

5. CLIMATE JUSTICE

THE LEGAL REGULATION OF DRUGS: The potential to deliver climate justice

The prohibition of drugs has created an unregulated, profit-driven shadow economy, driving a whirlwind of chaos and instability in areas key to our climate survival, such as the Amazon rainforest.

Many of the countries most weakened by the illicit drug trade are also countries with ecosystems that have the greatest potential for capturing carbon. The tropical rainforests of Central and South America, the Upper Guinean Forest and the jungles of South-East Asia. These all follow the same equatorial line as the main producing and trafficking routes of the main plant-based drugs such as cocaine, opium and cannabis.

Prohibition pushes drug production and trafficking into these remote and vital areas of biodiversity. In many of these regions organised drug gangs violently displace Indigenous communities and diversify their business; reinvesting their vast profits in environmentally harmful and extractive activities such as land grabs, deforestation, timber and wildlife trafficking and mining and using their existing infrastructure – clandestine roads, airports and the employment of impoverished labour – to facilitate these webs of unregulated activities.



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Narcotrafficking and illegal mining in the Brazilian Amazon

Links between drug trafficking and illegal mining has been well evidenced since the 1980s.¹ Operation Narcos Gold is one such example. Launched in November 2021 by the Brazilian Federal Police, its aim is to combat money laundering from drug trafficking and dismantle the criminal group responsible. Their investigation revealed that the group received drugs from the Bolivia–Brazil border through clandestine airstrips in illegal mining areas in the Amazon region for distribution in major cities. The group operated an extensive network of illicit businesses across Brazilian territory, moving an estimated sum of over 200 million US dollars over their approximate three years of operation.²

But prohibition has created an even greater barrier to climate justice: An omnipotent shadow economy that corrupts and destabilises state infrastructure and public services. At a time when we urgently need robust climate policy and resources spent on climate resilient development, organised crime groups use drug profits to ‘buy off’ state officials, the police, forest guards, politicians, environmental and agricultural government agencies – anyone that stands in the way of the smooth running of the drug trade.

These groups become embedded with state actors, and can result in state capture, denying the urgent and robust governance required for bold policy changes to address the climate emergency. There is a climate policy deficit in regions that are central to our climate future.³

“**Prohibition gave birth to organised crime. It is what makes it the dominant power it is today.**

Neil Woods Former undercover police officer and Chair of Law Enforcement Action Partnership UK

In some countries such as Guinea Bissau, Honduras,⁴ Mexico,⁵ Suriname⁶ and Columbia,⁷ the association between political elites and organised crime has been exposed at the highest levels. In Guinea Bissau for instance the drug trade has been described as “*glue holding together the constellation of uneasy power alliances in Bissau’s elite protection structure.*”⁸

In others they are more subtle and pervasive, with authorities turning a ‘blind eye’ to the activities of organised crime. Between 2013 and 2019, 69% of agricultural conversion of tropical forests occurred in violation of national laws and regulations; in Brazil, the share was 95%, in Mexico, 97%.⁹

The dynamics of this unregulated trade are a threat to the rights of Indigenous people and communities living in remote areas of biodiversity. In Colombia, Brazil, Guatemala, and Honduras, ‘Narcos’ regularly use violence, threats and cash to buy up or take over large areas of Indigenous and campesino land, and land under conservation protections. This imposes health threats from illegal mining and violence and murder from drug cartels.¹⁰

“**Stopping biodiversity loss and mitigating the climate crisis requires addressing the violent and destructive economy that functions without any regulation and operates with impunity in the very regions we are all trying to save. Ignoring this trade and policies that make it so harmful prevents climate justice.**

Clemmie James Co-facilitator, International Coalition for Drug Policy and Environmental Justice



Police burn a coca laboratory near Tumaco, Colombia.

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We can't save nature by going to 'war' with plants

The links between organised crime and environmental destruction are increasingly well recognised. A common response seen in formal 'anti-corruption' initiatives, but concerningly also promoted within the environmental space is a call for more militarisation, more security and more police to 'fight' organised crime.

This approach fails to recognise two key facts: Firstly prohibition has failed: More people use illegal drugs and experience greater related harms and deaths than at any other time, whilst measures to enforce prohibition, such as crop eradication and the aggressive pursuit of traffickers, have been shown to contribute to an increase in conflict.¹¹ Secondly, **it is prohibition that has created organised crime**. Instead of 'fighting' a futile 'war' we need to remove the power of organised crime in these environmentally sensitive regions, replacing it with legally regulated, small scale and environmentally sustainable trade.

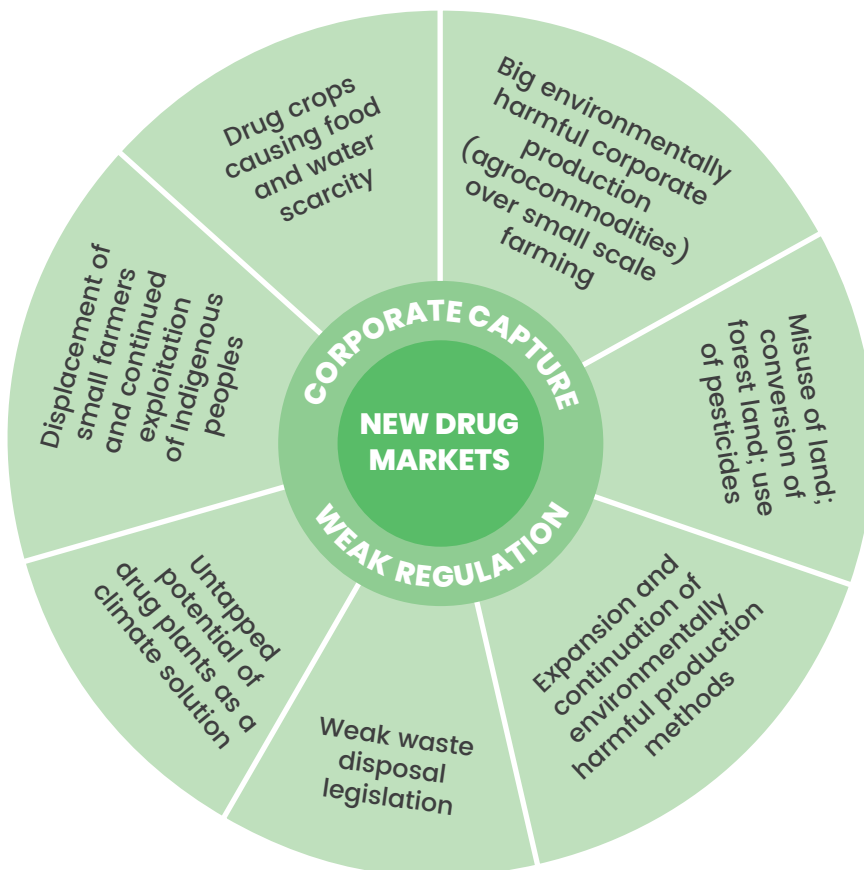
As we witness the beginning of the end of prohibition, with alternatives such as harm reduction, decriminalisation and legal regulation of cannabis, cocaine, psychedelics, ketamine and MDMA/ecstasy on the agenda of governments across the world, we have a small window of opportunity to ensure emergent reforms of the global drug trade support rather than undermine climate justice.

A legal drug trade – risks for climate justice

Emergent drug reforms provide a once in a lifetime opportunity to weaken the hold of organised crime and create a new system that explicitly learns from the failings of other trades. There is an opportunity to build in provisions to support small scale farmers, reduce poverty and prioritise the climate from the outset. These can provide a blueprint for other trades to emulate. But there are risks if reforms happen without the engagement of the climate justice sector.

Advocates for environmental justice must seize this opportunity before new drug markets get captured by corporations. This graphic explores what could happen to new legal drug markets if advocates for climate justice fail to engage with drug reforms.

A legal drug trade: The risks we must avoid





Burned areas of the Amazon rainforest, near Boca do Acre, one of the most deforested areas in the state.
© Lula Sampaio/Afp/Metsul Meteorologia

The opportunity for climate justice

If constructed using principles of transitional justice, a legally regulated drug market could be established to support climate justice. The end of prohibition will bring the supply chain out of the shadows and allow for transparency and accountability. It will remove the power and violence of organised drug crime, currently entwined with state institutions. It could utilise the potential of drug plants in areas such as bioremediation, soil regeneration, carbon capture and regenerative agriculture, and enact markets that support small scale, sustainable businesses, and sustainable use of land, energy and water.

This will only be possible with the deliberate development of new markets that **rectify the injustices of both prohibition and environmental destruction**. These markets must recognise the climate protective properties of drug crops, implement robust environmental standards and support small producers to meet them, prioritise small-scale farmers and traders over big land and water intensive grow sites and ensure drug crops do not replace space for growing food.

Supporting environmental mitigation and adaptation strategies

From protected areas to land reforms, anti-beef campaigns to sustainable supply chains, a range of environmental strategies are currently undermined by prohibition. Legally regulating drugs in ways that are environmentally protective will take the power away from organised criminals. This could prevent park or forest managers being 'bought off' or Indigenous peoples violently intimidated by organised criminals, allow for transparency in managing supply chains and monitoring forest loss, while preventing the money and violence of the drugs trade undermining environmental initiatives.

Climate justice in a legal drug trade – key principles

- **Prioritise small scale growing** over industrial scale resource intensive indoor grow sites, subsidise poor farmers and small producers, ensure labour rights for workers and protect smaller and emerging domestic traders from international competition.
- **Respect territorial rights and foster land regularisation and distribution** by providing demarcation of Indigenous and traditional communities' territories and complying with national land tenure legislation.
- **Implement robust environmental standards** Ensure production is based on sustainable use of land, energy and water and that this does not replace food crops. Implement robust environmental standards and provide the training, skill building, and technical assistance to support small producers to meet these.
- **Fair intellectual property rights.** Protect indigenous plants and seeds and knowledge, for example through ensuring trade deals do not include The International Union for the Protection of New Varieties of Plants (UPOV 91) Convention and exemptions from WTO TRIPS agreements. Recognise the objectives of the UN Convention on Biodiversity.
- **Regulate big corporations.** Ensure they cannot dominate the market and enact environmentally damaging practices. This may include protecting against corporate land capture, limits on the size of grow sites, moratoriums, full transparency and caps or strict limits on foreign ownership and investment, requiring big companies to share knowledge and technology with small businesses, restrictions on the import of seeds, requirement to source inputs locally.
- **Explore the potential ecological benefits of drug crops.** Drug plants can play a leading role in bioremediation, soil regeneration, carbon capture and regenerative agriculture in support of climate resilient development. Plant based regulated drugs could become valuable fair trade products fostering new green deals and transition economies – while the impacts and contamination resulting from gold mining activities, for instance, will never be sustainable.
- **Prioritise robust public infrastructure needed to adapt to the climate crisis.** Ending prohibition will free up the money currently wasted on enforcing prohibition as well as generate tax revenue were drugs to be regulated and taxed. This should be spent on vital infrastructure including public health services, flood defences, emergency response, evacuation programmes, accommodation that can withstand extreme weather, and welfare services for people most affected by the climate crisis.



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- **Integrate drug policy reform into the climate agenda.** Bring conversations on drug policy reform into environmental spaces such as the annual United Nations Framework Convention on Climate Change. Ensure the climate justice and drug policy reform communities join forces to influence new legal regulatory drug systems to protect Indigenous communities, and are aligned with sustainable agricultural practices.

Published March 2025.

Author: Natalie Sharples. Thanks to Clemmie James, Rebeca Lerer. Inspired by the work of the International Coalition for Drug Policy and Environmental Justice.

Cover image: A farmer walks through a burned area of the Amazon rainforest, near Porto Velho, state of Rondônia. © Carl de Souza/AP/Metsul Meteorology

Design and layout: causeeffectdesign.co.uk

What comes next? Let's shape it.

Are emerging drug reforms on your agenda? Advocacy for a climate justice approach to drug reforms must happen *now*.

Contact c.james@healthpovertyaction.org to contribute to the ongoing conversation to ensure drug reforms deliver climate justice.

Endnotes

1. Raphael Moro Martins, "Narco-Miners Challenge Government in Yanomami Territory," Sumauma, May 16, 2023, <https://sumauma.com/en/narcogarimpo-desafia-o-governo-no-territorio-yanomami>
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3. Our briefing on governance as part of this series, explores this in greater detail.
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