

Inventando Caminos: The Road of Marijuana Legalization in Uruguay

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Prepared for delivery at the 2015 Congress of the Latin American Studies Association.
San Juan, Puerto Rico, May 27 - 30, 2015.

DRAFT: Please do not cite without authors' permission.

This paper is an update of the chapter “Inventando Caminos: Cannabis Regulation in Uruguay,” which appeared in *Cooperation and Drug Policies in the Americas: Trends in the Twenty-First Century*. Edited by Roberto Zepeda and Jonathan D. Rosen. Lexington Books, 2014

The present paper was possible, in part, by the support of the Latin America Marijuana Research Initiative (LAMRI). LAMRI is a research initiative of the Kimberly Green Latin American and Caribbean Center at Florida International University, the Universidad Católica del Uruguay, and Insights Research Group, and funded by the Open Society Foundation. We are also grateful to Francisco E. Thoumi, José Miguel Cruz, Adolfo Garcé, Diego Sanjurjo García, Maria Fernanda Boidi, Rosario Queirolo, and Lorena Repetto González for their invaluable assistance in sharpening our ideas and understanding of this case study.

With the passing of Law 19,172 in December of 2013, Uruguay has become the first country in the world to fully legalize the possession, growth, sale, and distribution of marijuana.¹ Even when the Uruguayan Parliament approved this law, the 2014 AmericasBarometer shows that over sixty percent of citizens disagree with the law and, in July of 2014, sixty-two percent of people polled by CIFRA said they would be in favor of abolishing it.² Therefore, the long debate³ about whether the state should regulate marijuana in Uruguay, and how it should go about it, continues today. Moreover, questions about the full and thorough implementation of law 19,172 persist, particularly after Jose Mujica — the *Frente Amplista* leader who spearheaded the legalization effort — stepped down from the presidency and a much more conservative member of the *Frente Amplio* party, Tabare Vazquez, took over in March of 2015. Although the government of Uruguay is facing opposition both domestically and internationally, it is holding its course and states that the law is expected to be fully implemented in 2015.⁴ As a result, Uruguay is making world history by opening an innovative path towards alternative drug policies that are not centered on the outdated prohibitionist model posed by the war on drugs.

This paper studies the domestic implications and possible international impacts of Uruguay's marijuana legalization as embodied in Law 19,172 and subsequent regulatory decrees. We argue that Uruguay's legalization is following a difficult and uncertain path. Nonetheless, this legalization has deepened the current international debate about drug policy and how this debate continues to occur will hinge on how well the Uruguayan experiment turns out.

Legalization, Decriminalization, and Prohibition: It is all in the Wording.

In drug policy circles, there are two main paradigms — harm reduction and prohibition — that frame the debate on whether a country should legalize or prohibit drug usage. A harm-reduction paradigm entails that the government tries to protect its citizens who wish to engage in drug consumption from the negative consequences of being addicts, thereby reducing the numerous risks to which they are exposed. For instance, a harm reduction approach accepts that drug use happens and will continue to happen,⁵ as the state comes to understand drug use as a complex and multifaceted phenomenon and acknowledges that the usage of some drugs is safer than others.⁶ Additionally, a harm reduction policy approach believes that the most important goal of successful drug policies should be increasing the quality of individual and community life and well-being.⁷

In contrast, prohibitionism understands drug use as problematic, unnecessary, and undesirable in modern society. As a result, prohibitionism seeks to discourage drug usage among the population through a set of policies that penalize drug use. Drug prohibition entails that the consumption, possession, production, or sale of a controlled substance is prohibited or banned.⁸ It should be noted that most of the world today pursues some sort of prohibitionist drug policies,⁹ because the U.S.-influenced international drug control regime mandates such policies at the international and domestic level.

Today's drug policy debates are framed in this dichotomy between harm-reduction and prohibitionism. They are different ways to understand drug use and abuse, and each one prescribes different sets of solutions to this problem. This framework yields three main models of drug policies that are set in a paradigmatic continuum between harm reduction and prohibitionism. These three models are legalization, decriminalization, and prohibition. It should be noted that each model provides countries with a set of norms and policy prescriptions to guide their domestic drug regulations. The next few paragraphs will explain the differences between

these three models. Afterwards, we will explain how Uruguay's model fits in the models and aforementioned paradigms.

The first model that a country may follow in framing its drug policies in legalization. The 2013 OAS Report, *Scenarios for the Drug Problem in the Americas*, defines legalization as: “[t]he process of eliminating legal prohibitions on the production, distribution, and use of a controlled substance for other than medical or scientific purposes, generally through replacement with a regulated market.”¹⁰ This model, usually framed in a harm-reduction paradigm, attempts to replace the black market of a drug with a legitimate and regulated industry where drug usage is not necessarily frowned upon.¹¹ There are two main ways to legalize: full regulation of the market and a free market. As it stands today, Uruguay is the most prominent — and it could be argued, only — example of full regulation of the cannabis market, as the state will highly regulate the production, sale, and consumption of marijuana. In opposition to this legalization stand the free market legalization initiatives embodied by the states of Colorado and Washington in the U.S., where subnational states have placed minimum restrictions on the production and sale of marijuana products.¹² These free-market initiatives tend to be created in the framework of capitalism, where individual companies grow and sale marijuana to consumers.

However, a full-blown legalization project is not the only viable alternative to liberalize the current control on drugs — a more moderate rejection of the prohibitionist paradigm is decriminalization. The OAS Report defines this term as the elimination of criminal penalties for the consumption or possession of a controlled substance.¹³ In this model, being in possession of certain drugs does not necessarily lead to criminal consequences.¹⁴ However, the individual may still be subject to administrative or civilian penalties for the possession of a controlled substance, and trafficking of controlled substances remains illegal and punishable in the criminal justice system.¹⁵ An important example of this model is Portugal, which decriminalized personal possession for all drugs in 2001, and where trafficking is still punishable by law.¹⁶ However, there can be much variation under decriminalization models. As Caulkins, Hawken, Kilmer and Kleiman mention,

“Use could be allowed but production and sale still forbidden. Use and sale of small quantities could be allowed but the production and wholesale distribution still be forbidden (...). The penalties for possession of small amounts could be reduced and treated as civil rather than criminal matters (an option called “decriminalization”). Production, sale and use could be permitted only for medical purposes. Or they could be restricted to noncommercial channels, with users growing their own or forming cooperatives”¹⁷

Finally, on the opposite end of the spectrum we find drug prohibition. This model maintains the current status quo where psychotropic substances are prohibited by law in a majority of the countries in the world. The criminalized prohibition model “(...) uses criminal laws, police, and imprisonment to punish people who use specific psychoactive substances, even in minute quantities.”¹⁸ The most important examples of prohibition policies are the drug laws in the United States,¹⁹ which criminalize the possession, production, sale, and distribution of a wide variety of psychotropic substances.²⁰ It should be noted that “Criminalized prohibition is the harshest, most punitive form of drug prohibition”²¹ because of the adverse effects it has had on individuals and communities.²²

However, within drug prohibition itself there are some gradients of different policies that could be pursued, and these all maintain a prohibitionist paradigm. Prohibition can take three

forms: criminalized, decriminalized, and partially-criminalized. As we have stated in the previous paragraph, criminalized prohibition entails the criminalization of drug possession and/or usage, and the laws are applied to individuals.

The second type of prohibition is decriminalized prohibition, where drug possession, production, or sale are still criminal penalties under the law — yet these penalties are not fully applied or enforced.²³ This phenomenon, also called *de facto* decriminalization, occurs usually as “(...) a result of the evolution of customs in a society when a practice begins to be socially accepted despite still being formally prohibited, or of the criminal justice system being overburdened and therefore failing to intervene in minor offenses, focusing attention on more serious criminal behavior.”²⁴ This is the model followed by countries like the Netherlands,²⁵ Switzerland,²⁶ Germany,²⁷ Austria,²⁸ and Spain.²⁹

The third and final type of prohibition is what Room et al call partial prohibition reforms, which means that “personal cannabis use and possession activities are no longer illegal, but commercial activities such as large-scale possession, production and supply of large amounts of the drug are prohibited.”³⁰ The difference between this model and decriminalization is that the latter entails a paradigm shift toward harm-reduction, while the first still supports the idea that drugs are undesirable in today’s society and are something to be avoided. Uruguay pre-legalization fits the partial prohibition as defined by Room et al, as it punished individuals who imported, transported, distributed, commercialized or sold marijuana products which were both for personal and non-personal consumption, by incarcerating them for as many as 10 years and as little as 20 months. As a result, drugs were still seen as a social harm to be avoided using the criminal justice system. Today, marijuana in Uruguay is seen (policy-wise, at least,) as an individual choice that entails certain harms which can be reduced by novel policies designed to reduce the harms to which individuals are exposed to when consuming drugs.

Framed in this debate, Uruguay has become the only nation in the world to fully legalize cannabis. Passed in December of 2013, Law 19,172 legalizes and regulates the production and sale of marijuana through autocultivo, cannabis clubs, and pharmacies. Each one will allow duly registered Uruguayan citizens to buy or produce up to 40 grams of cannabis per month or 480 grams per year. The Uruguayan legislation showcases an intent to pursue harm reduction as Article 4 of Law 19,172 states that the law’s objective is “(...) to protect the people of this country from the risks that illegal commerce and drug trafficking entail, seeking through state intervention to attack the devastating sanitary, social, and economic consequences of the use of psychoactive substances.”³¹ This paradigm shift is clearly established in the new regulations of the cannabis market in Uruguay, and will potentially impact any further discussion of drug policy in years to come.

In sum, the three main policy models — legalization, decriminalization, and prohibition — comprise all of the current pathways that a country could follow to regulate drugs. Uruguay is an example of a country that has shifted its policies from a full-on prohibitionist framework pre-1974 to a legalization and harm-reduction approach as a result of Law 19,172. After discussing these policy models, we now turn to discussing the international drug-control regime.

International Drug Control Regime

The international drug control regime (IDCR) is the supranational system composed by several international agreements which regulate psychoactive drugs. The United States has actively promoted this system since the early twentieth century, particularly since the creation of the United Nations.³² While there were some important international agreements and conventions

to regulate drugs prior to the creation of the United Nations,³³ the current drug control framework was first codified in the 1961 Single Convention on Narcotic Drugs. Since then, the IDCR has been further codified in the international arena by the 1971 Convention on Psychotropic Substances and the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.³⁴ However, the two relevant documents for marijuana regulation are the 1961 and 1988 Conventions. As a result, the next few paragraphs will discuss them and how they have framed the prohibitionist regime that has forbidden marijuana use, production, and sale throughout the majority of the world.

The 1961 Convention limits the acceptable use of certain drugs to medical and scientific purposes, combats drug trafficking through the promotion of international cooperation, and creates the scheduling system that separated drugs in four categories with different regulations based on their effects on individuals.³⁵ This Convention established the drug scheduling system, where drugs are separated in four “schedules” depending on their effects on the individual. Specifically discussing marijuana, the Convention states that a nation that wishes to pursue cannabis production should adhere to the same guidelines for the production of poppy seed, namely to have at least one government agency dedicated to drugs, among other regulations.³⁶

In 1988, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances sought to stifle drug trafficking through the control of money laundering and chemicals that are routinely used to produce illegal drugs.³⁷ In this Convention, the IDCR established guidelines with the goal to increase international cooperation to reduce drug trafficking throughout the world. Additionally, Article 3(2) requested that all parties to the Convention should adopt measures to criminalize the “possession, purchase, or cultivation” of psychoactive drugs for “personal consumption.”³⁸ This marks the first time ever that the IDCR sought to enforce penalization for personal consumption of any drug that is regulated under the scheduling system, including cannabis.

After the inception of these regulatory Conventions and systems, the IDCR has become heavily bureaucratized through the United Nations. Additionally, it has heavily influenced local drug laws in the majority of the world. As of July 2014 there were 184 parties to the amended version of the 1961 Convention,³⁹ 183 parties to the 1971 Convention,⁴⁰ and 189 parties to the 1988 Convention.⁴¹ This means that an overwhelming majority of the countries have submitted themselves to the UN drug control regime, which reflects mostly Western values and interests.⁴² Having described the scope of the international legal framework that regulates controlled substances, we will explore the possible implications of Uruguay’s marijuana regulation in this international system.

Uruguay’s Regulation Model: From Seed to Smoke.

Prior to 1974, Uruguay tended to pursue prohibitionist drug policies that were deeply linked to the international drug control regime.⁴³ But after 1974, the government lifted the legal prohibition on drug consumption,⁴⁴ and instead decriminalized the individual use of a wide array of drugs.⁴⁵ This occurred when the Congress approved Law 14,294. Article 31 of this Law stated that those individuals who possess a “minimal quantity” of drugs with the sole purpose of “personal consumption” will be exempt from criminal punishment.⁴⁶ However, the law did not establish a clear-cut limit on what constitutes this minimal quantity that is accepted for personal consumption. As a result, the responsibility of determining what this minimal quantity was befall on individual judges who must explain in their rulings why a certain amount was considered acceptable for personal use in each independent circumstance..⁴⁷ Thus, Article 31 entails a major

loophole that criminalizes drug (and cannabis) possession, but does not provide a specific benchmark that constitutes the acceptable amount for personal use under Uruguayan law.

In 1998, this law was amended by Law 17,016. Article 3 of this new Law substantially changed the text of Articles 30-35 of Law 14,294. For instance, the updated Article 31 states that possession of a “reasonable amount” of illicit substances would be allowed for personal consumption. The change in wording is specially noteworthy because, by changing “minimal quantity” for “reasonable amount,” this Article maintained the aforementioned loophole and judicial discretionality. Thus, the rewritten version of Article 31 maintained the loophole that allowed judges to individually determine what constitutes a “reasonable” amount of illicit substances for “personal consumption.” The penalties for those who break Article 31 are established in Article 30, which prescribes that the criminal punishment could range from 20 months to 10 years in prison.⁴⁸ Therefore, “together, Articles 30 and 31 of Law 17,016 effectively criminalize production and trafficking of marijuana but do not criminalize personal consumption.”⁴⁹

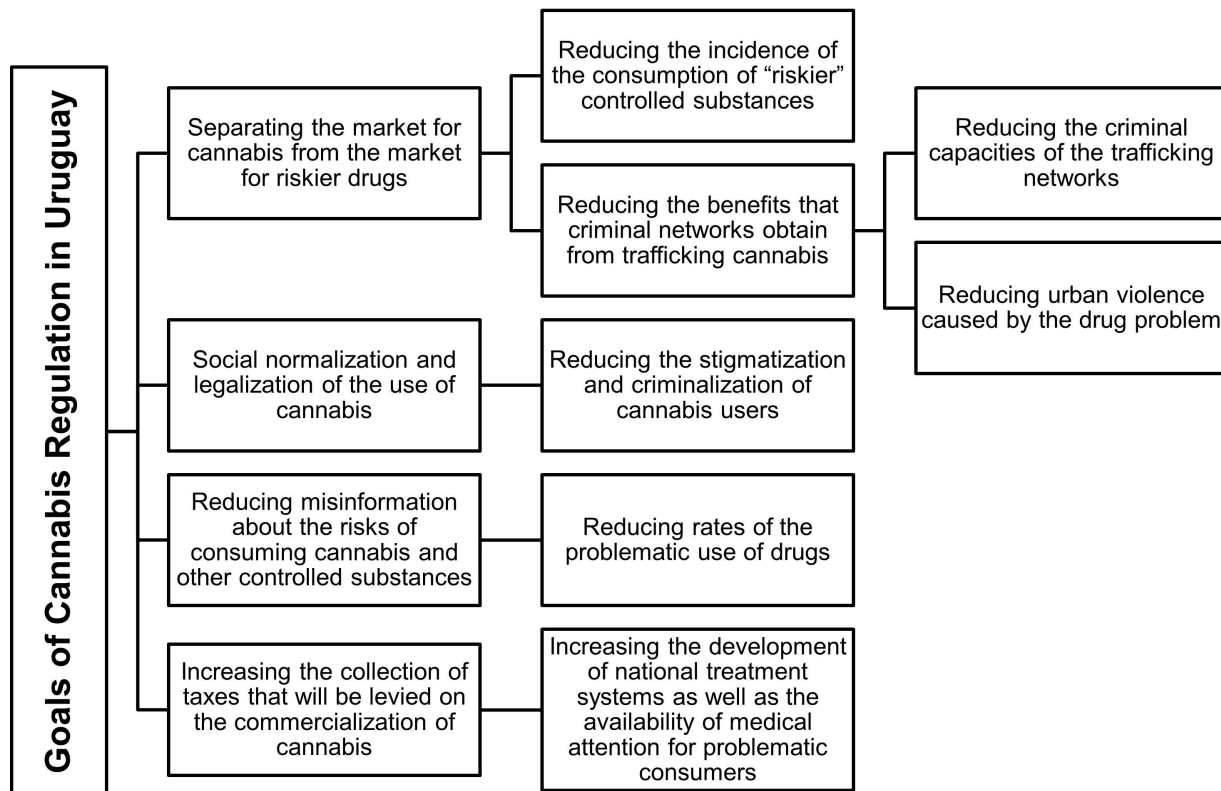
As a result, this law maintained a system where the judges were individually responsible to determine at their own discretion whether a defendant possessed a narcotic for his or her personal use or, instead, was trying to traffic with the product.⁵⁰ Moreover, “a strict application of Article 30 leads to the contradiction of not penalizing those who possess a reasonable quantity because they bought the product, but indeed penalizing those who possess a reasonable quantity because they produced it.”⁵¹ As a result, the law had the unintended consequence of incentivizing cannabis consumers to buy marijuana from criminal organizations rather than allowing them to produce a small quantity for personal use. This discretionary system has led to an increase in the incarceration of Uruguayans that are caught with small amounts of marijuana.⁵² For instance, Garibotto finds that out of 1,574 procedures where marijuana was seized, 681 cases seized a quantity between 0 and 9 grams while 434 cases involved a quantity of 10 to 49 grams.⁵³ As such, 70.9 percent of the cases involved a quantity of seized marijuana that would potentially fall within the 40 gram limit per month granted by the 2013 legislation.⁵⁴

This system had plenty of opposition and a few calls for reform occurred prior to the current legalization,⁵⁵ including former President Battle in the early 2000s.⁵⁶ However, the first serious proposal for change came from opposition congressman Luis Lacalle Pou, who drafted the first proposal that addressed marijuana legalization in the form of self-farming of cannabis plants.⁵⁷ Lacalle Pou argued that allowing individuals to grow their own marijuana would keep the consumer “very far from those who profit from the disease of others — the traffickers. I want them [the traffickers] very far away from commerce.”⁵⁸ Lacalle Pou’s proposal was not successful and, even if it had been, it would have maintained the loophole that allowed judges to decide what quantity of marijuana is acceptable for personal consumption.⁵⁹ Since Lacalle Pou’s failed project, there were several proposals to regulate marijuana in the country.⁶⁰ However, most of these initiatives focused on self-farming -- *autocultivo*.⁶¹

On August 8, 2012, Law 19,172 was introduced in Congress. The Chamber of Deputies approved this project on July of 2013,⁶² and the Senate approved it with a narrow margin in December of 2013.⁶³ After President Mujica signed this Law on December 20th of 2013, Uruguay became the first country in the world to fully legalize marijuana. Additionally, the government published the regulatory decree 120/2014 on May 19th, 2014 and which further establishes regulations on the cannabis market.⁶⁴

Together, Law 19,172 and Regulatory Decree 120/2014 regulate cannabis in Uruguay, birthing a new system that, in going against the prohibitionist framework, allows a whole nation

to produce, consume, and sell marijuana. In pursuing this new system, the Mujica administration had several goals in mind, which are illustrated in Graph 1. Most importantly, the government argued that regulation of the marijuana market would allow the state to reduce the risks to which consumers are exposed to when they buy and sell marijuana in the black market.⁶⁵ Additionally, the new system would seek to decrease the trafficking profits stemming from the black market.⁶⁶



Source: Translation of Sanjurjo (2013.)

Graph 1: Specific objectives of the regulation⁶⁷

In order to achieve these objectives, Law 19,172 provides three ways to legally obtain cannabis: *autocultivo*, cannabis clubs, and pharmacies. These alternatives share several common characteristics that make the Uruguayan legalization model extremely unique in the world. First, the government created a new agency — the *Instituto de Regulación y Control de Cannabis* (IRCCA) — that will work with the National Drug Office in overseeing and regulating the entire process.⁶⁸ This new agency is in charge of controlling all the stages of planting, cultivation, distribution, and the sale of cannabis in the country,⁶⁹ and has “ample faculty” to enforce the laws and regulations.⁷⁰ With the creation of the IRCCA, therefore, the production of marijuana is regulated from seed to smoke in Uruguay. Second, the IRCCA has created and maintains a general registry where individuals who wish to consume marijuana in any of the three alternatives have to register.⁷¹ Third, in order to be part of this registry, all consumers who wish

to legally acquire marijuana must be Uruguayan citizens or permanent residents. Fourth, consumers will not be allowed to legally obtain or grow more than 480 grams of psychoactive cannabis per year, which means there is a limit of 40 gram per month or a 10 gram per week.⁷² Fifth, the IRCCA will have exclusivity in importing marijuana seeds for usage in all plantations in the country,⁷³ and local seed producers must register in an additional registry with the INASE.⁷⁴ Sixth, educational programs to prevent problems with cannabis use among young people will be in place,⁷⁵ and the health system will facilitate the treatment of addiction and other cannabis-related problems.⁷⁶ It should be noted that these last two aspects of the law showcase a paradigm change toward a harm reduction approach to the question of drug usage among the population. Finally, consumption of marijuana in public places will not be allowed,⁷⁷ persons younger than 18 years old will not be able to obtain legal access to the cannabis marketplace,⁷⁸ advertising of cannabis products is prohibited,⁷⁹ driving under the influence of cannabis remains a punishable offense,⁸⁰ and consuming cannabis at work is prohibited.⁸¹

As aforementioned, there are three alternatives through which an individual might legally obtain cannabis. The first alternative is *autocultivo*, which allows individuals to grow up to six marijuana plants per household and yield an annual crop of 480 grams per year, or 40 grams per month.⁸² All individuals must be registered with the IRCCA to grow these plants in their home,⁸³ and no person may register more than one location for domestic growth.⁸⁴ Additionally, only one register per household will be allowed.⁸⁵ As a result, even if there are two or more registered adults living in the same household, only six marijuana plants may be legally grown in that household. The second alternative is the cannabis club, which will allow between 15 to 45 members⁸⁶ of a duly registered civil association⁸⁷ to collectively grow up to 99 marijuana plants in specific locations.⁸⁸ It should be noted that all individuals belonging to a cannabis club must be registered with the IRCCA in order to obtain psychoactive marijuana through the club,⁸⁹ and failure to register any member will result in noncriminal penalties.⁹⁰ Furthermore, the club may not supply any individual with more than 480 grams of marijuana per year.⁹¹

The third alternative to obtain cannabis — sale through pharmacies — has proven to be the most controversial and difficult to implement of them all because the consumer will be able to buy marijuana in person⁹² from pharmacies that are registered with the IRCCA and the Ministry of Public Health.⁹³ This alternative will allow those registered with the IRCCA⁹⁴ to buy up to 40 grams per month (up to 480 grams per year,) from pharmacies. The cannabis sold in these establishments will be produced by five private companies that obtain IRCCA's approval.⁹⁵ The bidding process to become one of these marijuana producers began in late 2014, with domestic and international companies attempting to become these producers.⁹⁶ Although the full implementation of cannabis sales in pharmacies was scheduled to begin in the first months of 2015,⁹⁷ the companies have not even started the process of growing the first crop of marijuana for sale and there have been some questions about whether the government may make it compulsory for pharmacies to sell marijuana.

In addition to these structural changes, the new Law modified the wording of the aforementioned Articles 30 and 31. Article 6 of Law 19,172 adds the following paragraph to Article 30: "whoever produces marijuana through the planting, cultivation and crop of psychoactive cannabis plants in accordance with Article 3 of the current law will be exempt of any responsibility."⁹⁸ However, this same paragraph introduces a possible loophole in Article 3(e), which regulates marijuana growth in the home. This paragraph states that in the case that home production of cannabis exceeds the 480 grams per year, a "competent judge, in accordance

to the rules of sound discretion (*‘las reglas de la sana crítica’*)” will determine whether the excess product was destined for personal consumption.

Article 7 of the new law substitutes Article 31 by adding two paragraphs. The first paragraph states that individuals who are in possession of an amount of cannabis for personal consumption will be exempt of any penalty. However, this is to be assessed by a judge based on the “rules of sound discretion” – thereby introducing the same loophole as aforementioned. Moreover, the second added paragraph establishes that “(...) a quantity destined for personal consumption will comprise up to 40 grams” and that those who possess or store up to six plants or the crop of a cannabis club will also be free from the penalties established in the first paragraph of Article 31.

This policy change is a radical paradigm shift in how the Uruguayan state will regulate marijuana within its borders. While the previous legal regulation — namely, Laws 14,294 and 17,015 — is established within the prohibitionist framework entailed by the international drug conventions, the new law proposes a harm reduction approach to drugs. Article 4 of Law 19,172 clearly showcases the legislator’s harm reduction paradigm when they state that the law’s objective is “(...) to protect the people of this country from the risks that illegal commerce and drug trafficking entail, seeking through state intervention to attack the devastating sanitary, social, and economic consequences of the use of psychoactive substances.”⁹⁹ This paradigm shift is clearly established in the new regulations of the cannabis market in Uruguay, and could impact any further discussion of drug policy in years to come.

Challenges at the Domestic Level

Various domestic challenges could affect the successful implementation of the legalization of marijuana. Some of these challenges are the outcomes of the national elections, and subsequent attempts to modify or eliminate the legalization, the lack of readiness of the Uruguayan government, and difficulties in monitoring and controlling the consumption and production of marijuana.

The outcome of the national elections, which occurred on October of 2014, have presented a challenge to the full implementation of the legalization of cannabis in Uruguay. Although Tabaré Vazquez, from the *Frente Amplio* party, has won the elections, there are some questions about whether his administration is fully committed to the complete implementation of Law 19,172. The first main challenge to the law is that the administration has moved away from having any set of timelines to implement the sale-through-pharmacies.¹⁰⁰ Vazquez himself has said he wishes the sale-through-pharmacies to be thorough and well-thought-out, as to avoid mistakes in the implementation.¹⁰¹ Additionally, Milton Romani, current secretary of the Junta Nacional de Drogas (JND), has stated that “the fact we are being more careful [about the implementation] should not be confused with lack of continuity in the project. We will have continuity and compliance with the law.”¹⁰² At the same time, however, Vazquez has been quoted on saying that “[w]e will be very attentive to see the results [of the legalization.] There is going to be a very strict and close evaluation of the impact in society of this law. We will analyze it carefully. And, if we ever see that it is not working, we will not doubt in making the necessary adjustments [to the law.]”¹⁰³

Another challenge could arise from potential attempts to modify or eliminate Law 19,172 and Regulatory Decree 120/2014. Although the deadline to call for a referendum on the law has passed, any future legal challenges to the law in the court system cannot be ruled out. For example, the National Chamber of Commerce and Services of Uruguay challenged Article 42 of

the Regulatory Decree through an administrative recourse to the Presidency.¹⁰⁴ The Chamber of Commerce argues that Article 42(8) of the Regulatory Decree does not allow employers to sanction workers who are under the influence of THC.¹⁰⁵

More challenges to the success of the law could arise from the lack of preparation by the Uruguayan government. In July 2014, government officials announced that the full implementation of sales through pharmacies has been delayed to 2015 due to technical difficulties. In July 2014, the government opened the application process for those companies who wish to supply the pharmacies with cannabis.¹⁰⁶ As aforementioned, to this date in April of 2015, there has been no implementation of the sale through pharmacies, the crops have not even been planted yet, and the sale in pharmacies is not anywhere in the horizon yet. After these companies are selected, the government still has to determine when and where they will begin to plant the marijuana crop and, when that is done, the pharmacies still will have to wait for the harvest. As of May of 2015, the IRCCA has begun to issue registrations for both *autocultivo* and cannabis clubs. According to Julio Calzada, former secretary of the JND under the Mujica administration, there have been about 2,000 individuals who have been included in this registry,¹⁰⁷ which opened for individuals on the 28th of August, 2014,¹⁰⁸ and for clubs later that month.¹⁰⁹ It is also important to note that the timeframe for registering existing cultivations, as established by Article 64 of the Regulatory Decree, has expired as of February 23, 2015.¹¹⁰ What this means is that individuals who possess unregistered crops could be subject to criminal sanctions.¹¹¹

Currently, frequent consumers of marijuana in Montevideo have overwhelmingly stated that they agree with the law — about 89% of respondents to the RDS study have stated so.¹¹² It is important to note, however, that these respondents are skeptic about the marijuana registry: 19.6% of respondents said they would surely not register, while 19.6% also stated they would probably not register, while only 0.6% of respondents have already registered.¹¹³ Moreover,

“Those who say they will surely or probably not register express lack of trust in the registry (28.9%), rejection of the existence of a registry (18.8%), the fact that they see no benefit in deviating from their current situation (36.6%), and other varied reasons (22.9%) as the basis for not wanting to register. Among those who said they will surely or probably register, the preferred method of accessing marijuana is through pharmacies (55.9%), followed by self-cultivation (30.1%) and Cannabis Clubs (12.8%).”¹¹⁴

What these numbers show is an important level of skepticism toward the registry itself, which is one of the cornerstones of the marijuana legalization project in Uruguay. Thus, the challenges to the full implementation of the law are two-pronged — politically and individually. In the political realm, the challenges center around the process to the full implementation of the law: questions of funding, creation of the registry, and finalization of the selection of growers are at the forefront. In the individual realm, the challenges center around questions of whether individuals will register, how they consume marijuana, and whether the 40 gram limit per month is enough to satisfy individuals. Additionally, there are more questions to be answered in order to ascertain the domestic impacts of this marijuana legalization project. More specifically, how is the government going to prevent people under 18, who cannot register with the IRCCA but live or visit households that produce marijuana, from having access to cannabis? How are they going to prevent non-Uruguayan citizens or residents, who cannot register with the IRCCA, from

consuming marijuana when they visit locations where marijuana is produced or consumed? Finally, who is currently monitoring, supervising, or regulating the production and consumption of marijuana that is already legal?

Therefore, as it stands today the implementation of this law is currently incomplete, as it will take several months for the sale through pharmacies to begin. Once that sale through pharmacies begins, however, the results of the law will start to be more prominent and much more analysis can be done on whether the legalization project as a whole has impacted society in any way. We would argue that currently it is too early to tell with certainty any impacts on society, particularly considering the incomplete implementation of the law. However, the early implementation of Law 19,172 leaves many questions unanswered and has left the door open to possible modifications or challenges to arise. Having studied the domestic framework, now we will move onto studying the international implications of Uruguay's marijuana legalization.

Implications at the International Level

Several international implications have resulted from the legalization of marijuana in Uruguay. Some of these implications are Uruguay's challenge to the international drug regime, the opening of a regional debate on different domestic drug policies, and Uruguay's foreign relations with its neighbors and the United States.

Although Uruguay is technically in violation of the international drug control system, the government is currently trying to find alternative interpretations of international law. Uruguay is a signatory to all three Conventions that conform the International Drug Control Regime (IDCR). As the first country that regulated the production, consumption, and sale of cannabis, Uruguay is technically in direct violation of the treaties that conform the IDCR.

This has led to tensions in several international instances, particularly the International Narcotics Control Board (INCB.) For instance, the INCB's President, Raymond Yans, had strong words of disapproval when Uruguay regulated marijuana, saying in a press release in December of 2013 that he was "surprised that a legislative body that has endorsed an international law and agreements, and a Government that is an active partner in international cooperation and in the maintenance of the international rule of law, knowingly decided to break the universally agreed and internationally endorsed legal provisions of the treaty."¹¹⁵ Before the approval of the law, the Board urged Uruguay to "remain within the international drug control treaties."¹¹⁶ Moreover, "In December of 2013, Yans accused Uruguay of negligence with regard to public health concerns, deliberately blocking dialogue attempts and having a 'pirate attitude' towards the UN Conventions."¹¹⁷

In its 2014 Annual Report, the International Drug Control Board has stated that "Uruguay has become the first State party to the 1961 Convention to legalize the production, distribution, sale and consumption of cannabis and its derivatives for purposes other than medical and scientific uses. at will not only have ramifications for drug control within Uruguay, but will also negatively affect the control of drugs, in particular cannabis, in other countries, both neighbouring and beyond."¹¹⁸ The Board also argued that Uruguay's legalization would have negative impacts on the International Drug Control System, and that they would send a "high-level mission of the Board" to Uruguay to study the impacts of the law.¹¹⁹

These comments have generated several responses from Uruguayan representatives. With regards to the 2013 comments, then-President Mujica stated that "someone should tell that old man not to lie."¹²⁰ Uruguay's then-Ambassador to the OAS, Milton Romani, said that Yans

"should consider resigning because this is not how you treat sovereign states."¹²¹ Vice-Minister Porto traveled to Vienna in February of 2014 to present Uruguay's official position to the INCB. According to Porto, the purpose of the drug control conventions is to protect the health and avoid the harmful effects of drug trafficking.¹²² In addition, he argued that Uruguay is justified in pursuing these new policies based on the protection of human rights, as guaranteed by the UN human rights regime.¹²³ Finally, Porto argued that Law 19,172 follows the spirit of the 1961 Convention because it includes several provisions that are in line with its main tenets: the establishment of a state controlled agency that regulates drugs, the prohibition of advertising, and the emphasis on educational efforts and awareness campaigns about the risks of drug consumption.¹²⁴ About the 2014 Report, Uruguay has also responded forcefully and maintained its commitment to the legalization project. Romani, who is the current secretary of the JND, has stated that "there is no going back in the regulated market for cannabis."¹²⁵ Moreover, the country will still abide by all its international agreements with regards to the control of other controlled substances, as mandated by the IDCR. Therefore, Uruguay is not rejecting the international regulations but it is creating new pathways for debate on these conventions.

Additionally, Uruguay is not the only country in the region that has challenged the international drug regime. Several Latin American countries have made strides to decriminalize - but not fully legalize -- marijuana possession and personal consumption. For instance, Colombia's Constitutional Court approved the decriminalization of the possession of small amounts of marijuana (less than 20 grams) and cocaine (less than one gram) for personal use.¹²⁶ As of 2009, Argentina's Supreme Court unanimously decriminalized the possession and consumption of small quantities of marijuana as long as the use does not endanger others.¹²⁷ Ecuador's Law 108¹²⁸ also permits the possession of marijuana and hard drugs for personal use, although those who illegally use narcotics are considered sick and should be subjected to treatment.¹²⁹ In 2009, Mexico decriminalized the possession of up to five grams of marijuana, as well as small quantities of other drugs like cocaine, heroin, LSD and methamphetamines.¹³⁰

Furthermore, important political actors have stated that it is time to consider more thorough changes in the marijuana laws. Guatemalan President Otto Pérez Molina,¹³¹ and former Mexican President Vicente Fox are calling for the full legalization of cannabis.¹³² Latin American officials are also expressing their disapproval of U.S. anti-narcotics policies, such as Colombian President Santos¹³³ as well as this nation's chief of police¹³⁴. Mexico's current President, Enrique Peña Nieto, has said that the prohibitionist policies have failed because they have led to an increase in consumption and production of drugs.¹³⁵ As such, even though he is not in favor of legalization, President Peña Nieto said that it is time to be open to a debate on the issue.¹³⁶

In view of the IDCB's admonishment that the legalization would have negative impacts on the international drug control system, we would argue that the Uruguayan framework could be understood as a partial challenge to the IDCR. Granted, the Conventions do not give leeway into potential legalization efforts. However, international law is not set in stone and does not preclude any debate on the topic — particularly a topic as dynamic and changing as the regulation of drugs in today's society. Although there are some legal tensions, Uruguayan representatives have called for an "open and honest debate on the UN drug control system."¹³⁷ This debate represents a potential opening for dialogue that moves drug policy from a prohibitionist into a harm-reductionist paradigm. Moreover, the fact that other countries are considering partial decriminalization approaches — albeit not full legalization like Uruguay —

showcases a potential discursive shift from prohibition toward decriminalization or even legalization.

Uruguay's legalization has faced resistance from its neighboring countries, whose government officials have expressed concerns about whether locally-grown marijuana could cross Uruguay's borders. For example, Brazilian Congressman Osmar Terra has stated that Brazilian border towns could become a gateway for the trafficking of Uruguayan marijuana into the country, particularly in the state of Rio Grande do Sul.¹³⁸ Luis Rojas, the head of Paraguay's Anti-Drug Secretariat, stated in an interview in December of 2013 that they foresee an increase in domestic marijuana consumption in Uruguay as a result of the law and, as such, Paraguay expects an increase in the trafficking of Paraguayan marijuana toward that nation.¹³⁹ Yet, this position should be taken with a grain of salt because about 80 percent of marijuana produced in Paraguay is trafficked to Brazil,¹⁴⁰ and some Uruguayan consumers tend to think that Paraguayan cannabis is of a lower quality than the one they could produce domestically.¹⁴¹

Uruguay's relationship with the United States has not been negatively affected by the legalization of cannabis. Although the United States was one of the main promoters of the international drug control regime, it is in no position to pressure other countries¹⁴² with regards to the enforcement of marijuana prohibition.¹⁴³ This occurs because several states in the U.S. have legalized marijuana for medicinal uses, while Colorado, Washington, Alaska and the District of Columbia have fully legalized recreational marijuana use and sales. Thus, US domestic policies – at a non-federal level – are in direct violation of the international conventions that regulate the use of controlled substances.¹⁴⁴

A State Department spokesperson, Pooja Jhunjunwala, stated in October of 2013 that Uruguay can decide which drug policies are appropriate, but that the Uruguayan government “has the obligation to comply with its international treaty commitments.”¹⁴⁵ However, the same spokesperson has been quoted as saying that the treaties “allow a measure of flexibility” and have “shown the capacity to permit variations in national law and policy.”¹⁴⁶ As such, the response of the U.S. toward marijuana legalization in Uruguay has been lukewarm, as any strong condemnation coming from a country that is also in contravention of the international framework would be, to an extent, hypocritical.¹⁴⁷

Even when these international debates are ongoing, there is the possibility that countries are waiting for the results of the Uruguayan experiment before deciding whether to fully legalize marijuana. It, however, would be naïve to assert that the aforementioned discursive shift will lead countries in the region or elsewhere to fully legalize marijuana. While Uruguay is definitely trying to create a new path that could create a novel model for the control of cannabis, they are in the beginning stages of showing the world the possibilities — both positive and negative — that could arise from pursuing a new way. Thus, the paradigm shift that Uruguay is exploring is too young to spark copycat laws throughout the region. The unintended consequences of legalization are still unknown, and legalizing marijuana (or other drugs) without knowing the possible effects of such a policy change would be too big of a gamble for countries that do not have Uruguay's institutional strength and system support from the population.

Moreover, the debate about the international drug control regime is just getting started as well. Uruguay is not the only country in the world today that is contravening the Conventions; there are a number of countries in the Western Hemisphere and the world that have shifted their policies toward decriminalization or even limited legalization experiments. The panorama today, then, is one of waiting and seeing how these social experiments turn out to see whether there is a possible revision of the IDCR and international framework. And Uruguay's innovative drug

policy has a massive role to play because today it has become a social laboratory¹⁴⁸ where the state is trying to create new approaches to the drug issues that plague the region and world.

Conclusion

Uruguay has slowly but surely become a pioneer in creating a new path in marijuana regulation. The road to legalization can certainly be difficult and uncertain, given the serious and through challenges in the implementation of the law. By opening up this new path, Uruguay has found both resistance and support in the international and domestic arenas. Domestically, Uruguay faces two main challenges. First, the change in government leadership could challenge the full implementation of the law in its original state, as President Vazquez has stated in interviews that he would consider changing the law's mandate to sell cannabis through pharmacies if the results are not positive, and there are some questions about when the government will begin to sell marijuana in pharmacies. Second, the full implementation of the marijuana law has been slow and incomplete. Currently, the IRCCA is in the process of vetting the 11 companies who applied to be marijuana growers in a state-controlled facility. As a result, there is no sale through pharmacies 16 months after Congress signed the law. Additionally, individuals have been shown to be reticent — if not mostly resistant — to the idea of registering with the government to be able to access marijuana. Internationally, Uruguay's legalization is a bold challenge to the prohibitionist international drug-control regime. Uruguay's legalization has faced resistance from its neighbors, whose officials have expressed concerns about whether marijuana could cross Uruguay's borders. Finally, the role of the United States in promoting a prohibitionist regime is being challenged.

The overall argument we advance in this case study is that Uruguay's road to legalization is an experiment that will yield uncertain results, as there is no precedent of a fully-regulated national cannabis legalization system. Thus, legalization in Uruguay — and the success or failure of its implementation — will have important domestic impacts and deepen the international debates about drug policies and the international system in general.

In the end, while it is technically in violation of international law, codified in the three anti-drug conventions, Uruguay is finding alternative interpretations without breaking away from the international drug regime. These interpretations, based on a human rights and harm reduction approach, have broadened the debate with regards to drug policies. Uruguay's legalization shows that the debate is no longer about prohibition or decriminalization. Certainly, the Uruguayan experiment embodies a paradigm shift that might bring positive results — but could also give rise to unintended consequences. The balance between the two will influence how this legalization of cannabis will impact both Uruguay and the world.

Notes

¹ Castaldi, Malena, and Felipe Llambias. "Uruguay becomes first country to legalize marijuana trade." *Reuters* (Montevideo), December 10, 2013. <http://www.reuters.com/article/2013/12/11/us-uruguay-marijuana-vote-idUSBRE9BA01520131211> (accessed August 1, 2014).

² CIFRA Consultoría Privada. "Los uruguayos y la regulación de la producción, la venta y el consumo de marihuana." CIFRA Consultoría Privada. <http://www.cifra.com.uy/novedades.php?idNoticia=233> (accessed August 1, 2014).

³ Repetto-Gonzalez, Lorena, "Regulación del cannabis: ¿un asunto de seguridad? Entrada y mantenimiento en agenda de un problema de política pública." (unpublished manuscript., Universidad de

la República, Uruguay, 2013). For a thorough description of the debate, actors, and development of the law, see Repetto-Gonzalez's chapter 3.

⁴ Hetzer, Hannah, and John Walsh. "Pioneering Cannabis Regulation in Uruguay." *NACLA Report on the Americas*, Summer 2014. https://nacla.org/sites/default/files/11_Hetzer.pdf (accessed August 1, 2014).

⁵ Harm Reduction Coalition, "Principles of Harm Reduction." <http://harmreduction.org/about-us/principles-of-harm-reduction/> (accessed August 8, 2014).

⁶ Harm Reduction Coalition.

⁷ Harm Reduction Coalition.

⁸ Caulkins et al, *Marijuana legalization: what everyone needs to know*, 107.

⁹ Levine, Harry G. "The secret of worldwide drug prohibition." *The independent review* 7, no. 2 (2002): 167.

¹⁰ Scenario Team appointed by the Organization of American States under the mandate given to the OAS by the Heads of Government of Member States meeting at the 2012 Summit of the Americas. *Scenarios for the drug problem in the Americas 2013 – 2025*. (Panama City, Panama: Organization of American States, 2013), 13: "The term has often been associated with 'liberalization' or regimes in which the prohibition for certain drugs is ended without necessarily imposing strict state controls. It also sometimes refers to regimes of regulation to control commercialized production and distribution. The term 'legalization' is therefore usefully qualified for the sake of clarity – for example, 'legalization and regulation' or 'free-market legalization.'"

¹¹ Caulkins, Jonathan P., Angela Hawken, Beau Kilmer, and Mark A.R. Kleiman. *Marijuana legalization: what everyone needs to know*. (New York, NY: Oxford University Press, 2012), 4

¹² Hawken, Angela, Jonathan Caulkins, Beau Kilmer, and Mark Kleiman. "Quasi-legal cannabis in Colorado and Washington: local and national implications." *Addiction* 108, no. 5 (2013): 837-838.

¹³ OAS Scenario Team, *Scenarios for drug problem*, 13.

¹⁴ Greenwald, Glenn. *Drug decriminalization in Portugal: Lessons for creating fair and successful drug policies*. (Washington, DC: CATO Institute 2009), 2.

¹⁵ OAS Scenario Team, *Scenarios for drug problem*, 14. Room, Robin, Benedikt Fischer, Wayne Hall, Simon Lenton, Peter Reuter. *Cannabis policy: moving beyond stalemate*. (Oxford University Press, 2010), 91.

¹⁶ For more information on the impacts of decriminalization in Portugal, see Greenwald, *Drug Criminalization in Portugal* and Loo, Mirjam Van Het, Ineke Van Beusekom, and James P. Kahan. "Decriminalization of drug use in Portugal: the development of a policy." *The Annals of the American Academy of Political and Social Science* 582, no. 1 (2002): 49-63.

¹⁷ Caulkins et al, *Marijuana legalization: what everyone needs to know*, 4

¹⁸ Levine, "Secrets of drug prohibition," 166.

¹⁹ Levine, "Secrets of drug prohibition," 166.

²⁰ Heath, Dwight B. "US drug control policy: A cultural perspective." *Daedalus* (1992): 269-291. This article provides a thorough overview of how drugs came to be seen as an enemy to be eradicated through using tough policies.

²¹ Levine, "Secrets of drug prohibition," 166.

²² About the specific impacts of marijuana prohibition on individuals and communities, see Caulkins et al, *Marijuana legalization: what everyone needs to know*, 42-52

²³ Levine, "Secrets of drug prohibition," 166-167.

²⁴ OAS Scenario Team, *Scenarios for drug problem*, 13

²⁵ See Barnard, Herbert P. "Governments and Drugs: The Netherlands--Let's Be Realistic." *The World & I* 13, no. 10 (1998): 66-69; Bullington, Bruce. "War and peace: Drug policy in the United States and the Netherlands." *Crime, Law and Social Change* 22, no. 3 (1994): 213-238; Garretsen, H. F. L. "The Dutch and their drugs: The end of an era? Reflections on Dutch policies towards tobacco, alcohol and illegal drugs." *Drugs: education, prevention and policy* 17, no. 5 (2010): 485-495;

MacCoun, Robert J. "What can we learn from the Dutch cannabis coffeeshop system?." *Addiction* 106, no. 11 (2011): 1899-1910.

²⁶ . Room, Robin, Benedikt Fischer, Wayne Hall, Simon Lenton, Peter Reuter. *Cannabis policy: moving beyond stalemate*. (Oxford University Press, 2010,) 124.

²⁷ Room et al, *Moving Beyond Stalemate*, 95

²⁸ Room et al, *Moving Beyond Stalemate*, 91

²⁹ Room et al, *Moving Beyond Stalemate*, 92; Loo, M. van het, S. Hoorens, C. van'T. Hof, and J. P. Kahan. "Cannabis Policy, Implementation and Outcomes." (*Santa Monica/Arlington/Pittsburgh, Rand Europe* 2003), Kilmer, Beau, Kristy Kruithof, Mafalda Pardal, Jonathan P. Caulkins, and Jennifer Rubin. "Multinational overview of cannabis production regimes." *RAND Europe* (2013).

³⁰ Room et al, *Moving Beyond Stalemate*, 91.

³¹ See Article 4 of Law 19,172

³² Thoumi, Francisco E. "Marijuana in the United States and the international drug control regime: Why what is promoted abroad is not applied at home." *Crime, Law and Social Change* 61, no. 3 (2014): 274

³³ For a thorough historical background of the international conventions, see Thoumi (2014) and Bewley-Taylor, David, Tom Blickman, and Martin Jelsma. "The history of cannabis in the international drug control system." In *The rise and decline of cannabis prohibition: The history of Cannabis in the UN drug control system and options for reform*. (Amsterdam: Transnational Institute, 2014), 8-42.

³⁴ For more information on the treaties, see Paoli, Letizia, Victoria A. Greenfield, and Peter Reuter. "Change is possible: The history of the international drug control regime and implications for future policymaking." *Substance use & misuse* 47, no. 8-9 (2012): 923-935, and Bewley-Taylor, David, Tom Blickman, and Martin Jelsma. *The rise and decline of cannabis prohibition: The history of Cannabis in the UN drug control system and options for reform*. (Amsterdam: Transnational Institute, 2014).

³⁵ United Nations Office on Drugs and Crime. "Single Convention on Narcotic Drugs, 1961."

<https://www.unodc.org/unodc/en/treaties/single-convention.html>

³⁶ Article 23 of the Convention establishes the national opium controls that must be also adhered to by states that wish to regulate cannabis. Furthermore, Article 28 establishes the regulation of cannabis for non-industrial or horticultural purposes.

³⁷ United Nations Office on Drugs and Crime. "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988."

<https://www.unodc.org/unodc/en/treaties/illicittrafficking.html?ref=menuaside> (Accessed August 2, 2014).

³⁸ United Nations Office on Drugs and Crime. "The International Drug Control Conventions." (Vienna: United Nations, 2013). https://www.unodc.org/documents/commissions/CND/Int_Drug_Control_Conventions/Ebook/The_International_Drug_Control_Conventions_E.pdf. Accessed August 2, 2014).

³⁹ United Nations Treaty Collection, "Chapter VI. Narcotic and Psychotropic Substances. Single Convention on Narcotic Drugs, 1961, amended by Protocol." Accessed August 1, 2014. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-18&chapter=6&lang=en

⁴⁰ United Nations Treaty Collection, "Chapter VI. Narcotic and Psychotropic Substances. Convention on Psychotropic Substances." Accessed August 1, 2014. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-16&chapter=6&lang=en.

⁴¹ United Nations Treaty Collection, "Chapter VI. Narcotic and Psychotropic Substances. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances." Accessed August 1, 2014. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-19&chapter=6&lang=en.

⁴² Paoli et al. "Change Is Possible," 923–35.

⁴³ Garat, Guillermo. *Un siglo de políticas de drogas en Uruguay*. Montevideo: Friedrich Ebert Stiftung Uruguay, 2013, 4 http://fesur.org.uy/archivos/file/AnalisisUY01_Guillermo_Garat.pdf (Accessed August 2, 2014).

⁴⁴ Garat, *Un Siglo*, 6

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- ⁴⁵ Repetto, *Regulación del Cánnabis*, 33
- ⁴⁶ See Law 14,294, Article 31.
- ⁴⁷ See Law 14,294, Article 31.
- ⁴⁸ See Law 17,016, Article 30.
- ⁴⁹ Faubion, John. "Reevaluating Drug Policy: Uruguay's Efforts to Reform Marijuana Laws." *Law & Bus. Rev. Am.* 19 (2013):392
- ⁵⁰ Faubion, "Reevaluating Drug Policy," 385.
- ⁵¹ Garibotto, "Cárceles en Uruguay," 83
- ⁵² Garibotto, "Cárceles en Uruguay," 84-86.
- ⁵³ Garibotto, "Cárceles en Uruguay,"86.
- ⁵⁴ We say "potentially" because there is no clear breakdown of the 434 cases where 10 to 40 grams of marijuana was seized. As such, it would be impossible to know for sure whether all the 434 cases would fall within the 40 gram limit per month for personal consumption that the 2013 law introduced.
- ⁵⁵ Faubion, "Reevaluating Drug Policy,"392.
- ⁵⁶ Neilan, Terence. "WORLD BRIEFING ." *New York Times*, December 23, 2000.
<http://www.nytimes.com/2000/12/23/world/world-briefing.html> (accessed August 7, 2014).
- ⁵⁷ "Comisión de Constitución, Códigos, Legislación General y Administración Carpeta N° 478 de 2010. Combate al Narcotráfico." Cámara de Representantes de la República Oriental de Uruguay.
<http://www.parlamento.gub.uy/repartidos/AccesoRepartidos.asp?Url=/repartidos/camara/d2010110424-00.htm> (accessed August 4, 2014).
- ⁵⁸ Redacción 180. "Lacalle Pou propone legalizar el autocultivo de marihuana." Portal 180.
<http://www.180.com.uy/articulo/15010> (accessed August 5, 2014).
- ⁵⁹ See Law 17,016, Article 3.
- ⁶⁰ For a thorough summary of all these proposals, Faubion, "Reevaluating Drug Policy," 392-399.
- ⁶¹ Bewley-Taylor, Blickman, Jelsma. Cannabis prohibition. 56-57.
- ⁶² Garat, Guillermo, *Implicancias de la regulación del cannabis en Uruguay*. Montevideo: Friedrich Ebert Stiftung Uruguay, December 2013, 4 http://fesur.org.uy/archivos/file/AnalisisUY01_Guillermo_Garat.pdf (Accessed August 2, 2014).
- ⁶³ Castaldi and Llambias. "Uruguay becomes first country to legalize marijuana trade." Reuters, 2013.
- ⁶⁴ *Diario Oficial de la República Oriental del Uruguay (Montevideo)*, "Diario Oficial," May 19, 2014.
<http://www.impo.com.uy/copetes/pdf/20140519/indice.pdf> (accessed August 5, 2014).
- ⁶⁵ Garat, *Implicancias*, 3.
- ⁶⁶ Garat, *Implicancias*, 3.
- ⁶⁷ Own translation of typology found in Sanjurjo García, *Análisis de proyecto de ley. La convenciencia de regular el Mercado de cannabis en Uruguay* (Universidad Autónoma de Madrid, 2013. Still in press), 40.
- ⁶⁸ See Article 89 of the Regulatory Decree, and Title IV of Law 19,172 particularly articles 8, 17, 18 and 19.
- ⁶⁹ See Article 89 of the Regulatory Decree and Chapter III of Title IV of the law, particularly articles 27 and 28.
- ⁷⁰ See Article 90 of the Regulatory Decree.
- ⁷¹ See paragraphs A, B, C, D of Article 28 of Law 19,172, and Title II of the Regulatory Decree, particularly articles 52-77 which explain all the specific regulations of the registry.
- ⁷² See the changes to paragraphs E, F, G of Article 3 of the previous laws, which can be found in Article 5 of Law 19,172.
- ⁷³ See Article 46 of the Regulatory Decree.
- ⁷⁴ See Articles 48 and 50 of the Regulatory Decree.
- ⁷⁵ See Articles 10,12 and 16 of Law 19,172.
- ⁷⁶ See Article 9 of Law 19,172.
- ⁷⁷ See Article 40 of the Regulatory Decree

⁷⁸ See Article 14 of Law 19,172.

⁷⁹ See Article 11 of Law 19,172.

⁸⁰ See Article 15 of Law, and article 41 of the Regulatory Decree.

⁸¹ See Article 42 of the Regulatory Decree..

⁸² See Article 14 of the Regulatory Decree, and Article 5 of Law 19,172 which modified article 3(e) of the previous drug laws.

⁸³ See Article 15 of the Regulatory Decree.

⁸⁴ See Article 18 of the Regulatory Decree.

⁸⁵ See Article 17 of the Regulatory Decree,

⁸⁶ See Article 24 of the Regulatory Decree.

⁸⁷ See Article 21 of the Regulatory Decree, And Article 5 of Law 19,172 which modified article 3(F) of the previous drug laws.

⁸⁸ See Article 29 of the Regulatory Decree.

⁸⁹ See Article 26 of the Regulatory Decree.

⁹⁰ See Article 27 of the Regulatory Decree. Moreover, all the noncriminal penalties that are applicable to these violations are found in Article 40 of law 19172.

⁹¹ See Article 29 of the Regulatory Decree.

⁹² See Article 35 of the Regulatory Decree.

⁹³ See Article 32 of the Regulatory Decree.

⁹⁴ See Article 34 of the Regulatory Decree.

⁹⁵ See Article 5 of the Regulatory Decree.

⁹⁶ Espectador "Se abrió llamado a interesados en producir y distribuir marihuana," August 1, 2014. <http://www.espectador.com/sociedad/297028/se-abrio-llamado-a-interesados-en-producir-y-distribuir-marihuana> (accessed August 5, 2014). Also see <http://www.bloomberg.com/news/articles/2015-02-11/uruguay-marijuana-licenses-lure-bidders-from-canada-to-germany>

⁹⁷ BBC News, "Uruguay legal cannabis sale delayed to next year, says president," July 9, 2014. <http://www.bbc.com/news/world-latin-america-28239576> (accessed August 5, 2014).

⁹⁸ See Article 6 of Law 19,172, which adds a paragraph to Article 30 of the previous drug laws.

⁹⁹ See Article 4 of Law 19,172

¹⁰⁰ Delgado, Nicolas. "Vázquez Aplazó Sin Fecha La Venta De Marihuana En Las Farmacias." *El Observador*, April 3, 2015. Accessed April 6, 2015. <http://www.elobservador.com.uy/noticia/299512/vazquez-aplazo-sin-fecha-la-venta-de-marihuana-en-las-farmacias/>

¹⁰¹ "Vázquez Quiere Que Venta De Marihuana En Farmacias Sea "prolija" *El Espectador*, March 4, 2015. Accessed April 6, 2015. <http://www.espectador.com/politica/310690/vazquez-quiere-que-venta-de-marihuana-en-farmacias-sea-prolija>.

¹⁰² Ibid.

¹⁰³ Delgado, "Vazquez aplazo sin fecha la venta de marijuana".

¹⁰⁴ *El País* "Marihuana: Cámara de Comercio decidió recurrir el decreto," May 28, 2014. <http://www.elpais.com.uy/informacion/marihuana-camara-comercio-recurrio-decreto.html> (accessed August 8, 2014).

¹⁰⁵ Ibid

¹⁰⁶ "Llamado a expresiones de interés para producir y distribuir cannabis psicoactivo para su dispensación en farmacias." *Instituto de Regulación y Control de Cannabis*. <http://www.ircca.gub.uy/llamado-a-expresiones-de-interes-para-producir-y-distribuir-cannabis-psicoactivo-para-su-dispensacion-en-farmacias/> (accessed August 8, 2014).

¹⁰⁷ "Calzada: "2.000 Usuarios No Recurren Al Mercado Negro Por Marihuana". *El Espectador*, February 10, 2015. Accessed April 6, 2015. <http://www.espectador.com/sociedad/309294/calzada-2-000-usuarios-no-recurren-al-mercado-negro-por-marihuana>.

¹⁰⁸ "José Mujica Sobre Marihuana: No "empieza Un Viva La Pepa"." *El Espectador*, August 28, 2014. Accessed March 14, 2015. <http://www.espectador.com/sociedad/298813/jose-mujica-sobre-marihuana-no-empieza-un-viva-la-pepa>.

¹⁰⁹ "Uruguay Cannabis Growers' Clubs: Registration Begins." *BBC News*, November 1, 2014. Accessed February 12, 2015. <http://www.bbc.com/news/world-latin-america-29859822>.

¹¹⁰ "Vencimiento Del Plazo Para Registrar Cultivos Existentes." *Instituto De Regulacion Y Control Del Cannabis*, January 1, 2015. Accessed April 5, 2015. <http://www.ircca.gub.uy/vencimiento-del-plazo-para-registrar-cultivos-existentes/>.

¹¹¹ Delgado, Nicolas. "Si Tiene Plantas De Marihuana Y No Las Declaró Lo Podrán Denunciar Penalmente." *El Observador*, April 6, 2015. Accessed April 6, 2015. <http://www.elobservador.com.uy/noticia/302000/si-tiene-plantas-de-marihuana-y-no-las-declaro-lo-podran-denunciar-penalmente/>.

¹¹² Boidi, Maria Fernanda, Jose Miguel Cruz, Rosario Queirolo, and Emily D. Bello-Pardo. "Executive Summary." In *Marijuana Legalization in Uruguay and Beyond*. 2015, p. 9

¹¹³ *ibid*

¹¹⁴ *ibid*

¹¹⁵ *United Nations Information Service*, "Uruguay is breaking the International Conventions on Drug Control with the Cannabis Legislation approved by its Congress." (December, 2013). http://incb.org/documents/Publications/PressRelease/PR2013/press_release_111213.pdf (accessed August 1, 2014). However, the response from the international community is far from unanimous, even within the INCB. Francisco E. Thoumi, a member of said Board, said in December 13, 2013 that he had not been consulted when the press release came out and that the President's opinion did not reflect the opinion of the whole International Narcotics Control Board.

¹¹⁶ *United Nations Information Service*, "INCB President urges Uruguay to remain within the international drug control treaties, noting draft cannabis legislation" (August 1, 2013) http://incb.org/documents/Publications/PressRelease/PR2013/press_release010813.pdf (Accessed August 1, 2014.)

¹¹⁷ Bewley-Taylor, Blickman, Jelsma. Cannabis prohibition. 56

¹¹⁸ International Narcotics Control Board. "The Americas." In *Report of the International Narcotics Control Board for 2014*. New York: United Nations, 2015, 26.

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