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## War on drugs for peace in Afghanistan: Lessons from South America

### Abstract

Trafficking of opiates as a means to finance armed conflicts in Afghanistan dates back to the Jihadists' fight against the Soviet invasion in the 1980s. This policy brief is based on finding a way to eliminate the repercussions of this drug economy both in Afghanistan and in the drug destination countries in the so-called 'West'.

The paper uses the similarly situated conflict between the FARC rebel group and the Colombian government as an inspiration for approaches to peace in Afghanistan. It argues, based on an analysis of the development of illicit crop cultivation in both Afghanistan and Colombia, that Afghan farmers are most likely to be encouraged to cultivate food crops instead of opium poppy, the base plant for opium and heroin, when the profit margins of opium remain consistently low. The paper further asserts that a comprehensive rural reform as well as a voluntary crop substitution scheme, as stipulated by the 2016 FARC peace agreement with the Colombian government, are feasible to be implemented also in Afghanistan.

Moreover, the policy brief puts a focus on how the West, as a major market for Afghan heroin, can help the situation in the country. Using the 2013 cannabis legalisation regulations in Uruguay and other cutting-edge approaches to drug use, the paper encourages Western nations to experiment with national measures aimed at reducing the adverse effects of drug consumption while at the same time reducing demand in black-market narcotics. It is suggested that implementing such legislation would help drain profits from transnational drug syndicates and sustainably decrease the profit margins of illicit crops, such as opium poppy.



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## List of Abbreviations

CDC	Community Development Council
DEA	Drug Enforcement Administration, US
ELN	National Liberation Army
FARC	Revolutionary Armed Forces of Colombia
GCDP	Global Commission on Drug Policy
HFZ	Helmand Food Zone
ISI	Inter-Services Intelligence, Pakistan
MCN	Ministry of Counter Narcotics, Afghanistan
NDAP	National Drug Action Plan, Afghanistan
NSP	National Solidarity Programme, Afghanistan
OAS	Organization of American States
UNITAR	United Nations Institute for Training and Research
UNODC	United Nations Office on Drugs and Crime

## Introduction

Dating back long before the current armed conflict, Islamist insurgents in Afghanistan have been relying heavily on funds extracted from opiate trafficking. In view of this deeply rooted practice, the first part of this paper will analyse the interdependencies between armed struggle and opium cultivation as well as drug trafficking in Afghanistan over the past four decades – from the Jihadist resistance against the Soviet invasion, through the 1990s civil war to the Taliban insurgency of the present.

This policy brief follows the opinion of those who consider that peace in Afghanistan also requires an end to the drug trafficking network which finances the current conflict. As a way to explore approaches to this objective, we regard the South American reality – although obviously different in many features, nonetheless, with some interesting points of contact – as an apt source of inspiration for the policy to be followed in Afghanistan.

Therefore, the second part of this paper aims to analyse how far lessons from the peace agreement between the Colombian government and the FARC rebels from November 2016 has the potential to be applied to the current conflict in Afghanistan. It will focus on the sections of the Colombian peace deal regarding illicit crops and drug trafficking networks. There will be also an analysis of possible drawbacks of the Colombian peace deal, considering the lingering resistance of the ELN rebel group and the shift of drug trafficking to the pure private sector.

The third focus will be cast on what impact a strictly regulated legalisation of narcotic and psychotropic substances in Western countries could have on the peace process in Afghanistan, based on experiences from the legalisation of cannabis in Uruguay in 2013.

Hence, the policy brief will first enquire whether the existing Afghan peace process can be enhanced through a Colombian-inspired approach of a comprehensive rural reform and substitution of illicit crops. On the other hand, it will also analyse the responsibility which may rest with the Western world as regards peace in Afghanistan; it will be determined whether countries in the West would be well-advised – following the Uruguayan model of strictly regulated cannabis legalisation – to make marijuana and other currently illicit substances legally available and whether this measure is likely to drain the tremendous profit margins of drug traffickers.

## 1. Background: Drugs and the wars in Afghanistan

### 1.1. Pakistan, the US and the Jihadists

According to Maass (2011, p.6) and Peters (2009, p.7), despite the fact that in the Golden Crescent region of Pakistan, Afghanistan and Iran – so called for the high profitability of the regional opium poppy cultivation – the opium poppy flower has been grown for centuries, only the Jihadists' fight against the Soviet invasion of Afghanistan in the 1980s laid the foundation for today's flourishing narcotics economy. The decrease of opium production in Southeast Asia, Iran and Turkey during the second half of the 1970s created a rise in prices for opiates on the world market and thus fertile conditions for opium poppy cultivation in Afghanistan (Maass, 2011, p.6). International funds funnelled through the Pakistani secret service (Inter-Services Intelligence (ISI)) – in particular from the United States (US) and the Gulf States – for the Jihadist resistance against the Soviet Union were being distributed unevenly among the spectrum of rebel groups; Islamist commanders finding themselves on the short end of this deal took to protecting and levying charges on opiate shipments crossing their areas of control so as to sustain their fighting infrastructure (Peters, 2009, p.7; Burns, 1989). Some rebel commanders also grew opium poppy on their own land holdings, realising that profits would be 100 times higher than any other crop grown under the harsh Afghan climate such as cotton or wheat (Bonner, 1986, para 19). Both insurgents and regular farmers benefitted from generous both Iranian and Pakistani buyers as well as from inherently easy storage and transport of raw opium; another oft-cited reason among opium farmers in favour of drug cultivation was that its profits allowed them to stay on their land instead of having to seek refuge from the armed conflict abroad (Bonner, 1986, paras 24, 32-33).

By turning a blind eye to the dramatically growing opiate production, refining and cross-border trafficking, the US helped to midwife a global opiate trafficking network (McCoy, 2018; Peters, 2009, p.9). During this period of Islamist insurgency, opium poppy, grown for the most part in Southern and Eastern Afghanistan, was shipped to both Iran and Pakistan for processing in heroin laboratories; from here the drugs were trafficked to Europe and America (Maass, 2011, p.7; Peters 2008, p.8).

### 1.2. Civil war

After the Jihadist insurgency and Soviet occupation of the 1980s, large swathes of land were left with their irrigation infrastructure, orchards and arable land all in ruins, thus robbing the returning refugees of most legal means to make a living (Felbab-Brown, 2009, p.11). As opium poppy cultivation requires less water in the hot summer months and is more labour-intensive during harvesting season than other

crops, it was the ideal choice with which to revive Afghanistan's war-ravaged agricultural sector -- while at the same time providing employment for a large number of returnees (Maass, 2011, p.9).

During the ensuing civil war of the early 1990s, local warlords – former Islamist rebels and local military commanders alike – struggled against each other in local, decentralised fights for power. They took advantage of the virtual absence of governmental control and of the well-functioning drug economy which had sprung up all over the country by levying taxes on the drug industry (Maass, 2011, p.9). Powerful Islamist leaders, who had amassed local influence due to good relations with the Pakistani ISI during the Soviet occupation, founded heroin laboratories on the Afghan side of the Afghan-Pakistan border region in order to imbibe an even larger share of the drug trafficking profits (Peters, 2009, p.8).

The ousting of the Communist government in 1992 furthermore resulted in the end of foreign military aid which had been flowing continuously from the US through Pakistan to the anti-Communist rebel groups. This development placed additional financial pressure on actors throughout the whole rebel spectrum. As a result, both warlords and farmers professionalised more and more the production chain of opiates which laid a resilient foundation for an export-oriented drug industry, thus moving increasingly further away from the traditional subsistence agriculture (Maass, 2011, p.8). It is to be kept in mind, however, that Afghan farmers opt to plant opium poppy not only out of ambitious pursuit of personal profit but often only for purely basic subsistence needs. According to observers, in order to survive the bitter Afghan winter months both farmers and sharecroppers must borrow money from drug lords - which they are then bound to pay back with future crops. Only with the higher profit margins of an opium poppy crop are these producers sure to pay back the loan. These dynamics have a distinct potential towards vicious cycles (Maas, 2011, p.15; Blanchard, 2009, pp.25-26; Siddique & Salih, 2007).

Additionally, the actors involved in the armed conflict drew on smuggling consumer goods, mostly from Dubai, to Pakistan as another source of revenue; most notably, the Taliban extracted a considerable part of their funds in this manner (Maass, 2011, p.9; Peters, 2009, p.13; Rubin, 2000, p.1795). As a result of the Afghanistan Transit-Trade Agreement of 1965, goods shipped to Pakistani ports were free to transit to landlocked Afghanistan without being subject to Pakistani customs. Under the so-called 'U-Turn Scheme', the insurgents would cheaply purchase consumer goods in Dubai, have them shipped to Karachi, then truck them to the tribal areas just behind the border with Pakistan and finally smuggle the merchandise (together with Afghan-produced drugs) back across the border so as to be sold at special smuggler markets within Pakistan -- without ever paying duties (Peters, 2009, p.13).

### 1.3. Taliban rule

After most of the country fell to the Taliban in 1996, the drug industry became a legalised part of the national economy. The Taliban levied a 10% agricultural tax and a 20% alms tax on the production and trading of opium (Maass, 2011, p.10). Although the Taliban themselves eventually handed down a strict ban on opium cultivation (not on drug trafficking, however) in 2000, their regime also benefited considerably from opium taxes, generating US\$9 million in 1996-1997 with an estimated peak of US\$45 million in 1999 alone (Maass, 2011, p.10; Rubin, 2000, p.1796). These figures, together with the fact that the international community began pressuring the Taliban, as *de facto* leaders of Afghanistan, after the record-breaking harvest of 1999, to curb the seemingly endless supply of Afghan opiates, lead many analysts to believe that the ban was merely rooted in the objective of counteracting falling prices for opiates on the international market (Mancini & Sati, 2017; Maass, 2011, pp.11-12) or in the Taliban's desire for international recognition as legitimate power-holders in Afghanistan (Blanchard, 2009, p.23; Peters, 2009, p.14). Nonetheless, this prohibition yielded astounding effects on the production of opiates in Afghanistan for 2001; in the parts of the country controlled by the Taliban, opium poppy cultivation had virtually disappeared (Blanchard, pp.23-24; Peters, 2009, p.14).

In the two provinces in the north of the country, Badakhshan and Samangan, which were mostly controlled by a diverse group of Taliban adversaries -- who had joined together in the loosely associated 'Northern Alliance' and were nominally led by 1992-1996 Afghan President Burhanuddin Rabbani -- opium poppy cultivation kept flourishing during the entire period of Taliban rule (Maass, 2011, p.11; Goodhand, 2009, pp.12-13).

### 1.4. Post-2001 Afghanistan and Taliban Insurgency

After the coalition of Western nations, supported by the Northern Alliance, forced the Taliban to release power -- which led the Islamists to regroup in the south and east of the country -- the Taliban stuck to imposing the 10% agriculture tax on poppy cultivation within their sphere of influence. In exchange they offered protection from forced crop eradication and government raids on heroin labs (Maass, 2011, p.15; Peters, 2009, p.18). This approach generated abundant assets to recruit fighters and acquire arms (McCoy, 2018). Due to this effective strategy, moreover, the number of opiate-producing Afghan provinces increased from seven of 34 in 2008 (Maass, 2011, p.15) and to 24 in 2017 (UNODC & MCN, 2018, p.13). On the other hand, the geopolitical situation at the time also failed to work in favour of the new Afghan elites. Their attempts at eradicating the already deeply rooted drug cultivation and trafficking networks

were marred, on the one hand, by rising opium prices on the world market which followed the ban on poppy cultivation by the Taliban and, on the other, by new foreign subsidies to local commanders in the name of the war against terror -- which eventually ended up in opium poppy fields (Goodhand, 2008, pp.208-209).

Former well-known drug lords publicly disassociated themselves from the opium economy and successfully made their way into national politics -- eventually into parliament (Maass, 2011, p.14). Reportedly, involvement in opium poppy cultivation and drug trafficking involved every administrative level of President Karzai's cabinet, from the lowest local officials to the highest central ones (Mansfield, 2018, p.336; Maass, 2011, p.18; Blanchard, 2009, p.28; Kreutzmann, 2007, p.616). Meanwhile, the capacity to produce high-quality crystal heroin in laboratories located along the border with Iran and Pakistan increased to a level at which by 2008 70% of Afghan opium was refined across an estimated 50 labs on Afghan soil (employing up to 60 persons each; Maass, 2011, p.13; Peters, 2009, p.21; Siddique & Salih, 2007, para 11). According to McCoy (2018, para 37), the number of drug refineries in Afghanistan had increased to 500 by 2018. The United Nations Office on Drugs and Crime (UNODC) and the Afghan Ministry of Counter Narcotics (MCN), however, estimated – based on data from 2014 to 2016 – that the share of processed heroin in Afghanistan's opiate exports could at most lie at 55% (UNODC & MCN, 2018, p.44).

A major post-Taliban attempt to counteract this development was yet another ban on opium poppy cultivation by the governor of Helmand, which lasted from 2008 to 2011, together with a crop substitution scheme for Helmand province called the Helmand Food Zone (HFZ). This project had a three-pronged approach. Farmers received wheat seeds and fertiliser subsidised by the US and UK governments while being deterred from planting opium poppy through information campaigns; eventually existing poppy crops were eradicated (Mansfield, 2018, p.336). Opium poppy being an annual plant, producers can decide each year anew where and how much opium they want to cultivate, depending on the overall price structure of agricultural commodities; this has led to a high flexibility of the agricultural sector in Afghanistan (Maass, 2011, p.13). Therefore the decrease in opium poppy cultivation following the HFZ ban may also be attributed to a rise in prices for wheat, both locally and globally, and to a dramatic downturn in opium prices (Mansfield, 2018, p.337; Maass, 2011, p.14). Between 2008 and 2011 it seemed that this advantageous price structure, in combination with an emergence of work opportunities in the legal economy and an increased presence of armed forces, had led to a sustainable decrease in opium production (Mansfield, 2018, pp.337-338). Mansfield (2018, pp.344-346) concludes, however, that the cultivation of less labour-intensive crops such as wheat built up pressure on landless opium labourers



to find work elsewhere. Due to this readily available workforce and along with affordable deep-well technology becoming available for farming previously barren land as well as the Taliban protection of opium production on these lands, farmers were able to expand the total area of arable land suitable for planting opium poppy out of the reach of government control. Thereby opium production was kept at stable levels throughout the HFZ ban and easily picked up momentum to reach new record highs by 2017.

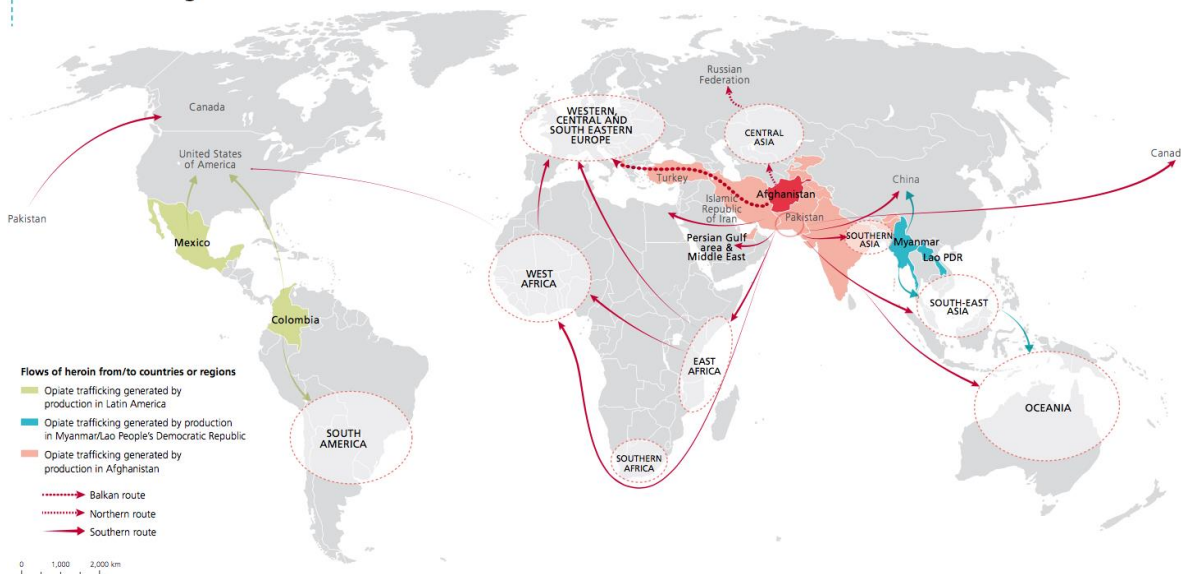
## 1.5. Opiate trafficking

Before the opium leaves Afghanistan, it is usually directly sold by the farmers to Afghan traders who go on to sell their merchandise at local or regional bazars so as to be either directly trafficked abroad or first processed into heroin in Afghanistan (Maass, 2011, p.20; Kreutzmann, 2007, p.618). Sometimes buyers from neighbouring countries will also make the journey so as to purchase opiates directly in Afghanistan (Sulaiman, 2018). All individuals involved in this industry pay protection fees to whoever is wielding higher state power in the respective case (Maass, 2011, p.20). While raw opium is virtually entirely consumed or processed within the Golden Crescent region (for the most part in Iran), opium in its refined form (as heroin) is being proliferated globally (UNODC, 2018, p.15).

Observing the amount of confiscated contraband, the three busiest opiate trafficking routes out of Afghanistan lead to and through Iran and then through Turkey towards Europe (Balkan Route), to and through Pakistan and then across the sea towards other parts of the world (Southern Route) and through Tajikistan towards Central Asia and Russia (Northern Route) (Kreutzmann, 2007, p.618). The Iranian corridor, according to the latest figures from 2016, can be considered as attracting five times more trafficking in opiates than second-placed Pakistan, while the Central Asian route comes in a distant third (UNODC, 2018, pp.15-16).

The UNODC (2018, p.16), based on data collected between 2012 and 2016, cites that an estimated 86% of heroin consumed in Western Europe originated in Afghanistan. The American market, on the other hand, according to United States Drug Enforcement Administration (DEA) data from 2015, has been dominated at almost 100% by heroin brought into the country from Mexico or South America (DEA, 2017, 1). However, since 2005, US authorities have apprehended several mid- to high-profile both Afghan and Pakistani heroin smugglers (Blanchard, 2009, p.31), the latest case being the 2018 indictment of the Pakistani narcotics kingpin Shahbaz Khan for conspiring to make shipments of up to 10 tons of heroin to New York City (United States Department of Justice, 2018).

## Main trafficking flows of heroin



Source: UNODC, 2016

### 1.5.1. Iran

Iran accounts for the overwhelming majority of Afghan opium and heroin seizures. An estimated 80% of heroin which finds its way to Western and Central Europe keeps being shipped through that country (UNODC, 2018, p.16). According to SADF (Casaca & Wolf, 2017, pp.5-8). DEA sources (Warrick, 2012, paras 9-10) as well as local Afghan politicians and political and military analysts (Sulaiman, 2018), point to the fact that the Iranian Revolutionary Guard Corps (IRGC) control the smuggling of opiates throughout the Iranian territory. Any trafficker who wishes to sell their contraband in Iran or use the so-called 'Balkan Route' in order to reach customers in Europe will be allowed to enter the country with their illicit merchandise as long as they have resilient ties with the Iranian border authorities (Sulaiman, 2018, paras 16-17; US Department of the Treasury, 2012, para 3). Working closely with the Lebanese Islamist group Hezbollah, the Iranian regime keeps expanding their terror financing network, which includes strong ties with the Afghan Taliban and various narco-terrorists in South America (Sulaiman, 2018, para 19; Majidyar, 2017, para 4; US Department of the Treasury, 2012, paras 2-3; Warrick, 2012, paras 9-10).

At the same time, a combination of extremely low consumer prices for both opium and heroin, virtual despair (especially among the younger generation) and the Iranian Regime's subversive policy not to dissuade their youth from abusing narcotic substances has over the past two decades guaranteed Iran a place among the countries with the highest per capita number of opiate addicts (Vick, 2005). Official

2018 figures from Iran's Drug Control Organisation suggest that the number of regular drug users actually more than doubled over a period of six years -- from 1.3m in 2011 to 2.8m users in 2017 in a country with a population of 80m (Rudaw, 2018, para 4).

### 1.5.2. Pakistan

The Southern Route through Pakistan links the drug lords from both Afghanistan and Pakistan by air or sea to the consumer markets of the Middle East, India, Southeast Asia, Africa and even to Europe and North America (UNODC, 2018, p.17). UN research furthermore indicates that of the Afghan heroin trafficked to Pakistan roughly one third continues its route to Iran or through the Balkan Route to Europe (UNODC, 2018, p.17; UNODC, 2009, p.48).

As soon as the production of opiates picked up momentum in Afghanistan in the 1980s, raw opium was being clandestinely shipped to Pakistan by means of trucks which had previously brought American military supplies to the Islamist rebel groups fighting the Soviet invasion (McCoy, 2018, paras 6-9; Maass, 2011, p.7). Today, with their connections to crime syndicates in Karachi, along the shores of Baluchistan, in the Pakistani tribal areas as well as to banks in Dubai, the Taliban and other profiteers of the Afghan drug industry encounter no major obstacles while trafficking their contraband to customers around the globe -- and receiving payments electronically (Ahmed, 2015; Green, 2012; Maass, 2011, pp.25-26). This money laundering scheme heavily relies on the traditional Afghan *hawala* system of informal money transfer, wherein money is moved through several brokers to banks -- mostly in Dubai -- which undertake the necessary electronic transactions (Maass, 2011, p.25). This system also provides the illicit Afghan economy with cash. *Hawala* bureaus in Pakistan obtain large amounts of US dollars which they then smuggle into Afghanistan. Here the dollars are converted into Afghan currency and serve as cash payments for any kind of services provided by the Taliban or other non-state actors; sometimes they are paid out through *hawala* middlemen as wages or to settle other liabilities (Maas, 2011, p.26).

Pakistan has also become a significant final destination for both Afghan heroin and opium; whereas almost no drugs being consumed in the late 1970s, numbers rose to an estimated 44 tons of heroin being injected or smoked in 2014, thus turning Pakistan into the country with the worldwide highest per capita use of heroin (McCoy, 2018, para 7; Browne, 2014, paras 5; Quigley, 2014, para 5).

### 1.5.3. Tajikistan

Due to its proximity to the opium-rich provinces of North-Eastern Afghanistan and good relations between the Tajik tribes on either side of the border, an ideal framework for drug trafficking was in place when the collapse of the Soviet Union and the 1990s Afghan and Tajik civil wars and state breakdowns plunged the region into turmoil (Goodhand, 2009, pp.11-12; Paoli, Rabkov, Greenfield & Reuter, 2007, p.953). Numerous criminal groups took advantage of the scarcely controlled borders and corrupt law enforcement officials so as to establish well-connected drug trafficking networks operating with the consent of state actors throughout the following two decades (De Danieli, 2014, p.1237; Paoli et al., 2007, pp.955-958).

However, the importance of the Northern Route, as judged according to confiscated opiate shipments, appears to have diminished in recent years. In 2007, 18% of opiates produced in Afghanistan were estimated to have taken the route through Tajikistan (Goodhand, 2009, p.12); according to data from 2016, this figure can be considered to have dropped by three quarters, which is being attributed to the declining market for opiates in Russia – where synthetic drugs appear to have overtaken heroin in demand (UNODC, 2018, pp.17, 20).

At the same time, the Central Asian corridor has been facing competition from a branch of the Balkan Route which leads from Iran through Azerbaijan and the Northern Caucasus towards Russia and Eastern Europe. There, Chechen rebels are suspected to use their connections to Islamist groups and – considering that the heroin has passed through Iran – to the Iranian Regime and the IRGC so as to reap profits from heroin trafficking and distribution (cf. Blanchard 2009, p.33).

## 2. Drugs and the Afghan peace process: Lessons from Colombia

In order to get a new perspective on the drug cultivation and trafficking component of the long-lasting conflict in Afghanistan, this paper turns to the experiences of the Colombian government in their fight against a cocaine-financed insurgency. After over 50 years of guerrilla warfare, the Revolutionary Armed Forces of Colombia (FARC) signed a peace agreement with their government so as ‘to end the armed conflict and build a stable and lasting peace’ which entered into force on 24 November 2016. Beside regulations on the end of hostilities between the two parties and matters concerning political participation and post-conflict justice, this peace treaty contains intricate stipulations on a comprehensive rural reform, including a substitution programme for illicit crops. This section of the policy brief is, hence, dedicated

to assessing the practical suitability and potential impact of the measures negotiated by the two Colombian former conflict parties on the drug-economy-driven conflict in Afghanistan. Due to their intrinsic connection to the vicious cycle of drug cultivation and trafficking, the analytical focus will be placed on the comprehensive rural reform and the illicit crop substitution programme.

## 2.1. History of the Colombian insurgency

The historically rigid political landscape in Colombia, consisting of only two political parties -- Conservative and Liberal -- routinely condemned all opposition outside this two-party system as a threat to national security. Leftist movements and right-wing paramilitary groups founded in the 1960s and 1970s both felt a strong pressure to go underground, arming and militarising themselves in the process (LeGrand, Van Isschot & Riaño-Alcalá, 2017, p.261). These groups, such as the leftist FARC, eventually established themselves in remote areas with low governmental control and unclear land ownership, where the local populations – so as to escape poverty – were already taking advantage of coca cultivation and both producing and selling cocaine (Avila Ceron, De los Rios-Carmenado & Martín Fernández, 2018, p.204; Norman, 2017, 640-641). During the following two decades, these outlawed groups began to cooperate with drug cartels in order to seek a strategic advantage over other armed groups and maximise the benefits from their illegal activities by using the cartels' global networks so as to traffic their cocaine towards more distant consumer markets (Avila Ceron et al., 2018, p.204; Norman, 2017, p.642).

In 1997, 'Plan Colombia' was inaugurated; it was a bilateral US-Colombian effort supposed to strengthen Colombian combat forces so as to fight drug trafficking and armed groups while at the same time applying a 'social support strategy' for those affected by the conflict (Avila Ceron et al., 2018, p.204). Although military operations successfully disrupted communications and cut off the coca trafficking routes of specific FARC subgroups (Felbab-Brown, 2009, p.15), Plan Colombia eventually failed in its basic objective to consolidate territorial security on a nation-wide scale (Avila Ceron et al., 2018, p.205). Moreover, its focus on coca eradication by spraying glyphosate (a highly toxic herbicide, the aerial use of which was outlawed in 2015 by the Santos government) from helicopters or planes on illicit crops resulted in a higher fragmentation of areas with coca production, as cultivation shifted to previously coca-free regions (The Economist, 2018b, para 13; Mancini & Sati, 2017, p.14).

The conservative Uribe government's decisive course of action against the FARC and other armed leftist groups as well as against coca farmers in the early 2000s, nonetheless, appears to have persuaded the FARC to begin peace negotiations. These started with the succeeding and more left-leaning Santos gov-

ernment in 2012 (Shenk & Kugelman, 2017, paras 10-11). On 24 November 2016, the negotiations culminated in the ground-breaking peace agreement between the Colombian government and the FARC rebels so as to end the armed conflict and build a stable and lasting peace. After the peace accord was ratified by the Colombian Congress and, in a second attempt, endorsed by a deeply divided Colombian public through a referendum, the equally polarised legislature embarked on the daunting task to create the legal framework demanded by the treaty. Despite attempts by the conservative opposition at delaying legislation until after the 2018 presidential elections, the legal foundations necessary to implement the peace agreement were laid in 2017 and 2018. The elections were won by Iván Duque, an ardent proponent of former president Uribe's unyielding coca extermination policy. This kindled fears not so much about the FARC returning to guerrilla warfare but about persisting coca cultivation -- as well as the criminal activities, deforestation and food insecurity it entails (The Economist, 2018a, para 7; The Economist, 2018b, paras 5, 10; Mancini & Sati, 2017, p.15). Small-scale coca growers, as the most vulnerable link in this drug production chain, may quickly find themselves at the mercy of drug gangs or paramilitary forces pressuring them into continuing to grow coca (The Economist, 2018b, paras 6, 10). Indeed, new conflict dynamics between FARC dissidents who reject the peace deal, right-wing paramilitaries and drug trafficking thugs have already arisen in many of the rural areas previously under FARC control (The Economist, 2018b, para 5; Daniels, 2018, para 14).

## 2.2. Comprehensive rural reform

As unclear land rights and a historically inequitable land distribution were featuring highly on the FARC's ideological agenda (LeGrand, Van Isschot & Riaño-Alcalá, 2017, p.271), section 1.1. of the 2016 peace agreement deals with measures aimed at legal certainty vis-à-vis land rights. Another focus of the comprehensive rural reform consists in a policy framework for rural development schemes, which are outlined under sections 1.2. and 1.3. of the treaty. These are aimed at substantially improving the living conditions for the rural population all over Colombia and oblige policy makers to implement action plans which are supposed to take especially into consideration the participation of local communities in order to adequately address the particular needs and assets of each region.

In Afghanistan, land is divided according to age-old customary rules between villages and tribes; even in the case of reclaiming desert land for cultivation there exist clear tribal customs and traditional land rights which determine who will be allowed to capture which land (Mansfield, 2018, pp.338, 342-343). Therefore, the question of equitable land distribution cannot be considered as pressing an issue as in the case of the Colombian coca farmers. Rural development schemes, on the other hand, may hold valuable insights for leading the way out of the crippling dependency of Afghan peasant farmers on drug lords

which was created by the drug economy and for encouraging cultivators to move away from opium poppy.

### **2.2.1. Rural development programmes**

Implementing one of the FARC's oldest demands (Norman, 2017, p.640), sections 1.2. and 1.3. of the peace agreement oblige the Colombian legislature to enact rural development programmes which set the framework for measures meant to improve the livelihoods of the peasant and more generally rural populations. As pointed out in sections 1.3. and 1.3.4., their underlying aim is to eradicate extreme poverty and progressively implement the human right to food over a 15-year period. Twelve specifically national plans for comprehensive rural reform, which address topics ranging from the improvement of road infrastructure to marketing of local produce, are supposed to lay down the precise measures to be implemented for achieving these goals.

Section 1.2.4. of the agreement stipulates the contributions from communities affected by the individual national plans as the most crucial part of the comprehensive rural reform. In order to facilitate citizen participation, 'forums' made up of community representatives will have to be set up at every administrative level wherein decisions will be taken on the implementation of the development programmes. This process of public participation furthermore stresses the role of women in building a sustainable future for a prosperous countryside. Section 1.3. underlines the need for distinct measures to be put into action in order to ensure equal opportunities between men and women, and throughout all national development plans special consideration is given for the support of women in their communities as well as for the participation of women and their organisations in rural development.

Section 1.3.1. of the peace agreement regards the responsibilities agreed to by the government concerning the road, irrigation, electricity and connectivity infrastructures in the form of four national plans to be implemented. The agreement emphasises the rendering of technical assistance, the promotion of appropriate practices in cooperation with community representatives and the raising of awareness for measures to alleviate the impact of climate change. Section 1.3.2. contains measures to be taken regarding health, rural education, housing and drinking water infrastructures in another three national plans. It also focuses on individually adapted measures for specific communities according to their needs and, furthermore, stresses the needs of women and girls, the goal of providing free education up to the secondary school level. It puts forward the idea of a linkup between adolescent education and agricultural training.



According to section 1.3.3., five additional national plans aimed at stimulating agricultural production and a shift towards a ‘cooperative economy’ must be set up. These include different tools such as the establishment of government-sponsored agricultural associations and networks of differently sized food producers, processors, traders and exporters. The four latter plans are arranged around the first plan (section 1.3.3.1.), which encourages rural solidarity and the introduction of a ‘cooperative economy’ as a baseline for rural development. The state is supposed to provide both small and medium-sized agricultural entrepreneurs with the necessary finances and skills to create cooperatives and other community-based organisations in order to enhance their agricultural skillset as well as their access to means of production, vocational training, credit, marketing opportunities, etc. The second through fourth plans regard a system of comprehensive technical assistance- This includes IT and marketing training as well as promotion of most suitable seed material, as free-of-charge public services (section 1.3.3.2.); a system of simplified access to agricultural credit and non-reimbursable seed funding for start-up cultivators as well as subsidies for harvest insurance and encouragement of further individual risk management (section 1.3.3.3.); and a marketing system that allows farmers to sell their produce through less middlemen (thus, at higher prices to a wider public) state co-financing of food storage facilities, a system of regional price information for producers as well as advertising campaigns to boost demand of nationally produced agricultural products (section 1.3.3.4.). The fifth plan (section 1.3.3.5.) deals with the realisation of worker rights. It aims to eradicate child labour, open all labour market opportunities to women, and introduce a labour inspection system as well as effective protection against the economic risks of old age, pregnancy and child rearing.

Rural communities in Afghanistan would undoubtedly benefit greatly from measures such as those stipulated in the Colombian rural development programmes. As Mancini and Sati (2017, p.52) state, a comprehensive stimulus programme for the rural economy could offer a resilient counterbalance to the dependence of the rural population on an illicit drug economy. In order to achieve such ambitious goals, a strong presence of state institutions in every region of the country as well as the cooperation between local communities and state representatives would be necessary (Mancini & Sati, 2017, p.48). In 2003, the Afghan government brought into being the National Solidarity Programme (NSP). This programme was supposed to support rural development projects on a nation-wide scale until 2016. Under this scheme, the Ministry of Rural Rehabilitation and Development directs a grass-roots process in which a facilitating partner – usually another state institution or a non-governmental organisation (NGO) – cooperates with a Community Development Council (CDC) in order to plan and implement development project (The World Bank, 2017, p.6; UNITAR, 2011). As CDC members are directly elected by and through the members of affected communities specifically for the purpose of analysing the needs of the



village in question as well as planning every step of the project in cooperation with the facilitating partner and bringing the specific project to completion, this forum fulfils the basic requirements for a participation mechanism according to section 1.2.4. of the FARC peace agreement. Furthermore, well over a third of CDC members nation-wide are women (The World Bank, 2017, pp.12, 13). However, women's participation in the governance process still lags behind their more eminent role in project selection. It is suggested that a better involvement of women could be achieved through a better adapted facilitation by NGOs or government institutions (UNITAR, 2011, p.3).

Although -- following the government's own final project outcome assessment -- 96% of the communities involved in the NSP considered their local CDC as an institution that genuinely represents their community (The World Bank, 2017, pp.13-14), according to a survey done by the Asia Foundation (2018, p. 98) in 2017 (which polled a representative number of Afghans from all 34 provinces) only 58% of respondents indicated to have confidence in CDCs to fulfil the expectations of the locals they represented. On the other hand, the same survey showed that confidence in NGOs, parliament and provincial councils was significantly lower, at well under 50% (The Asia Foundation, 2018, pp.97-98). If CDCs could attain a lasting, omnipresent and generally respected status as point of contact between local rural communities and state institutions within the Afghan institutional landscape, they might also boost the chronically low trust of rural Afghans in institutions outside their immediate surroundings.

Despite the completion of promising projects such as irrigation, road and electricity infrastructure as well as education projects specifically directed at women and girls ('Third Eye Photojournalism Center', 2013), the presence of the Afghan state remains weak. The security situation is the more volatile the further away provinces are from the capital, giving reason to doubt a sustainable nation-wide implementation of functioning CDCs (Mancini & Sati, 2017, p.42). Furthermore, any development scheme will be confronted with one of the world's worst perceived levels of corruption; according to the Transparency International corruption perception index for 2017, Afghanistan is placed 177th out of 180 surveyed countries (Transparency International, 2018). Conforming to data collected by the Asia Foundation (2018, p.99), 87.3% of Afghans were describing corruption as a major problem for Afghanistan. The World Bank (2017, p.12), on the other hand, considers this persistent corruption in all aspects of life as an important reason to continue to strengthen CDCs as institutions of trust between the rural population and public authorities.

As regards rural development programmes as those negotiated by the FARC and the Colombian government, analogous implementation in Afghanistan would be facing considerable obstacles. While the institutional setting for such programmes does exist in Afghanistan, the current security situation as well as rampant corruption and lingering distrust of state institutions make a comprehensive and equitable implementation of development projects very much dependent on an institutional stabilisation process in the Afghan countryside.

### **2.2.2. Illicit crop substitution programme**

As an integral part of the comprehensive rural reform, section 4.1.1. of the FARC peace agreement provides the scaffolding for a substitution programme for illicit crops. This substitution scheme is most notably based on consultation and dialogue with the affected communities, underlining the voluntariness of the decision-making processes by those farmers directly affected by the programme.

Section 4. of the FARC peace agreement reiterates poverty, the weak presence of state institutions and the existence of drug trafficking organisations as main causes for the illicit drug problem in Colombia. Therefore, it prescribes as an essential priority the participation of rural communities at every step of the programme's implementation process. Furthermore, it demands more effective, efficient and transparent social care and security institutions. The parties of the peace agreement also stipulated that criminal organisations involved in the trafficking of drugs must be fought and eventually be eliminated from Colombian society. In order to achieve these goals and attain a comprehensive substitution of illicit crops, both a national programme and municipal comprehensive plans (adapted to the assets and needs of the individual communities) will have to be enacted in pursuance of section 4.1.3.

The physical protection of rural communities by state forces from any coercion or threat has been enshrined in section 4.1.3.1. as the indispensable baseline for the implementation of any crop substitution measures. Farmers must be safe from pressure by criminal gangs or whatever kind of militias aiming to abuse them so as to maximise their drug profits. Section 4.1.3.2. provides the rule that all crop substitution must be conducted in unison with the affected communities and according to agreements between community and state representatives. Only if coca growers, for reasons unconnected to unforeseeable circumstances, resist substitution, or if no agreement was reached with a specific community, did the government retain the right to eradicate the illicit crops by force. No agreement was however reached on the technique for forced crop eradication. The government was not willing to relinquish the last resort option of aerial spraying of coca plantations with glyphosate while the FARC insisted on manual eradication under all circumstances. According to section 4.1.3.5., both community assemblies – which will

identify the respective community's needs, opportunities and priorities – and municipal committees – tasked with the formulation of the comprehensive illicit crop substitution plan – will be established. Maintaining the bottom-up and voluntary notions in the programme, all community assemblies in each municipality will send delegates to the municipal committee, and all decisions will be taken with 'the maximum consensus possible'.

Section 4.1.3.6. lays down the necessary components to be included in the municipal plans for the substitution of illicit crops. These comprise short-term food and technical assistance to compensate the income loss of coca farmers, sharecroppers and harvesters as well as long-term productive projects supposed to be conducted in coordination with plans regarding comprehensive rural reform. Using positive outcomes from employment generation projects under the comprehensive rural reform, harvesters' loss of employment is supposed to be offset. A special focus is also put on achieving food security, in particular as regards children and the elderly. In order to strengthen output of licit agricultural products, the plans will have to include considerations on soil adaptation and recovery as well as on other environmental factors faced by the individual communities. Remote areas, moreover, must receive special attention; special measures pertaining to illicit crop substitution and directed at year-round accessibility to those outlying regions and at food and employment security according to local needs and assets must be implemented. Communication with the affected communities is being additionally pointed out by section 4.1.5. as an essential means to motivate farmers so as to actively work towards switching to legal crops and supporting each other through both the municipal and communal comprehensive crop substitution plans.

Article 7 of the Afghan Constitution<sup>1</sup> expressly obliges the Afghan state to counteract narcotics cultivation, production and smuggling. In 2015, the Ministry of Counter Narcotics decreed the 'Afghan National Drug Action Plan 2015-2019'<sup>2</sup>, which aims at sustainably decreasing the cultivation of opium poppy as well as the production and trafficking of opiates. The action plan also emphasises national reduction in demand of illicit drugs and improvement of treatment facilities for users. In order to realise a reduction of opium poppy cultivation, the action plan is designed to pursue a balanced approach between stimulating sustainable alternative development and agriculture, on the one hand, and crop eradication, on the

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<sup>1</sup> The Constitution of Afghanistan, ratified on 26 January 2004, retrieved from <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf>.

<sup>2</sup> Afghan National Drug Action Plan, published on 14 October 2015, retrieved from [http://mcn.gov.af/Content/files/Afghan%20National%20Drug%20Action%20Plan%20\(1\).pdf](http://mcn.gov.af/Content/files/Afghan%20National%20Drug%20Action%20Plan%20(1).pdf).

other. The plan appropriately recognises the immense profit margin – compared to licit crops – as one main driver of the vicious cycle of drug trafficking and addiction.

In a concerted effort by different national ministries and in consultation with local farmers and their associations, the government is supposed to offer assistance in cultivating alternative licit and locally suitable fruit and vegetables as well as in accessing arable land and water resources through repurposing of government owned land as farmland. The action plan also obliges the government to encourage farmers to join their forces through associations so as to more effectively promote their own interests and facilitate access to both credit and markets for their produce as well as advance the use of improved seed and livestock varieties. Road and electricity infrastructure development in rural areas is identified as another factor able to decrease the dependency of remote areas on poppy cultivation by making conventional agriculture more competitive and linking agricultural producers more effectively to the food processing and marketing chain.

As regards crop eradication the action plan argues that forced eradication can encourage farmers to switch to legal agricultural activities by creating uncertainty about the expected profit margin. The plan further asserts that increased security, economic opportunities and the fight against corruption are essential for forced eradication to bear the fruit of licit agricultural development. Another objective of the action plan is the continued fight against syndicates of drug production and trafficking and to effectively prosecute narcotics kingpins in coordination with foreign partners. According to the action plan, further measures, such as asset forfeitures, need to be directed against money laundering. Cooperation with foreign partners, both regionally and globally, rounds off the plan's section on measures against drug proliferation; border controls are supposed to be strengthened in cooperation with neighbouring countries and agreements with drug transit and destination countries on controlled narcotics shipments are to be established or reaffirmed.

The measures to be taken in the context of alternative rural development under the Afghan drug action plan can be considered as widely consistent with the measures laid down in section 4. of the FARC peace agreement. Instead of limiting local consultation to farmers associations alone, and as whole communities will be affected by development projects to be implemented under the action plan, the Afghan government could extend public participation to the consultation of CDCs. Underlined by section 4.1.1. of the FARC peace agreement as an 'essential priority', the decision-making process on how to switch from illicit crops to a legal agriculture should, therefore, be owned by communities as a whole. The consultation

of CDCs would also ensure a more comprehensive inclusion of members of a community who are indirectly affected by crop substitution schemes.

The argumentation on which the approach to poppy eradication is based in the Afghan drug action plan also deserves a closer analysis. By simply alleging that creating uncertainty about planting decisions for farmers would suffice to push the weakest link in the drug production chain away from participating in the drug economy, the decision makers underrate the pressure both peasant farmers and sharecroppers are exposed to from local drug lords. If they are not *per se* forced to cultivate opium poppy, they at least opt for this line of action so as to quickly repay the loans they took out from their drug lord in order to survive the winter months. Opium poppy, being an annual plant, additionally increases farmers' flexibility and makes them still less susceptible to changes in eradication policy. Therefore, unless the life-or-death dependency of small farmers on the drug economy is severed, all forced drug eradication campaigns will only be followed by the replanting of opium poppy – under the protection of powerful drug trafficking networks themselves under the aegis of the Taliban or other local anti-government elements. Recognising this element of duress, which very much resembles the situation of Colombia's small coca farmers, the Afghan government needs to adjust their opium poppy eradication policy and put a heavier focus on voluntary crop substitution as well as protection of small-scale farmers and their immediate communities. A more equitable approach is suggested by sections 4.1.3.1. and 4.1.3.2. of the FARC peace agreement: instead of focusing on combatting mismanagement in the eradication effort and reducing economic development and security efforts to accompanying measures to the eradication campaigns, the Afghan government should make the concern for rural security and sustainable economic development in cooperation with the affected communities the overarching element of their anti-drug policy.

### 2.3. Challenges for peace in Colombia and Afghanistan

As promising and desirable as the above plans for rural development and voluntary illicit crop substitution may seem, in Colombia they are encountering significant obstacles. Also, if implemented in Afghanistan they may face formidable challenges.

In Colombia, the armed leftist group National Liberation Army (ELN) has recently declared its unwillingness to accept conditions for re-entering peace negotiations initiated by former President Santos (The Associated Press, 2018). A complete breakdown of their peace talks would mean an increased danger for small farmers to fall prey to ELN pressure to keep cultivating coca. In addition, a dichotomous development can be observed in the reaction of drug cartels and other criminal organisations to the dismantlement of the FARC, which created a power vacuum in some drug producing and trafficking regions. On

the one hand, it has proven difficult for government forces to fill this void, mostly due to unyielding violent competition between drug trafficking organisations and the ELN -- who all use the same guerrilla tactics as employed previously by the FARC (The Economist, 2018b, para 5; Asmann & Yagoub, 2018, para 12; Forero, 2018). On the other hand, both drug cartels and traffickers are also changing the tactics of their day-to-day operations. Instead of running their businesses from fortified lavish countryside manors, they now camouflage themselves with a convoluted façade of legitimate enterprises in plain sight of the authorities (McDermott, 2018, para 5). Instead of protecting their interests with a personal militia, they are making it difficult for anti-narcotics agents to determine where licit investments end and drug-related ventures begin (ibid.). This change in tactics, additionally, keeps enabling the illicit cultivation of coca and requires measures to counter drug trafficking organisations beyond the FARC peace agreement. According to the Colombian farmers union, many coca farmers are also disappointed with the implementation of the voluntary crop substitution schemes. They state that no realistic policy proposals have been made that would spare them significant profit losses when changing cultivation to licit crops (Kazmi, 2017). Indeed, until early 2018 – therefore long before the FARC peace accord sceptic Iván Duque became president – small farmers have been stalled on receiving the promised government subsidies in either cash or seeds, while forced eradication of coca plantations through herbicides went to full swing almost immediately – including against coca plantations earmarked for voluntary substitution (The Economist, 2018b, paras 1-2, 12). Furthermore, the government has not even yet begun implementing the stipulated road infrastructure projects in remote areas, which greatly exacerbates the challenges for state institutions aiming to reach the communities most in need of alternatives to coca cultivation (The Economist, 2018b, para 4). As affirmed by the NGO *Fundación para la Paz*, this government approach to implementing the peace agreement is being perceived by many among the supposed beneficiaries of the rural development programme as unjust, leading to increased distrust in state institutions in areas which have been, so far, at least indifferent in their attitudes towards the government (The Economist, 2018b, para 15). Therefore, even though more than the targeted area of coca plantations was eradicated by force in 2017, the UNODC estimates that up to 30% of destroyed coca bushes will be replanted (The Economist, 2018b, paras 16-17).

In Afghanistan, the Taliban insurgency has been gaining momentum and peace itself is still a far cry away (Osman, 2018; Walsh, 2018). Considering that the combined US-Colombian military efforts aimed at defeating the FARC rebels in the wake of ‘Plan Colombia’ during the early 2000s have been credited by scholars for weakening the FARC rebels enough to agree to peace negotiations (Shenk & Kugelman, 2017, paras 13-14; Ríos, 2015), the current position of strength the Taliban find themselves in may very well pose an additional challenge for peace talks to resume in Afghanistan. At the same time, both US

officials and Taliban commanders alike are quoted stating that they expect their intensified military offensives to motivate the other side so as to return to the negotiating table (Osman, 2018, paras 8, 13). Therefore, it would appear that peace is not completely out of reach for war-torn Afghanistan, on condition that an eventual peace process takes into account the needs of those most affected by the violence – according to a plan for comprehensive rural reform and voluntary crop substitution which directly engages with the affected communities.

### **3. How the West can help: Strictly regulated drug legalisation**

Both the FARC peace accord, in section 4.2., and the Afghan drug action plan, under chapter V., identify drug consumption and addiction as major obstacles for combatting the cultivation of illicit crops. As national legal instruments, they naturally only address measures to be taken in Colombia and Afghanistan respectively. However, this paper is aiming to open the issue of drug abuse up to the global level, particularly as concerns Western nations where a very large share of the drugs leaving Afghanistan and Colombia is being consumed. SADF would hence like to emphasise both the responsibilities and the opportunities for legislative action in drug destination countries. In this context, the drug policy approach of Uruguay, which led to a highly regulated legalisation of cannabis in 2013, shall be analysed as to its suitability to counteract illicit drug cultivation and production in Afghanistan.

#### **3.1. Goals of drug legalisation**

Already in 2011, the Global Commission on Drug Policy (GCDP, 2011, p.2) – a globally represented board of high-profile personalities working on a paradigm shift in drug policy towards health and safety – noted that the forty-year old “war on drugs” waged by the United States and the United Nations had not shown any sustainable results. Eliminated sources of drugs and drug trafficking were replaced immediately, while the weakest links in the production chain, namely the cultivators and users, kept suffering from both exploitation and stigmatisation (GCDP, *ibid.*). The GCDP (*ibid.*), further, encouraged national policy makers to introduce innovative measures on the regulated legalisation of drugs, specifically to ‘undermine the power of organized crime and safeguard the health and security of their citizens’. Withstanding US pressure (von Hoffmann, 2016, p.30), the Organization of American States (OAS, 2012), subsequently, issued a report analysing scenarios on how to deal with the drug problem in the Americas between 2013 and 2025. In this report (p.52), ‘the disruption of the profits of organized crime’ is named as one significant mid-term goal. These seminal developments in new concepts for drug legislation frameworks, of which the Uruguayan approach is one example, deserve therefore a closer analysis as to their potential impact on the illicit drug production and trafficking situation in Afghanistan.



### 3.2. Cannabis legalisation in Uruguay: The way forward?

In the wake of marijuana legalisation in different countries within the Americas -- such as Uruguay -- an article in *The Economist* (2016) pointed out that, although there was no going back to staunch prohibition of this substance, policy makers needed to thoroughly deliberate within which boundaries they wanted to allow its use. Questions regarding where to set the limit for *per capita* consumption, how high to tax, what potency of base-drug to allow and whom to grant licenses for cultivation and marketing needed to be determined with all feasible medical and economic expertise (The Economist, 2016, paras 5-8). The spectrum of regulation, logically, spans from total prohibition to a free market model where the supply of the drug is left to profit-maximising companies whose decisions are guided by demand alone. In between those two extremes there are many different options on how to dissuade drug abuse while still drying up the black market.

In Uruguay the initiative to allow the purchase of marijuana for non-medical consumption under strict regulation was spearheaded by the governing party and the ruling administration under President José Mujica in 2012 and signed into law in December 2013 (Hudak, Ramsey & Walsh, 2018, pp.1, 2). On the supply side of the issue, Uruguayan legislators opted for a mixed approach. On the one hand, they legalised home growing and communal cultivation of a limited amount of cannabis plants in state-authorised ‘cannabis social clubs’. Furthermore, two commercial entities were licensed to exclusively supply pharmacies where any adult Uruguayan resident can purchase a certain amount of the drug per week (Hudak et al., 2018, p.3; Kilmer & Liccardo Pacula, 2017, pp.1129-1130). A state-institution was created and placed under the authority of the Ministry of Public Health so as to register both cannabis cultivators and users, oversee adherence to existing legislation and act as liaison between other state bodies involved in different aspects of the cannabis legalisation scheme (Hudak et al., 2018, p.4). The plants’ potency is to be capped at a level that is just potent enough to compete with existing illicit options while the retail price is state-regulated as well (Cerdá & Kilmer, 2017, p. 119).

Cerdá and Kilmer (2017, p.119) argue that, according to surveys from 2016, it is very likely that habitual drug users will opt for one of the legalised options for supply of marijuana. This attitude of the drug-using public would make for a smooth transition to a state-controlled drug supply system, which would, in turn, quickly render the black market unprofitable for drug traffickers. According to von Hoffmann (2016, p.31), moreover, the Uruguayan example of cannabis legalisation may very well serve as a role model for other jurisdictions to draft their own drug legalisation laws. *The Economist* (2016, paras 3, 10)



also argues that legalisation under strict and country specific regulations is the only way to deal with, especially, marijuana consumption.

### **3.3. Application to opiates?**

While those kinds of regulations can be considered well-balanced for the case of marijuana, the same kind of legalisation effort vis-à-vis opiates such as heroin must be regarded as highly questionable due to their extreme level of addictiveness and high number of deadly overdose victims. Albeit an end of heroin and opium prohibition must remain out of the question, legislative measures aiming to alleviate the suffering of opiate addicts while at the same time fighting the global drug trafficking networks wreaking havoc also in rural Afghanistan are being put on the table. Hall (2018, p.1218), for example, suggests the supplement of a strict ban on both heroin and opium through legislation which decriminalises the use of opiates, thus encouraging users to seek a way out of addiction which could be provided through enhancing treatment facilities, needle and syringe programmes as well as sentencing low-level opiate-addicted dealers to treatment rather than prison. Moreover, the OAS (2012, pp.55-56) argues to consider drug addiction a disease and therefore commend national as well as local and community-based undertakings to strengthen community resilience to drug abuse through training programmes for members of drug-afflicted communities on how to reduce harm caused by this sort of environment to users and non-users. The OAS report (2012, p.56) puts forward the aim of providing free-of-charge drug treatment facilities and offering sports or cultural activities, especially for youths, as alternatives to drug abuse.

Even though the above described harm reduction measures combined with a continuing ban on the legal purchase of opiate products may take several years, or even a decade or more, to produce sustainable regional or national results, this approach will also eventually lead to a decrease in demand of substances such as heroin in destination countries (OAS, 2012, pp.56-57).

## **4. Lessons for both Afghanistan and the West**

The above analysis has shown that opium poppy cultivation and heroin production in Afghanistan not only share an intricate connection with global drug trafficking networks, creating an environment not unlike that surrounding the FARC insurgency in Colombia, but also can benefit from progressive attitudes of legislatures in drug destination countries, many of them located in the so-called ‘West’.

The peace deal reached between the FARC rebels and the Colombian government, despite its uncertain future within Colombia, holds several lessons for Afghan policy makers. With the Afghan National Solidarity Programme (NSP) and National Drug Action Plan (NDAP), many of those lessons have been already implemented into national policies. Both policies are, however, limited in their temporal scope; the NSP expired in 2016 and the NDAP has been designed for the period between 2015 and 2019. The similarity of these measures to those demanded by the FARC peace agreement, and the particular success of the NSP, should encourage Afghan officials to renew the policies and reallocate resources to national programmes which will strengthen a balanced counter-narcotics approach -- and continue rural reforms in cooperation with already existing locally owned Community Development Councils.

Regarding opium poppy cultivation policies, a shift from the current NDAP approach favouring forced eradication towards a more sustainable policy which is built around direct cooperation with opium poppy growing communities (which would create greater trust in state-institutions) is the main lesson to be taken away from sections 4.1.1., 4.1.3.1. and 4.1.3.2. of the FARC peace agreement. Forced eradication should be limited to cases where illicit crop cultivators persistently refuse to go along with the community decisions to avail themselves of a crop substitution programme or where farmers fail to comply with the communal agreement to switch crops, as provided for under section 4.1.3.2. of the FARC peace agreement.

Rural development programmes, as conducted under the NSP until 2016, already proved that the Afghan government is committed to increasing cooperation with grass root level community representatives in order to create mutual trust and better living conditions in rural Afghanistan. In keeping with this approach, the Community Development Councils model should be applied in all regions of the country where the government can guarantee both the safety and security of the respective communities at all times. In order to increase trust in state institutions, it is indispensable that state institutions be reliably accessible for all Afghans. In order to enhance the participation of women in the activities of Community Development Councils beyond project selection and into project management should be considered as a further lesson from the omnipresent references to gender equality in the FARC peace agreement and, in particular, from its section 1.3. -- which calls for specific measures to be implemented so as to materialise equal opportunities for both men and women to free themselves from poverty.

The policy makers of Western countries, furthermore, have it within their power to enact legislation which could aid in the counter narcotics efforts in Afghanistan. Learning from the example of cannabis legalisation in Uruguay and other progressive policy proposals being put forward -- notably by the OAS

and GCDP -- legislators in drug destination countries should move away from strict prohibition regimes and towards basing their policy approaches around harm reduction measures. For cannabis, this should mean a strictly regulated and state-controlled legalisation of the substance analogous to the Uruguayan model. In the case of heroin, more efforts should be made to overcome the stigma of drug use, according to OAS and GCDP recommendations. Both these measures would have a positive impact on the enduring fight against drug trafficking out of Afghanistan by steadily drying up the profits of the criminal networks through which the Taliban and other insurgents finance most of their infrastructure. Therefore, these measures, implemented hand in hand with a comprehensive rural reform, promise much potential to drain the drug swamp in Afghanistan and foster peace in the country.

## Recommendations

In order to prevent drug production and traffic to fuel terrorism and war, SADF puts forward the following recommendations.

To the United Nations drug policy, as supported by the UNODC:

1. Consider alternatives to the strictly prohibitionist and punitive approach to drug use;
2. Encourage member states to enact legislation which is designed to deal with drug use focusing on harm reduction to users. The Uruguayan experience of strictly regulated cannabis regulation could be taken as a yardstick and expanded both geographically and regarding substances, taking into account OAS and Global Commission on Drug Policy proposals.

To the European institutions and the international community:

1. Support the Afghan government in its continued fight against opium poppy cultivation and heroin production and trafficking by assisting it in the implementation process of its rural development and crop substitution programmes;
2. Continue to prosecute narcotics kingpins and counteract narcotics trafficking on a global scale;

To the Afghan authorities:

1. Continue and improve the national programmes for rural development and counter-narcotics action;
2. Focus counter-narcotics efforts on voluntary crop substitution and treat forced eradication as a measure of last resort for cultivators who persistently refuse to go along with the decisions taken by their communities;

3. Enhance efforts to create mutual trust between the rural population and state institutions. This could best be achieved by enhancing Community Development Councils to be present in all regions of the country where the authorities are able to ensure the safety and security of all participants and by expanding the Councils' material scope beyond the National Solidarity Programme and towards other community development related activities such as crop substitution programmes;
4. Enact measures to encourage rural women to become more involved in matters of development project management.

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