (GAP) in coca production, is consistent with our fieldwork observations: the consolidation of coca crops in a given area, and the breeding of coca plants to ensure greater performance in cocaine production and a greater number of harvests per year (up to six yields per year).

In sum, eradication efforts have had a number of adverse impacts on humans and the environment. First, the spatial displacement of crops has caused deforestation (see, e.g., Sollund et al. 2019). Second, poor rural populations have been displaced—pushed away by fumigation and pulled to other territories by the need for economic alternatives and new areas to cultivate (Fergusson, Romero & Vargas 2014; Ibáñez 2010). Indeed, the practice of spraying glyphosate can be characterized as a crime committed by states—one that victimizes those at the bottom of the drug trafficking hierarchy (Patten 2016), who are often deprived of their livelihoods and left without sustainable alternatives. Furthermore, the ecological impact of toxic fumigation, next to the expansion of the agrarian frontier for coca cultivation, is a crime against the environment that violates human and environmental rights (see, e.g., Alvarez 2007; del Olmo 1987; del Olmo 1998b; Joyce 1999; Reuter et al. 2016; Massey 2001; Thoumi 2002).

Methodology

We used an ethnographic, qualitative and activist methodology that, through participant observation and informal dialogues with marijuana-growing mestizo *campesinos*, allowed for a critical understanding of the corporate development of the medical cannabis industry from the perspective of rural communities who have been left behind by the privileges of the legalization. We made more than thirty visits to the north of the Cauca province over a period of three years—an approach that allowed us to witness the many exchanges and agreements between local government officials and the local communities. Our frequent visits helped us earn trust and generated access to the private and personal lives of our informants, which afforded us the possibility of having difficult conversations with the impoverished mestizo *campesinos* about their expectations and frustrations, their efforts to meet basic needs, the dearth of economic opportunities, and the lack of support from the state to overcome these difficulties.

We also participated in various formal meetings between the national government and the marijuana and coca growers, as well as in the many everyday activities on the farms where marijuana was cultivated, harvested, and sold. Our frequent participation in formal and informal encounters with the mestizo *campesinos* was crucial to achieving a better understanding of their needs and desires, and their decision (albeit with great uncertainty)

to commit to the substitution of crops as per the peace agreement (Castillejo 2017; Vélez-Torres & Lugo 2021).

Our ethnographic approach led us to utilize two complementary methods to better understand the rationale of the design and the extent to which Law 1787 was being implemented. First, we reviewed the legislative archives, which allowed us to identify two normative trajectories that, although they appear to have emerged in parallel, ended up essentially intertwined in 2016: the legalization of medicinal marijuana and the policies of substitution of illicit crops. We also inquired about the allocation of three types of marijuana licenses: those related to the production of marijuana seeds, those pertaining to the cultivation of cannabis, and those concerning the manufacturing of medicinal cannabis derivatives. This research was key to developing further questions that we would ask in the interviews.

Second, we conducted eight semi-structured interviews. Three of these interviews took place with governmental officials, either from the national government with responsibility over northern Cauca or from the local government in Corinto. The other five interviews were with representatives of marijuana companies or with urban marijuana entrepreneurs. The different level of corporate development among these informants allowed for a thorough introduction to the sector from the perspective of actors with limited capital, along with companies with large financial assets and institutional support. Through the interviews, we inquired about specific themes concerning the agrarian change pushed by the marijuana industry, and we attempted to understand production costs and processes involving the acquisition of licenses.

The data were analyzed through a “cascade” strategy where the qualitative results of the ethnographic observations led us to focus our attention on an analysis of the legislation which, in turn, led us to carry out interviews with key actors. Finally, we triangulated this qualitative information with quantitative data related to the allocation of licenses for the cultivation of medicinal marijuana. Our interdisciplinary training was advantageous in facilitating an integrated analysis of the results obtained. Preliminary findings achieved by this research were shared through conferences and thematic meetings with various social organizations of Indigenous, Afro-descendants and mestizo *campesinos* from the site of study. The methodological design and techniques were reviewed and endorsed by the Human Ethics Committee of the Universidad del Valle (Approval Act No. 022-017 of 2019).

Legalization of Medical Marijuana in Colombia

The legalization of marijuana in Colombia has a precedent that dates back more than forty years when, under the United Nations Single Convention on Narcotic Drugs (1961), mentioned above, the government approved the production, manufacture, and trade of narcotic drugs for medicinal and scientific use (Law 13/1974). It was not until 2016 with Law 1787, however, that the Colombian government decided to regulate the production, processing, and commercialization of marijuana seeds and other derivatives for medicinal and scientific purposes—a measure inspired by the steps taken by governments of Canada and several states in the US to legalize marijuana (Dyer 2014; Heddleston 2013; Reuter 2013),

The speed with which licenses have been granted speaks to the government’s interest in promoting this economic sector. By July 2018, the government had granted 162 licenses, and by early-2020, the number of licenses had tripled: 53 companies were licensed for

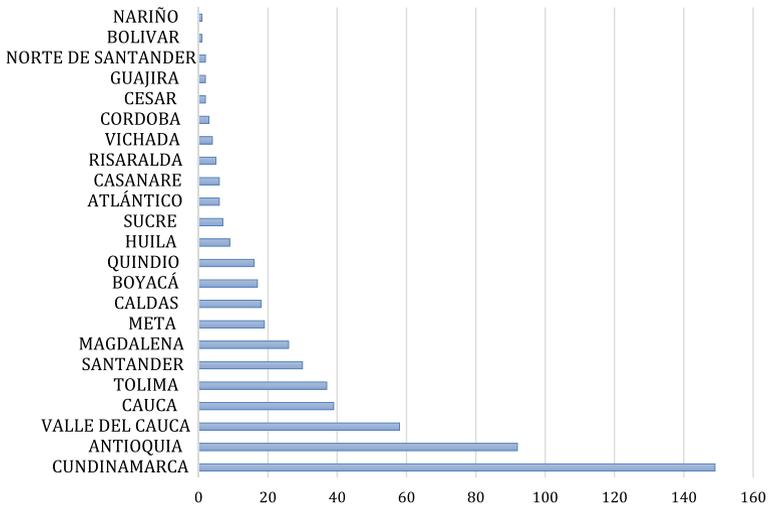


Fig. 2 Number of licenses allocated by the Ministry of Health and Ministry of Justice for medicinal marijuana in different departments *Source* Authors' design based on Decree 893/2017, Ministerio de Justicia y del Derecho (2019), and Ministerio de Salud (2020)

seeding, 105 were licensed for the cultivation of psychoactive cannabis plants, and 224 licenses had been granted for the cultivation of non-psychoactive cannabis plants (Ministerio de Justicia y del Derecho 2019). The Colombian government had approved 168 derivative manufacturing licenses by January 2020 (Ministerio de Salud 2020).

Canadian capital in this market is noteworthy. In fact, of the total amount of money invested in the production of medicinal marijuana in Colombia up until mid-2019, 85% of it—nearly US\$440 million—came from Canadian investors (Semana 2019). In terms of where licenses have been granted, 54.4% percent have been in Cundinamarca, Antioquia, and Valle del Cauca (see Figs. 2 and 3). Only 11.6% of the licenses have been granted in municipalities prioritized in the framework of the implementation of the peace agreement.

The unequal geographical distribution of licenses has contributed to the political and administrative centralization of the state. In other words, concentrating the political and economic power in the geographic center of the country has led to the creation of a border effect with respect to remote territories where the human and economic well-being of the population seems less relevant (Safford & Palacios 2002; Uribe 2017). Even though these regions were supposed to receive governmental assistance pursuant to the peace agreement (see Fig. 3), their exclusion in the marijuana licensing process reveals the ongoing marginalization of those territories and communities that have historically been affected by the internal armed conflict.

A complementary aspect that reflects the inequity in licensing is illustrated by the fact that no licenses have been granted to cooperatives and associations for the manufacturing of cannabis derivatives. Instead, all of the 168 licenses that have been granted for manufacturing have been given to multinational corporations (Ministerio de Justicia y del Derecho 2019; Ministerio de Salud 2020).

The unequal licensing that effectively grants a manufacturing monopoly to corporate actors while delegating the production of raw materials to the domestic entrepreneurs reproduces the historical economic dependency of post-colonial states through the

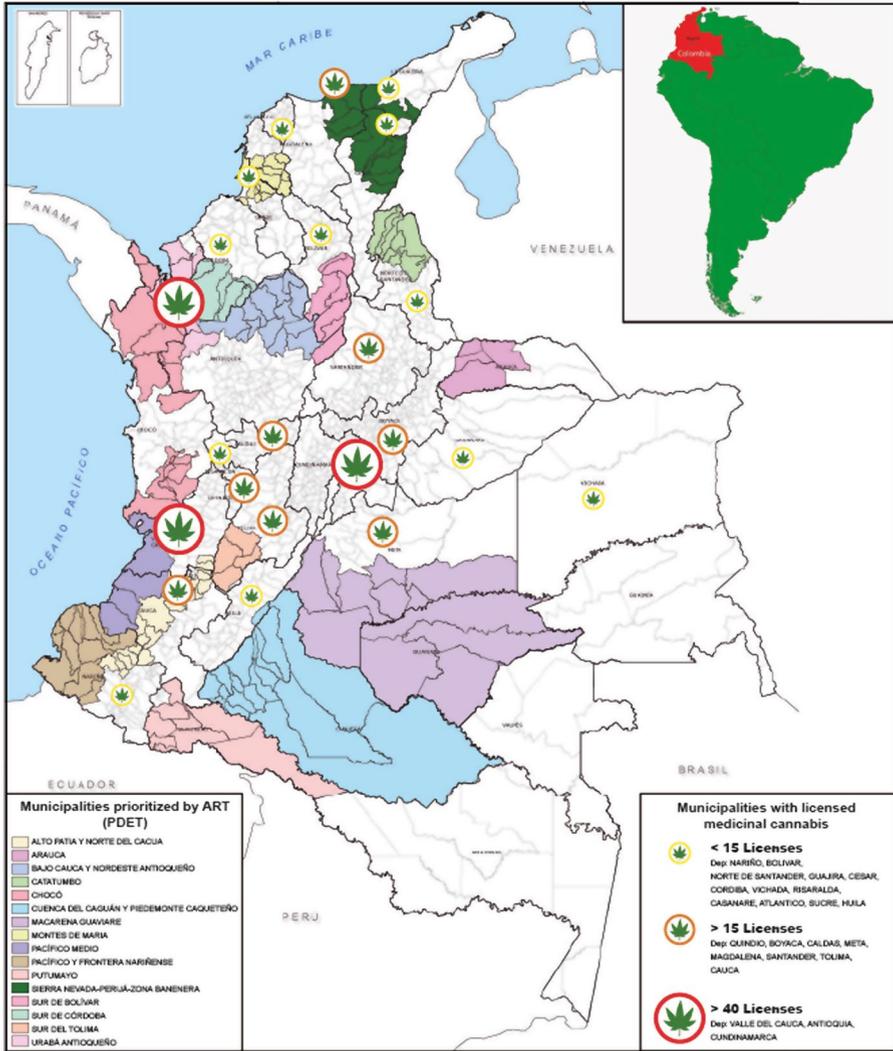


Fig. 3 Geographical distribution of medicinal marijuana in comparison with municipalities prioritized for the *Programas de Desarrollo con Enfoque Territorial* (PDET). *Source* Authors' design based on ART (2019), Ministerio de Justicia y del Derecho (2019), and Ministerio de Salud (2020)

large-scale exploitation of resources and a South-to-North material flow; this trend has deepened in Colombia since the economic liberalization process in 1991 (cf. Pérez-Rincón et al. 2018). As Fig. 3 illustrates, legal marijuana entrepreneurship occurs in regions that were not as dramatically affected as the ones prioritized for the *Programas de Desarrollo con Enfoque Territorial* (PDET). Moreover, as most licenses were allocated between Cundinamarca, Antioquia, and Valle del Cauca, one could argue that the hotspot for corporate development of legal cannabis occurs in the richest and most urbanized regions of Colombia. Yet, the peripheries where illegal marijuana continues to be cultivated coincides

with the geographies of war, historically affected by impoverishment and the persistent slow pace of the construction of rural infrastructure. The asymmetrical specialization of the marijuana enterprises reinforces the centrality of power that for decades has gravitated around Bogotá and other big urban centers, such as Cali and Medellín. By examining these inequalities as an example of “ecologically unequal exchange,”³ we contend that the negative externalities derived from the exploitation of labor and nature in the production of marijuana continues to be incurred by the usual (rural) suspects, while the economic benefits are enjoyed by the corporate sector.

In August 2019, the first legal export of marijuana products for commercial purposes was advertised proudly by the national media. Although the amount of the transaction did not compensate for the initial investment, it did set a precedent for what companies could expect from this business. In fact, it is estimated that by 2025, the global legal marijuana market will reach a value approaching a fifth of the Colombian economy (El Tiempo 2019)—a figure that has led the International Narcotics Control Board (INCB) to grant 44% of the world quota of cannabis cultivation to Colombia, making it virtually one of the largest growers in the world (Semana 2019).

Without a doubt, Colombia is facing a boom in the market-led production of medicinal marijuana. Licensing, however, has not enabled the peasantry to produce and commercialize medicinal marijuana (Callejas-Baracaldo 2017). Instead, it has benefited multinational corporations, who have been the recipients of the licenses. Moreover, the direction of agrarian change led by the legalization of medical marijuana points toward corporate benefits that are politically and geographically centralized in areas where war has had the least impact on mestizo *campesinos* and civil society. Consequently, poor farmers, who have historically cultivated marijuana in a framework of illegality and who have inhabited peripheral geographies where the state is least present (Dion & Russler 2008) have been excluded from the opportunities that the legalization illicit crops brings.

The Local Story: Rural Livelihoods’ Dependency on the Production of Marijuana, a Postponed Substitution, and the Arrival of Medicinal-Marijuana Corporations

Corinto, a municipality located in northern Cauca (1050 to 4000 mamsl), has been known for its production of marijuana since the early 1970s, when Colombia was the main supplier of marijuana consumed in the US (Vargas 1999). According to a report by the UNODC (2013), most marijuana seizures in 2013 occurred in the departments of Magdalena, Cauca, and Valle del Cauca, which suggests that Corinto continues to be a hot spot for its production. Whether as a cause or a consequence, Corinto recorded the highest number (27) of armed confrontations between guerrilla and the military in 2012. In 2014, the Unique Victims Registry recognized 7,003 victims of the internal armed conflict in the municipality—a figure that led Corinto to score *High* in the Victimization Risk Index—a system created in the context of the internal armed conflict in Colombia to classify municipalities

³ “Ecologically unequal exchange” is a concept used to describe the economic and ecologic asymmetries between the resource-rich regions or countries that bear the burdens of the most negative effects of extractivist activities, and the industrialized regions or countries where capital and most benefits of those same activities accumulate (see Bedford et al. 2020).

according to the record of armed confrontations, historical impact of war, and vulnerability of the local population.

Ninety percent of Corinto's area is considered rural; much of it is forested and almost all the flat area has been planted with sugarcane (15.9% of the municipality). Mestizo *campesinos* live on steep hillsides where smallholdings predominate and illicit crops are grown—an area squeezed between the industrial plantations and a nature reserve (IGAC 2018). The fact that 50.28% of the population cannot meet its basic needs (FIP 2014: 9) explains the dependence that rural inhabitants have on coca and marijuana cultivation, as one mestizo *campesino* explained to us:

It is no secret to anyone that these crops are the breadwinners for farmers and Indigenous people. It is a necessity because there are people who do not cultivate...but those families do not have their own house or have anything.... There is no guarantee that if they did not grow [coca or marijuana], the families [would be able] to educate their children. So, for better or for worse, you *have* to [plant coca or marijuana] if you want to live with dignity. [*Campesino* (male) from Corinto, April 2019.]

Table 1 shows how the economy of local families in the study area links to the production of marijuana for illicit use.

Two characteristics of the family dynamics surrounding illicit crops are relevant. First, the production of coca and marijuana in Corinto is undertaken within a diversified agronomic model that allows families to grow food for their own consumption, along with coca and marijuana (and sometimes other crops) that have commercial value. Second, coca and marijuana crops differ in a fundamental aspect: for the cultivation of coca, women harvest and, to a lesser extent, sow, fumigate and clean; in contrast, for marijuana cultivation, women are involved substantially in all phases, from cultivation to harvest. This greater control of the various phases of production by women has made this crop the preferred choice among female heads of household. Moreover, due to the scale and characteristics of the crop, the production of marijuana allows women to work while taking care of their children. The feminization of marijuana cultivation in Corinto explains (from a qualitative perspective) why the phenomenon of incarceration associated with drug trafficking has affected women the most (cf. Yepes et al. 2017):

You may want to ask anyone here in Miranda or in Corinto. . . . You will realize that there is no family that does not have or has had someone in jail because of that problem [transporting marijuana]. The economic needs are so great that people end up assuming [the risk]: something is urgently needed for the children . . . or someone got sick ... so in the face of need, people take risks and end up in prison. [*Campesina* (female) from Miranda, October 2017.]

The criminalization of the peasantry, as well as a sense of moral responsibility growers feel for the harm caused to drug consumers, has led rural men and women in Corinto to seek alternatives to crops of illicit use. It is in this context that the PNIS was accepted widely and endorsed by mestizo *campesinos* producing coca and marijuana in Corinto. In fact, on February 18, 2017, forty community leaders met to sign a letter in which the communities expressed their commitment to voluntarily substitute their illicit crops and implement the commitments of the peace agreement. Representatives of the national and local government attended this symbolic act.

In September 2017, the coca and marijuana growers of the municipality signed a “collective agreement” to replace the crops—a formal requirement by the PNIS. A consensus for voluntary substitution was reached between 4220 families, who declared that they

Table 1 Household economy associated with the cultivation of crops of illicit use. *Source* Authors' design. (*The average number of family members in Corinto is 4.8.)

Crop variety	Harvesting period (days)	Productivity (lb. for 1/4 Ha)	Local price (US\$ per lb.)	Total income per harvesting period (US\$)	Production cost per harvesting period (US\$)	Monthly income after cost (US\$)
Marijuana "Cripuy"	100	312	5	1560	300	420

would produce illicit crops on an area of 981 ha (734 ha cultivated with coca and 247 ha cultivated with marijuana). After signing the collective agreement—a process witnessed and certified by representatives of the United Nations and FARC-EP—a farmer explained his commitment to the substitution while emphasizing that the success of this policy depended on the government's compliance:

We will carry out this agreement and will commit to change, to a deep transformation. We do this eradication [of illicit crops] because we know and are aware that the use of cocaine and marijuana is not right. It is up to us because [it is necessary to] sustain our families, but we are in support of the gradual substitution, and we consider the advantages of that change. However, we also need the state to have the political will to make this process go forward because otherwise there will be nothing. We need them to comply. [Campesino (male) from Corinto, October 2017.]

In 2018, following the established protocol, the United Nations carried out a field verification of the conditions in the cultivated area. The decision of the government, after this stage, however, was to exclude Corinto from the municipalities prioritized for the implementation of the PNIS. As explained by a city hall official, there were several difficulties identified by the central government, which led it to oppose implementation:

The [central] government alleges that there are inconsistencies in the figures reported by the communities on the number of people and families linked to illicit crops. It seems that they use a formula that gives fewer people [per cultivated area]. And so, there are many people here who work with these crops: people come from as far as Cali to harvest! But the [central] government does not want to recognize them. Yet another problem is that the government says that marijuana cannot be plucked like coca because the next day it is planted back Just as you see us, we have been waiting for the development programs that they promised, and here we are still waiting. [Secretary of Government from Corinto, April 2018.]

The representative of the local government refers in this testimony to three social and agronomic characteristics of marijuana cultivation that were used as arguments by the national government to exclude marijuana growers from the benefits of the PNIS:

- (i) Its agricultural cycle: Unlike coca, which is a permanent crop whose shrub can be productive for up to twenty-five years with harvest opportunities every two or three months, marijuana is a crop that is sown and, in the course of four months, produces a single crop. From the perspective of the central government, the cost of substitution of marijuana is too high if one considers that there is no way to prevent farmers from resuming cultivation of illicit crops.
- (ii) Its use of informal labor: Although the day-to-day maintenance of marijuana crops is generally conducted among family members, during harvesting periods, more people participate. This means that there will be a fluctuation in the number of people involved in marijuana production, which makes it difficult for the government to keep track of who is involved.
- (iii) Its productivity is ensured in small areas: In comparison with coca, marijuana can be highly productive in areas as small as one fourth of a hectare. Although this is a potential advantage for landless mestizo *campesinos*, it is a disadvantage insofar as the national and local governments fetishize the eradication of large-scale illegal cultivation (cf. Edelman 2013). Small-scale production of crops for illegal use do not attract attention from the government in the same way.

Another key criterion that was not addressed by the public official but that has played a defining role in the priorities set by the Colombian government for the eradication of illicit crops is that the US-financed “War on Drugs” does not target marijuana, focusing instead on seizing coca crops. Consequently, the fetishization of coca crops has hindered the process of crop substitution.

In the same year that the PNIS was denied to the growers from Corinto (2018), two corporations—one Canadian and one Israeli—acquired leased land in this same municipality and began constructing greenhouses with licenses granted by the national government. The hope of the local government and the traditional marijuana cultivators to find a way out of the local dependency on crops of illicit use relied on the legalization of marijuana, and the opportunities Law 1787 could bring. The municipal government and the mestizo *campesinos* trusted that the protection of small growers, as promised by law, would mean that the national government would either legalize the local production of marijuana or guarantee the substitution of marijuana for recreational use with the medicinal variant. In the media, officials from the national government declared that it was also in their interest to take advantage of the knowledge that the small-scale marijuana cultivators already had about the plant and its qualities. In addition, the ecological capacity of the crop to adapt to locations where it has always been cultivated was, at least initially, considered advantageous. In fact, while Congress approved Law 1787, representatives of the United Nations, the United States Agency for International Development (USAID), and the Ministry of Health and Justice, as well as various Colombian senators and businessmen, visited the municipality of Corinto in June 2016. As explained below by a city hall official, the visit generated a lot of expectations in Corinto and motivated representatives from the local government to travel to various national events where the development of this industry in the country was discussed:

The municipality truly wanted to make itself known . . . and wanted to know how to modify crops [of illicit use] for medicinal and industrial use. The other thing was that at that time, there was a peace process and that helped: the restitution of land, the substitution of crops, agricultural enterprise. . . . But precisely because of this, problems emerged as there were expectations that we could not meet: on the one hand, the businessmen realized that in Corinto they could not invest in the way they wanted because the [illegal] groups were persecuting them; and, on the other hand, the mestizo *campesinos* were told that the variety of their [marijuana] crops did not work [for medicinal purposes] but that they had to start from scratch again. Additionally, [it turned out that] the *campesinos* were not going to have the economic capital needed to progress in the licensing processes. [Public Official from Corinto, October 2019]

Licensing opportunities never materialized for local marijuana growers. Meanwhile, new ventures by foreign corporations were granted licenses to grow marijuana in the same territory. The preferential support for corporate capital in the legalization of marijuana reflects what Mol (2017) describes as often occurring with extractivist modes of production: agrocommodity chains are controlled by agribusinesses that push-out small and traditional farming. It was the indignation of the local mestizo *campesinos* that led them to reach out to us in order to help them to make sense of why their crops remained illegal. As a result, in early 2018, we turned our attention to the legislation’s development and discovered that the process was expensive and complex. More importantly, it demanded advanced literacy and technical knowledge (see Table 2).

In addition to the formal requirements by the government, licensing involves obtaining assistance from lawyers, engineers and administrators, as well as crop operators. According

Table 2 Licensing requirements and price (2020). *Source* Authors' design based on Decree 893/2017, Ministerio de Justicia y del Derecho (2019), and Ministerio de Salud (2020)

License type*	Formal requirements by the government	Price US\$
License for marijuana seeds	Description of technical equipment and cultivation areas (with photographic record) Agronomic Evaluation Lab Real estate registration number of the land where the crop will be planted Security protocol	2.800
License for marijuana weed (psychoactive)	Derivatives' manufacturing license Description of technical equipment and cultivation areas (with photographic record) Real estate registration number of the land where the crop will be planted Security protocol Contract with the buyer of the harvest Agronomic Cultivation Plan	9.700
License for marijuana weed (non-psychoactive)	Description of technical equipment and cultivation areas (with photographic record) Real estate registration number of the land where the crop will be planted Security protocol Contract with the buyer of the harvest Agronomic Cultivation Plan	3.400
Derivatives' manufacturing license	Technical sheets of the varieties to be used, proving the condition of non-psychoactivity Description of technical equipment and cultivation areas (with photographic record) Real estate registration number of the land where the crop will be planted Security protocol Derivatives' Manufacturing Plan Registration in the National Narcotic Fund When requested for exportation, an Export Plan must be submitted	8.100

*When licenses are requested for scientific purposes, documentation supporting the research project is required

to entrepreneurs of cannabis production companies interviewed for this study, the combined cost of this assistance often exceeds US\$30,000—a figure that mestizo *campesinos*, who are often illiterate, can rarely afford. In addition, the required property rights represent an additional barrier, as the informality of land holding prevails in most areas where illicit crops are cultivated (FIP 2019).

Apparently oblivious of the cost and complexity of licenses, a local public official from Corinto concluded that “legalization is not for mestizo *campesinos*, it is not for the people who live up there in the mountain zone” (Secretary of Government from Corinto, April 2018). In response, public officials from the local government decided to change their strategy and attempted to enter the business, not as a governmental entity but as private individuals. As a result, some officials, their families, and their acquaintances formed cooperatives and joint ventures with foreign corporations to capture potential benefits of the licensed greenhouses under construction. The criticism of this private capturing of potential public benefits was expressed clearly by an indignant woman:

Look what we have come to There are the Canadians With people of the town and who in their life have never touched a marijuana bush. And, meanwhile, here we are still chased and screwed over. And now they are saying that [the central government] will come to fumigate us [Campesina (female) from Miranda, September 2019.]

The illegal status of marijuana crops and the punitive position of the state in relation to traditional marijuana growers have continued to this day. In the meantime, only one of the licensed companies is still operating in Corinto as the other had to abandon the project after receiving death threats from an armed group in the area. The Canadian company that still operates in the region has employed approximately 120 people, which is disappointing for the local government because more than 1500 jobs were promised initially (Public Official from Corinto, October 2019). While traditional marijuana growers protest and argue that the jobs have never been offered to them (but instead to connected family members and friends of local officials who lack experience in the cultivation of the crop), proletarianization does not seem to be a structural solution to the mestizo *campesinos*' problems of poverty and rural marginalization. As promised by the peace agreement, rural inhabitants are waiting to see their rights as rural subjects guaranteed on the bases of two transitional steps toward peacebuilding (Castillejo 2017): land reform and a concerted plan for substituting illicit crops. Instead of receiving institutional protection and support, the threat by the government has been to use aerial fumigation to eradicate illicit crops, which generates social anxiety and, if carried out, would be an affront to the human and environmental rights of the population.

Conclusions

Colombia's role in the production of illicit drugs has a history as old as the war against them. Consistent with the US' “War on Drugs,” the Colombian government has endorsed a punitive approach by targeting the supply side of the illicit market, which is the weakest shackle in the drug trafficking chain—and one where, typically, the most vulnerable reside (del Olmo 1987). The criminalization of the mestizo *campesino* population, economically dependent on illicit crops, has prevailed over a critical understanding of rural poverty and historic socio-politic subordination as roots of drug trafficking. As a result, the Colombian

state has labeled mestizo *campesinos* as criminals and has treated them as enemies in the country's internal war (Kamin 2016; Thoumi 2002). Toxic fumigations and forced eradication through military operations have resulted in sustained violations of human and environmental rights of vulnerable populations, demonstrating that the "War on Drugs" has turned into a war against nature and against the poor (del Olmo 1987, 1998b; Joyce 1999; Massey 2001; Reuter et al. 2016; Thoumi 2002).

Despite economic and military efforts by the Colombian government to seize illicit crops, the expansion of the cultivation of coca and marijuana, in addition to the export of cocaine and marijuana, remains a current challenge in rural parts of the country. To a large extent, this can be explained by the argument that drug trafficking thrives on poverty. In the case of Corinto, more than 50% of the population has unmet basic needs, while the available land is growing scarce as it is occupied by industrial sugarcane or has been declared a forest reserve. Notwithstanding the persistent poverty, growing marijuana provides certain advantages for the mestizo *campesino* that produces it—an accessible market, high productivity in contexts of limited access to land, and family engagement. For women, the cultivation of marijuana is particularly attractive because it can be planted close to home and family members can assist with caring for the plants and harvesting. The feminization of marijuana cultivation contrasts with male dominance in large corporations, which, today, tend to monopolize the industrial production of cannabis.

To counter the punitive governmentality in the "War on Drugs" and to help overcome rural underdevelopment, two normative trajectories emerged in 2016 as alternative solutions to the problem of illicit drugs: the legalization of marijuana through Law 1787 and the policy of substitution of illicit crops articulated in the peace agreement between the Colombian government and FARC-EP. As demonstrated in the case of Corinto, however, the promises of change were broken quickly, and the PNIS ended up omitting marijuana growers. Based on arguments that overlooked the social and agronomic specificities of marijuana cultivation, particularly the small number of hectares and the large number of people involved, the national government excluded marijuana growers from the benefits of the substitution program.

In addition to the poor implementation of the substitution strategy as part of the peace agreement, marijuana growers were disappointed by the legalization of cannabis for medicinal and scientific purposes, based on a pro-poor, pro-health discourse, which resulted in asymmetrical legislation that favored market-oriented ventures that were better prepared to participate in the global market (Galvis 2012). By early-2020, over three hundred licenses had been issued by the Colombian government, mostly to private corporations of foreign capital to establish greenhouses and manufacturing complexes in municipalities that had not been affected by the internal armed conflict, and that are connected closely to the major cities of either Bogotá or Medellín (Ministerio de Justicia y del Derecho 2019; Ministerio de Salud 2020; Semana 2019). Yet, licensing never materialized for marijuana growers from Corinto due to their high costs, complex procedures, required knowledge, and issues regarding land tenure. The trajectory of legalization of medical cannabis has emulated other models of corporate agroindustrialization, which are based on the unequal exchange of harm and benefits (Mol 2017), the marginalization of traditional and small-scale rural livelihoods, and the worsening of impoverishment of rural inhabitants.

Licensing has resulted in the construction of both a social and geographical periphery where the mestizo *campesino* population is excluded from the opportunities of legalization, and from a political and economic centrality where urban foreign corporations capture the benefits and economic surplus of a normative transition. This contravenes two pillars of social inclusion specified in the legislation on legalization: namely, the protection of small

marijuana growers and the incorporation of the medical cannabis industry in the programs on substitution of illicit crops. Legalization has transformed the punitive governmentality and public sentiments regarding cannabis from a harmful substance to a healing drug—one that is appealing to the pharmaceutical market. Yet, the corporate capturing of the benefits of legalization perpetuates the historical marginalization of impoverished mestizo *campesino* communities, located in the social and geographical frontiers of the nation.

For mestizo *campesinos* in Corinto, the arrival of perfectly legalized foreign marijuana-growing companies has been frustrating as it has exposed the structural injustices as to who benefits from legislation and who continues to carry the stigma of criminality. This case highlights an asymmetry because poor inhabitants' activities remain illegal by the ruling hegemonic (and juridical) discourse, while cannabis corporations are protected by law. The few jobs offered by marijuana corporations have been captured by individuals who never cultivated marijuana, while proletarianization is not considered an alternative as the marijuana growers have long expressed their desire and willingness to substitute marijuana with food crops. At the base of this asymmetric legislative relationship, mestizo *campesinos* have become redundant and expendable in the cannabis market, and their lives, rights, and territories even more irrelevant to the state.

Legislation on the substitution and legalization of marijuana has ignored the interests of the impoverished. In a context of long historical marginalization, poverty, and division (Safford & Palacios 2002), war sprouts. Five years since the signing of the peace agreement, there has been a growing presence in Corinto of at least seven illegally armed groups: Patria Grande, ELN, EPL (alias Pelusos), AUC, Aguilas Negras, Dagoberto Ramos (a FARC-EP dissidence group), and Nueva Marquetalia (El Tiempo 2019; Londoño 2019; Salazar 2019). In the same period, the National Police database has recorded an increase in the annual homicide rate in Corinto (31 murders in 2016, 35 in 2017, 56 in 2018, 71 in 2019, and 50 in 2020); violent confrontations with armed groups have also increased considerably in the Cauca region (7 in 2016, 23 in 2017, 62 in 2018, and 53 in 2019) (FIP 2019; OCHA 2020). As analyzed from a capitalist world-system perspective, in this asymmetry, we recognize that flows of capital, labor, and resources in the cannabis industry create ostracized peripheries, marked by environmental degradation and social deprivation—and the reproduction of inferior, irrelevant and marginalized rural subjects.

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