



EUROPEAN

POLICY BRIEF



CAN COCAINE PRODUCTION IN COLOMBIA BE LINKED TO ENVIRONMENTAL CRIME?: A CASE STUDY ON THE EFFECT OF EU LEGISLATION ON THE TRADE

Policy Implications for the EU

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OVERVIEW OF CASE STUDY

Cocaine production remains virtually limited to three countries in the world: Peru, Colombia and Bolivia. Clandestine cocaine laboratories that are erected in the jungles of the Andes region have left in their wake, a catalogue of environmental pollution and degradation. Chemical precursors used in cocaine production are dumped in hundreds of thousands of tonnes into the environment and millions of litres of toxic are dumped into waterways. **In Colombia, cocaine producers discard more than 370,000 tonnes of chemicals into the environment annually with clandestine jungle laboratories send more than 20 million litres of toxins into waterways. Like a double-edged sword, eradication efforts such as the aerial spraying to eliminate illicit crops, also adds to the destruction of precious biodiversity in the Andes region.** The use of herbicide glyphosate under Plan Colombia, has defoliated not only coca but also contiguous and interspersed native forests and food crop parcels. There is also a significant release of chemicals in the water supplies and aquatic ecosystems. This case study takes a look at the interrelationship between cocaine production in Colombia, a drug-related criminal activity and environmental pollution and degradation, activities that are considered to be environmental crimes in many parts of the world today.

The European Union represents the second largest market in the world for cocaine. It also exports 20% of the world's chemical precursors, with Germany as the largest European producer with 5.7% share of the global sales. Moreover, Germany, the Netherlands, Spain and the United Kingdom are being used as "transit" ports for shipments from emerging precursor producers from South and Southeast Asia. Chemical precursors such as potassium permanganate, an essential ingredient in cocaine production, are highly monitored yet Colombia seized 80% of the global seizure of illicit potassium permanganate for the period of 2007-2012. This is partly because criminals have adopted various diversion methods to make up for their losses from tighter controls on chemical precursors trafficking.

There is legislation in place that monitor the trade of chemical precursors within and outside the borders of the EU. Regulation (EC) No 273/2004 lays down rules for the monitoring of drug precursors within the EU whilst Regulation (EC) 111/2005 lays down rules for the monitoring of drug precursors between the EU and third

countries. The existing legislation in the EU aims “to strike an appropriate balance between the desire to exploit all possible means to prevent drug precursors reaching illicit drug manufactures and the commercial needs of the chemical industry and other operators”. While reports have suggested that the Regulations have been effective, critiques have said that the EU still has room to improve where the seizure of certain chemical precursors are concerned. The European Commission has also identified some deficiencies concerning implementation of these Regulations at the national level.

Colombian organised crime plays a key role in the supply of cocaine for the European market, often in arrangements with European organised crime. The latter have developed an efficient redistribution networks in North-West Europe. Technological advancements, like the Internet, have opened and liberalised the drug trade, making possible the growth of network at a low cost and further complicating jurisdiction issues. Chemical innovation has also enabled cocaine being chemically incorporated in legitimate products for secondary extraction within the EU. These are the challenges faced by European authorities when dealing with organised crime and drug trafficking: two intertwined problems.

The case study is qualitative descriptive to the extent that it uses statistics and series of data to strengthen findings of certain facts.

POLICY IMPLICATIONS AND RECOMMENDATIONS FOR THE EU

In order to curb cocaine production, the EU, by virtue of Regulation No 111/2005, must continue its cooperation with third countries such as Colombia with respect to law enforcement and precursor chemicals monitoring. However, as observed by this case study, any interdiction effort against any single source of production leads to what is called the balloon-effect; the illicit activities are replaced to elsewhere with weaker control. In this respect, cooperation should be engaged with all countries in the Andes region in a holistic and comprehensive approach.

The EU should also help identify the links between trafficking of chemical precursors with organised crime. In doing so, a heavier penalty can be imposed (5-10 years prison sentence) on persons engaged in the illicit import and export of chemical precursors. Currently, diversion crime is not considered a priority for authorities in several countries in Latin America and the Caribbean. Authorities have only dealt with this by way of administrative penalties – a somewhat lower form of punishment. It is recommended that the EU helps to make this a criminal policy priority, at least initially within the Community.

Despite positive outlooks on the effectiveness of EU legislation for chemical precursors monitoring the EU should strive to further align the disparities of its Member States in implementing Regulation No 111/2005. Elements such as penalties imposed, handling of pre-export notifications by competent authorities and customs control can be further tightened.

ABOUT EFFACE CASE STUDIES ON ENVIRONMENTAL CRIME

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“European Union Action to Fight Environmental Crime” (EFFACE) is a 40-month research project involving eleven European research institutions and think tanks. EFFACE assesses the impacts of environmental crime as well as effective and feasible policy options for combating it from an interdisciplinary perspective, with a focus on the EU. Project results include several case studies on the causes, actors and victims of different types of environmental crime as well as policy options and recommendations. For more information see <http://www.efface.eu> or contact: envcrime@ecologic.eu

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