

Cannabis Regulation in Uruguay: Reducing Harm and Improving Security?

Master thesis by Floris Serné

Master Thesis International Relations: International Studies at Leiden University
Word Count: 11027
Thesis Supervisor: Dr. M.L. Wiesebron
Student Number: 1887676

Table of Contents

Introduction	3
Chapter one: Arguments for and Against Legalisation, in Particular of Cannabis	4
Chapter two: The Road to Legalisation: the International and Historical Context of Uruguay's Reforms	12
Chapter three: The Uruguayan Case: Arguments for Legalisation and Preliminary Results	20
Conclusion	28
Bibliography	30

Introduction

In 2013, the small Latin American republic of Uruguay became the first country in the world to legalise the production, distribution and possession of cannabis, whether it be for recreational, medical or scientific research purposes.¹ This move has received harsh criticism² and at the same time was hailed as ‘the tipping point in the War on Drugs’.³ This thesis will assess the origins of the policies⁴ as put forward by the Uruguayan state.

The thesis is divided in three chapters. The first chapter will provide the academic debate surrounding legalisation of drugs in general and cannabis legalisation in particular, and the most important arguments in favour of, as well as against legalisation. The second chapter will provide the historical and international context of the Uruguayan drug policies up to legalisation in 2013. In the third chapter a case study will be presented and this will answer the question as to why the Uruguayan Government of José Mujica chose to legalise cannabis, as well as present the results of the policies up until today. It will be argued that questions and concerns about security lay at the heart of the policies and their justification, but that the impact on the security situation in the country will be limited. The thesis will also contend that other objectives of the regulations, primarily aimed at ‘harm reduction’⁵, the reduction of the negative social and health consequences of drug policies, are only limitedly achieved.

¹ Sanjurjo García, D., ‘Análisis del proyecto de ley de regulación del mercado de cannabis en Uruguay’, in: *Circunstancia* 35 (September 2014) 2-24, 2.

² *La Nación* 11/03/2014 ‘La ONU Critica a Uruguay e Insiste en que la Legalización de Drogas no es una Solución al Problema de las Drogas’ see: <http://www.lanacion.com.ar/1671178-1671178> Visited: 20/04/2016.

³ Hetzer, H. and J. Walsh, ‘Pioneering Cannabis Regulation in Uruguay’ in: *NACLA Report on the Americas* (Summer 2014) 33-35, 33. Press Release, *The Transnational Institute*, 10/12/2013 ‘Uruguay’s Pioneering Cannabis Regulation Marks the Tipping Point in the Failed War on Drugs’ see: <http://www.druglawreform.info/en/newsroom/press-releases/item/5178-uruguays-pioneering-cannabis-regulation-marks-the-tipping-point-in-the-failed-war-on-drugs>

⁴ The text of Act 19.172, which established the new regulations in 2013, can be accessed online (in Spanish). See: http://archivo.presidencia.gub.uy/sci/leyes/2013/12/cons_min_803.pdf Visited: 20/05/2016

⁵ As formulated in Article 4 of Act 19.172: *La presente ley tiene por objeto proteger a los habitantes del país de los riesgos que implica el vínculo con el comercio ilegal y el*

Chapter One: Arguments for and Against the Legalisation of Drugs, in Particular of Cannabis

This chapter will provide an overview of the academic debate around the legalisation of drugs in general, and of cannabis in particular. Which arguments in favour of and against legalisation can be found in the academic literature, and on what grounds is it preferable or not to legalise *only* cannabis but not other drugs?

When reviewing the arguments, one thing immediately becomes clear: the debate around cannabis legalisation is a complicated one, and it is liable to a huge array of factors that influence it. The diversity of arguments pro and contra legalisation reflects this. Nonetheless, three main themes can be discerned in the argumentation: economics, security and (public) health.

Cannabis and economics

The theme of economics concerns the question of how much it costs to enforce cannabis regulation. With regard to this, Gary Becker, Kevin Murphy and Michael Grossman argue that “the more inelastic either demand or supply of a good is, the greater the increase in social cost from further reducing its production by greater enforcement efforts.”⁶ Social cost in this context should be read as the increased (monetary) efforts of the state into enforcement, which means fewer funds for social welfare programmes, as well as the increase of the violence that often goes hand in hand with state efforts to eradicate the illegal production and supply chain of illegal drugs. In short: if the demand or supply of a good is not really dependent on the actual price of the good, which seems to be the case with drugs⁷, more enforcement will raise the price of the good, because of higher risks for the producer, but will not lower the consumption of the good.⁸ Under this rendering, it is economically beneficial to legalise the good and tax

narcotráfico buscando, mediante la intervención del Estado, atacar las devastadoras consecuencias sanitarias, sociales y económicas del uso problemático de sustancias psicoactivas, así como reducir la incidencia del narcotráfico y el crimen organizado.

⁶ Becker, G., K. Murphy and M. Grossman, ‘The Market for Illegal Goods: the Case of Drugs’ in: *Journal of Political Economy* 114 (2006) 38-60, 38.

⁷ Rhodes, W. et al., *Illicit Drugs: Price Elasticity of Demand and Supply. Final Report Prepared for National Institute of Justice* (Cambridge 2000) 40.

⁸ Becker, Murphy and Grossman, ‘The Market for Illegal Goods’, 59.

it. These tax-raised funds can be used for education and enforcement in such a way that the price of the illegally produced goods is higher than the legally produced equivalent.⁹

Edward Glaeser and Andrew Schleifer, however, argue that it makes more sense economically to prohibit drugs than to legalise them and tax them, because of the facility and therefore lower costs of detecting violations as opposed to the complexity of enforcing regulations.¹⁰ This is because raising taxes, according to these authors, encourages tax evasion and it is costlier to implement a system that investigates this tax evasion, than a so-called 'bright-line rule' which "makes it cheaper for enforcers, both public and private, to verify violations, but also cheaper for supervisors to verify that enforcers are doing their job."¹¹

Private enforcers, in this context, are citizens; those who see someone selling or using drugs do not have to ask themselves whether or not the vendor or user has obtained them legally, but can denounce them immediately to the police.¹² However, counting on citizens' actions may be risky as it leaves the door open to false accusations.

Cannabis and Security

Regarding the issue of whether or not legalisation of drugs in general, and of cannabis in particular, improves the security situation in a country, there is a crucial debate on this topic. The question of security is an essential one, because the argument of improving citizen and national security by strictly prohibiting drugs lay at the heart of the justification of prohibitionist policies, especially from the 1980's onwards.¹³

The reasons Noam Chomsky and Doug Stokes give for the centralisation of the question of security, is expressed in their 'US post-Cold War foreign policy continuity thesis', in which they posit that the War on Drugs is the continuation of the containment strategy that the US used to influence other countries during the Cold War.¹⁴ By framing

⁹ *Ibidem*.

¹⁰ E. Glaeser and A. Schlifer, 'A Reason for Quality Regulation' in: *AEA Economic Review* 91 (2001) 431-435, 433.

¹¹ *Ibidem*, 434.

¹² *Ibidem*, 433.

¹³ Cruz, G.M, 'A View from the South: the Global Creation of the War on Drugs' in: *Contexto Internacional* 39 (September 2017) 633-653, 640.

¹⁴ Stokes, D. and N. Chomsky, *America's Other War: Terrorizing Colombia* (London 2005) 46.

governments that are displeasing to the US government as directly linked to 'narcoterrorism', the US justifies interventions in Latin American states.¹⁵ These interventions can take various forms: from military "aid" to parties that are conducive to US policies, such as in Colombia in the beginning of the 1990s, to direct intervention, such as CIA support for the coup against Hugo Chavez in Venezuela in 2002¹⁶, or the 1989 intervention in Panamá to arrest President Noriega¹⁷ on account of his drug trafficking.¹⁸

Chomsky and Stokes argue that the security argument makes it possible for the US government to adapt the containment model to the interests of the current US government, and to "promote democracy in so far as it complements US interests and to be containing democracy when those interests are threatened."¹⁹ This makes the security argument very versatile; as long as the supposed outcome of the policies, whether they be prohibitionist or legalising, is an 'improvement of the security situation in the country', politicians can and will use the security argument as a pseudo-justification in order to obtain their goals.

Kyle Grayson agrees with this, citing that the securitisation of drugs in the form of a War on Drugs justifies the "human rights abuses, human suffering and loss of life as unproblematic for US policy makers as long as its interests and important segments of its domestic population remain secure."²⁰

Emily Crick follows this line of reasoning as well and states that the formulation of drugs as a security threat has had as a negative consequence the lifting of the problem of drug control above politics because it is a global security problem against 'terrorists' with whom countries are at war.²¹ Therefore, as 'anti-narcotics' measures are part of the

¹⁵ *Ibidem*, 49.

¹⁶ *Ibidem*, 48/49/50.

¹⁷ Noriega was involved in drug trafficking for a long time and this was no problem as long as he complied with US's objectives for the region. When he decided to follow a more nationalist route, the US used the drug trafficking charges as a pretext for intervention.

¹⁸ Cruz, 'View from the South', 646.

¹⁹ Stokes and Chomsky, *America's Other War*, 52.

²⁰ Grayson, K., 'Securitization and the Boomerang Debate: A Rejoinder to Liotta and Smith-Windsor' in: *Security Dialogue* 34 (September 2003) 337-343, 339.

²¹ Crick, E., 'Drugs as an Existential Threat: an Analysis of the International Securitization of Drugs' in: *International Journal of Drug Policy* 23 (March 2012) 407-414, 413.

exceptional circumstance that is a war, decisions that are made in the context of this War on Drugs do not have to adhere to the normal political processes of accountability.

Giovanni Molano Cruz, however, argues that it was not the US alone that helped to define drugs as ‘a problem of security’ and that Latin American governments helped to create a system of principles in which all non-medical uses of drugs are punishable.²² This is because local elites benefit from the justification of governmental violence in the name of ‘anti-narcotics’ policies as it helps them to stay in power.²³ It is therefore that Stokes and Chomsky state that the continuation of the US strategy of containment in the form of a war on drugs created the militarized relationship between Latin American governments and their respective populations.²⁴

In what other ways do drugs and drugs production influence the security situation in a country? In short, as stated by Giovanni Molano Cruz: “the activities and benefits of illicit production generate violent crime and exacerbate economic, social, and political conflicts and tensions.”²⁵ Adrian Barbu and Adina-Elena Cincu follow the same logic and contend that the profits of narcotraffic are used to fund other illegal activities such as arms trafficking, human trafficking and terrorism.²⁶ To put it simply: because of prohibitionist drug policies, criminal organisations can use the high profits generated by drug trafficking to fund even worse activities such as terrorism and human trafficking.

This question of whether or not violent crime is a direct result of prohibitionist policies that inflate the price of drugs, and thereby inflate the profit margins on the sale of those drugs and hence make the drug trade a desirable trade for violent gangs, is also a hotbed between anti- and pro-legalisation authors. The anti-legalisation “camp” is of the opinion that legalisation would not mean a decrease of violent crime. As for example James Iniciardi argues, there are reasons to assume that violent crime will not decrease after legalisation. These arguments are based in the idea of a ‘slippery slope’, the belief that the removal of legal consequences with regard to the possession and distribution of illegal drugs would result in an increase of usage.²⁷ Because there are so many more

²² *Ibidem*.

²³ Stokes and Chomsky, *America’s Other War*, 79.

²⁴ *Ibidem*, 66.

²⁵ *Ibidem*, 68.

²⁶ Barbu, A. and A-E Cincu, ‘War on Drugs in Latin America- a Failed War? Colombia – the Learned Lesson’ in: *The Public Administration and Social Policies Review* VI 1 (June 2014) 107-119, 113.

²⁷ Iniciardi, J.A., *The Drug Legalization Debate* (Thousand Oaks 1999) 56.

users, the amount of addicts would increase as well, and to support their addiction these addicts would probably turn to crime.²⁸ Even though there is some evidence to support the notion that cannabis use increases after legalisation and therefore more people would develop dependency on the drug,²⁹ especially because in the last decades cannabis has become more potent and therefore more addictive,³⁰ the link between legalisation and crime is heavily disputed, as will be explained below.

Jeffrey Miron, for example, contends that there is a direct connection between *prohibitionist* policies and crime: because prohibitionist policies inflate the price of drugs, it “encourages income-generating crime such as theft and prostitution, since users need additional income to purchase drugs.”³¹ Therefore, the prohibitionist regime and the War on Drugs have only made the security situation in a lot of Latin American countries worse and that because of this, legalisation is the better option to pursue. This is not unique: many authors³² make a direct connection between drug-trafficking related violence and the debate about drug law reform in Latin America. However, there are authors who dispute the direct link between drug use and crime. Shima Baradaran, for example, states that there is no proof that criminal activity in general, or violent crime in particular, are an inevitable part of drug use.³³ Indeed, as Victoria Ramos and Gloria Pérez contend, the prohibition of drug use and drug trade is what facilitates crimes, especially in those production and transit countries where the rule of law is not always respected.³⁴ This is because of corruption in private companies, public entities and banking systems.³⁵

²⁸ *Ibidem*.

²⁹ Shanahan, M. and A. Ritter, ‘Cost Benefit Analysis of Two Policy Options for Cannabis: Status Quo and Legalisation’ in: *PLOS One* 9 (April 2014) 1-14, 9.

³⁰ Budney, A.J., R. Roffman, R.S. Stevens and D. Walker, ‘Marihuana Dependence and its Treatment’ in: *Addiction Science and Clinical Practice* 4 (December 2007) 4-16, 5.

³¹ Miron, J.A., ‘Drugs’, 285.

³² See for example: L. Graham, ‘Legalizing Marijuana in the Shadows’, 141 and I. Briscoe, And J.G. Tokatlian, ‘Drogas Ilícitas y Nuevo Paradigma: Hacia un Debate Posprohibicionista in: J.G. Tokatlian, *Drogas y Prohibición, Una Vieja Guerra, un Nuevo Debate* (Buenos Aires 2010) 387-408, 387 or: I. De Rementería, ‘La Guerra de las Drogas: Cien años de Crueldad y Fracasos Sanitarios’ in: *Nueva Sociedad* 222 (2009) 70-80, 72.

³³ Baradaran, S., ‘Drugs and Violence’ in: *Southern California Law Review* 88 (2015) 227-307, 273.

³⁴ Ramos Barbero, V. and G. Garrote Pérez de Albéniz, ‘Relación entre la Conducta Consumo de Sustancias y la Conducta Delictiva’ in: *Psicología y Desarrollo: Infancia y Adolescencia* 1 (2009) 647-656, 649.

³⁵ Ramos and Pérez. ‘Relación entre Consumo y Conducta’, 649.

It is important to remember that legalisation of cannabis alone will only solve part of the problem as long as other drugs remain illegal and therefore highly profitable, with the highly profitable cocaine trade³⁶ as the most obvious example.

Cannabis and Health

The idea of drugs being a 'threat' also relates to the arguments about the effects on the health of the general population when drugs are either criminalised or legalised. Drug laws are supposed to protect the health of the population of the country in which those laws apply and this lies at the heart of international treaties about drugs. As the United Nations Office on Drugs and Crime puts it: "the entire world agrees that illicit drugs³⁷ are a threat to health and therefore their production, trade and use should be regulated."³⁸

Arguments on health have become more important since the 1980's because of the integration of the idea of 'harm reduction' into drug policies. Harm reduction as drug policy is, according to Martin Jelsma, the term that alludes to "policies and practices conceived to limit the negative social and public health consequences that drug users, their families and society as a whole suffer, without actually attempting to end drug use altogether."³⁹ This implies a shift in legislation as well: harm reduction means the creation of new governmental (public health) institutions, as well as a judicial system in which the consumer of drugs is not subjected to legal processes.⁴⁰ This idea became integrated in the rationale for the legalisation of cannabis; the addict was viewed as being ill as opposed to a social danger and morally despicable; and as long as he only

³⁶ Estimated by the United Nations Office on Drugs and Crime at 105 billion US dollars in 2016, as opposed to 67 billion dollars for the cannabis trade. Source: United Nations Office on Drugs and Crime, *World Drugs Report 2016*, 36. See: https://www.unodc.org/doc/wdr2016/WORLD_DRUG_REPORT_2016_web.pdf (accessed 08/11/2017).

³⁷ Licit drugs, such as tobacco, medicines and alcohol, are a threat to health and in need of regulation as well, but are supposed to already be in some sort of regulatory system.

³⁸ United Nations Office on Drugs and Crime, *Making Drug Control 'Fit for Purpose': Building on the UNGASS decade" Report by the Executive Director of the United Nations on Drugs and Crime as a contribution to the review of the twentieth special session of the General Assembly* (May 2008) 3.

³⁹ Jelsma, M., 'Innovaciones Legislativas en Políticas de Drogas', *Transnational Institute* (2014) 13.

⁴⁰ *Ibidem*, 14.

hurts himself, he should not be persecuted.⁴¹ This idea pervades most drug policies to this day, and even though it is not named as such, it can be discerned in the results paper of the 2016 United Nations General Assembly Special Session (UNGASS), which calls explicitly for programmes that facilitate addiction rehabilitation and treatment of drug users.⁴² After the 1998 UNGASS, international leaders agreed to work towards a ‘drug free world by 2008’⁴³, but no similar statement can be found in the 2016 outcome paper.

Cannabis does not fit easily into the framework of being a threat to the health of the general population. It has medical benefits for people suffering from certain medical conditions, such as for HIV/Aids and cancer patients. Though detrimental to one’s health if one is not suffering from these specific conditions, cannabis does not constitute a direct health threat in the way that other drugs do: i.e. there is no such thing as a cannabis overdose. This is an important argument in favour of legalising specifically cannabis: the general public judges it, as “relatively innocent”⁴⁴, or at least as less harmful than other drugs. However, in the ‘ranking’ of the 19 most popular drugs, the harmful consequences of cannabis for the health of the individual, as well as for the health of the general population, are greater than many other illegal drugs such as ketamine and ecstasy, which can produce acute overdoses. These harmful consequences, according to Jan van Amsterdam *et al.*, are based on a combination of the indicators of acute and chronic toxicity, social harm and addictive potency.⁴⁵ Needless to say, from these indicators it can be deduced that cannabis is still a lot less harmful than tobacco and alcohol.⁴⁶ As the latter are the recreational drugs of choice in most countries, cannabis, in comparison, can be regarded as less harmful.

With regard to debates about cannabis and health the idea of a ‘slippery slope’ is prevalent as well: the notion, prevalent since the 1970’s⁴⁷, that cannabis functions as a

⁴¹ Bardazano, G., ‘State Responses to Users’, 131.

⁴² UNODC, *Outcome Document of the UNGASS 2016*, 15/16/17.

⁴³ *The Guardian*, ‘UN Backs Prohibitionist Drug Policies Despite Calls for More “Humane Solution” (19 April 2016) see: <https://www.theguardian.com/world/2016/apr/19/un-summit-global-war-drugs-agreement-approved> (accessed 25/09/2017).

⁴⁴ Lee, M.A., *Smoke Signals: A Social History of Marijuana* (Scribner 2012) 350.

⁴⁵ Amsterdam, J. van, A. Opperhuizen, M. Koeter en W. Van den Brink, ‘Ranking the Harm of Alcohol, Tobacco and Illicit Drugs for the Individual and the Population’ in: *European Addiction Research* (July 2010) 202-207, 202.

⁴⁶ *Ibidem*, 205.

⁴⁷ Hall, W. And R.L. Pacula, *Cannabis Use and Dependence* (Cambridge University Press 2002) 113.

'gateway drug' to other, more potent and addictive drugs.⁴⁸ This idea is highly contested because of the lack of consensus on the factors that influence a person's drug use⁴⁹, although in the last decade the majority of authors⁵⁰ have argued against the notion.

In short, it can be discerned from the academic debate that when it comes to economics, there is not a lot of difference in the argumentation when it comes to the question of legalisation of all drugs or of just cannabis: those authors in favour and those against legalisation do not distinguish between a model in which *all* drugs are legal or illegal or one in which *only* cannabis is legal or illegal.

As we have seen with regard to arguments around security, those authors that are for legalisation of cannabis, tend to be in favour of legalisation of all drugs because legalising only cannabis will not solve the problem of the highly profitable businesses of producing and trafficking other drugs.

When it comes to arguments about health, there is ample reason to distinguish between a system in which all drugs are legalised and only cannabis is legalised, because of the relative low health harmfulness of cannabis both in terms of toxicity and addictiveness, as well as the fact that much more harmful drugs such as tobacco and alcohol are not criminalised.

The interplay between arguments of economics, security and health in the end determines whether a government's policy regards the drug user as a criminal, who actively participates and facilitates a violent system of international drug trafficking, and maybe even himself commits crimes in order to support his habit, or as a sick person, who suffers from addiction and needs a clinic and not a prison to recover. These considerations can also be discerned in the discussion about legalisation of cannabis in Uruguay.

⁴⁸ Hall, W.D. and M. Lynsky, 'Is Cannabis a gateway Drug? Testing Hypothesis about the Relationship Between Cannabis Use and Other Drugs' in: *Drug and Alcohol Review* 24 (January 2005) 39-48, 39.

⁴⁹ Hall and Pacula, *Cannabis Use and Dependence*, 114.

⁵⁰ See for example: Y. Chu, 'Do Medical Marijuana Laws increase Hard-Drug Use?' in *The Journal of Law and Economics* 58 (May 2015) 481-507, 482. And H. Harrington Cleveland and R. Wiebe, 'Understanding the Association Between Adolescent Marijuana Use and Later Serious Drug Use: Gateway effect or Developmental Trajectory?' in: *Development and Psychopathology* 20 (Spring 2008) 615-632, 615.

Chapter two: The Road to Legalisation: the International and Historical Context of Uruguay's Reforms

Even though the Uruguayan cannabis reform is unique in the sense that it is state-controlled and encompasses every aspect (the so-called 'from seed to sale' policies), there are, of course, other forms of cannabis regulation in place in different countries around the world. Because there are so many different models as well as countries that have cannabis regulation, a table is provided with the four most common types of cannabis regulation⁵¹, as well as the countries and states that have implemented them.

<i>Model</i>	<i>Countries or states that have implemented this model.</i>
Prohibition of production and supply, legal production and supply for medical use	16 US states and Puerto Rico, the Czech Republic, Israel, Canada, Australia, Canada, Turkey
Prohibition of production and supply, legal production and supply for medical use, decriminalisation of possession for personal use	12 US states, Austria, Belgium, Belize, Bolivia, Brazil, Costa Rica, Georgia, Estonia, Ecuador, Luxemburg, Malta, Mexico, Paraguay, Peru, Portugal, Russia, Switzerland
Prohibition of production and supply, legal production and supply for medical use, decriminalisation of possession for personal use, some retail sales	The Netherlands
Regulated legal production and supply for medical and non-medical use	Uruguay, Colorado, Washington, Oregon, Nevada, California, Maine, Massachusetts, Alaska

⁵¹ Models taken from the Transform Drug Foundation's report: *How to Regulate Cannabis, a Practical Guide* (London 2014) see: <http://www.tdpf.org.uk/resources/publications/how-regulate-cannabis-practical-guide> (accessed 20/11/2017).

In this chapter the Uruguayan regulations will briefly be set in a broader context of countries that adopted similar regulations. The best-known examples of cannabis regulations are those implemented in the Netherlands and in the state of Colorado in the United States. The most emphasis is laid on the Colorado example, as it is closest in model. Colorado was the first US state to fully legalise recreational cannabis as well as medical cannabis and is therefore chosen as an example. In addition, the chapter will provide the specific historical context of cannabis regulations in Uruguay up until 2013.

If one compares the cannabis policies of the Uruguayan state and those of the Netherlands and Colorado, several similarities and differences are immediately obvious. First of all, each of these policies separates cannabis from all other drugs, enabling the legal sale of cannabis but not of other drugs.⁵² However, where Uruguay and the US state of Colorado have opted for legalizing the cultivation of cannabis as well, the Dutch *gedoogbeleid* notably omitted this. This has created a contradictory situation in which Dutch *coffee shops* can legally sell up to 500 grams of cannabis per day, but have no legal supplier, resulting in the persistence of criminal activities surrounding the cultivation of cannabis.

At the level of international treaties there are some differences as well: because of their cannabis regulations, the Netherlands and Uruguay, at the national level, do not fully apply several UN drug control conventions⁵³, most notably the Vienna Convention of 1988, which both countries did ratify. The US, however, at the federal level, does still adhere to the conventions and therefore at the national level is not in defiance of international law.⁵⁴ Because UN treaties are agreements between national states, the US can still be seen as in compliance with the treaties. Even though in the United States “it is well established that treaties are superior to states law,”⁵⁵ no injunctions or lawsuits

⁵² Faubion, J., ‘Reevaluating Drugs Policy: Uruguay’s Efforts to Reform Marijuana Laws’ in: *Law and Business Review of the Americas* 19, 383-410, 404.

⁵³ There are three mutually supportive and complementary UN international drug control treaties: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. All of these were signed and ratified by Uruguay. See: <https://www.unodc.org/unodc/en/treaties/>

⁵⁴ Bewley-Taylor, W., M. Jelsma, S. Rolles and J. Walsh, *Cannabis Regulation and the UN Drug Treaties; Strategies for Reform*, Briefing Paper WOLA (June 2016), 14.

⁵⁵ Room, R., ‘Legalizing a Market for Cannabis for Pleasure: Colorado, Washington, Uruguay and Beyond’ in: *Addiction* 109 (2013) 345-351, 345.

have been filed with regard to the contradiction between federal and state laws.⁵⁶ The fact that the US does not have a national police force, but local, state and federal police, facilitates this. Ninety per cent of law enforcement is done either at local or state level, and it would therefore be very difficult to actually enforce the federal ban on cannabis use in states where state and local laws do allow it.⁵⁷

One of the many differences between Colorado and Uruguay is the way in which the reforms were executed. In Uruguay it was very much a top-down process, with the president and his political party *Frente Amplio* leading the reforms. In Colorado, the initiative to legalize cannabis came from voters, and was driven by referenda and could therefore count on much broader popular support than in Uruguay.⁵⁸ In the Netherlands, the policies, implemented in 1976, were a “normalisation, the socialisation of drug users into groups that are not deviant.”⁵⁹

Another key difference between Uruguay and the other two cases mentioned in this document, is the fact that even though it had a prohibitionist approach to the cultivation and sale of cannabis, cannabis consumption itself was never illegal in Uruguay.⁶⁰ The possession of a ‘reasonable amount clearly intended for personal consumption’ therefore was not penalised either.⁶¹ This meant that the moral question of whether the state could be accused of enabling drug use and therefore of ‘poisoning’ its citizens, was less relevant in Uruguay: if the citizen, by his or her own choice, wants to consume drugs, it is not up to the state to pass judgement on that choice.

However, in practice, this made it difficult for police forces and the justice system to distinguish between traffickers and users because of different interpretations of what

⁵⁶ *Ibidem*.

⁵⁷ Brownfield, W.R., *Trends in Global Drug Policy, Roundtable at the Bureau of International Narcotics and Law Enforcement Affairs* (March 8 2016), see: <https://2009-2017-fpc.state.gov/254116.htm> (accessed 27/09/2017).

⁵⁸ In the referendum about Amendment 64, which legalised cannabis in Colorado, almost 55% of voters voted ‘Yes’. *Denver Post*, ‘Amendment 64, Legalize Marijuana Election Results’ 7/11/2012, see:

<http://data.denverpost.com/election/results/amendment/2012/64-legalize-marijuana/> (accessed 10/11/2017) and Cruz et al, ‘Determinants of Public Support’, 311.

⁵⁹ Pakes, F., ‘Globalisation and the Governance of Dutch Coffee Shops’ in: *European Journal of Crime, Criminal Law and Criminal Justice* 17 (2009) 243-257, 245.

⁶⁰ Sanjurjo García, D., ‘El Cambio en las Políticas de Estupefacientes: el Ejemplo de Uruguay’, in: *Revista Jurídica Universidad Autónoma de Madrid* 27 (2013), 291-311, 297.

⁶¹ Garat, G., ‘Un siglo de Políticas de Drogas en Uruguay’, in: *Análisis* 1 (2013) *Friedrich Ebert Stiftung*, 1-20, 9.

a 'reasonable amount' consisted of.⁶² This also meant that the interpretation was open to the judge's possible stereotypes and prejudices.⁶³ In fact, the room for interpretation for judges, leading to them using "differing, often uninformed⁶⁴ criteria to determine whether an illegal substance was meant for personal use"⁶⁵ was one of the strongest arguments that the civil society groups⁶⁶ advocating for legalisation defended in favour of legalisation.⁶⁷

In the US, in spite of much higher percentages of the general population admitting ever having used cannabis and a far larger part of the population supporting some form of cannabis regulation,⁶⁸ drug use itself is illegal by federal laws.⁶⁹ This means that any change in legislation legalising cannabis consumption also carried moral implications about the state condoning the drug use of its citizens. In the Netherlands, the legalisation was the consequence of a more pragmatic and non-moralistic approach of the state towards the drug use of its citizens.⁷⁰

Another key difference is that the state, after legalisation, remains very much involved in the actual cultivation and sale of cannabis in Uruguay. For example, it sets maximum prices (whereas in the US that is left to market forces), and has set up an institute that regulates cannabis, 'from seed to sale'; the *Instituto de Regulación y Control de Cannabis (IRCCA)*.⁷¹ In the case of Colorado, the state is much less involved, and the

⁶² Graham, L., 'Legalizing Marijuana in the Shadows of International Law: the Uruguay, Colorado and Washington Models' in: *Wisconsin International Law Journal* 33 (1), 140-166, 145

⁶³ Bardazano, G., 'State Responses to Users of Psychoactive Substances in Uruguay: Between Alternatives and an Entrenchment of the "War on Drugs"' in: C. Youngers and C. Pérez Correa (eds.), *In Search of Rights: Drug Users and State Responses in Latin America*, Colectivo de Estudios Drogas y Derechos (2014), 132.

⁶⁴ According to legal advisor to the Uruguayan Association of Cannabis Studies, Martin Fernandez and legal specialist with the Institute for Legal and Social Studies, Gianella Bardazano see: Walsh, Major Innovations, Major Challenges, 3.

⁶⁵ *Ibidem*.

⁶⁶ Such as the aforementioned Uruguayan Association of Cannabis Studies (AECU).

⁶⁷ Armenta, A., P. Metaal and M. Jelsma, 'Un Proceso en Ciernes, Cambios en el Debate sobre Políticas de drogas en América Latina' in: *Reforma Legislativa en Materia de Drogas* 21 (2012) 1-16, 8.

⁶⁸ Cruz et al, 'Determinants of Public Support', 314.

⁶⁹ *ibidem*, 311.

⁷⁰ Pakes, 'Globalisation and the Governance', 245.

⁷¹ Pardo, B., 'Cannabis Policy Reforms in the Americas: a Comparative Analysis of Colorado, Washington and Uruguay in: *International Journal of Drug Policy* 25 (2014) 727-735, 730.

quality control, licensing and enforcement of the regulations are done by the Department of Revenue, which also administers alcohol and tobacco sales.⁷² In the Netherlands, the state is only involved in the decriminalised sale of cannabis; amongst other things when it obtains tax revenue from the sales and when it sets limits on the amount of cannabis that can be bought per person, but it is not involved in the (illegal) cultivation. However, there are plans for a pilot of government-controlled cannabis cultivation in the near future, which would mean major change in the *gedoogbeleid* after more than forty years.⁷³

Uruguay's Historical Context

Until 2013, Uruguay's laws had a prohibitionist approach to cannabis. This approach started from the 1930's onwards, when drugs were portrayed as a 'social danger', equating the use of drugs to moral and physical degradation of the people who used them.⁷⁴ The prohibitionist moral remained the norm in Uruguayan society until the end of dictatorship in 1985.⁷⁵ After the end of the civic-military dictatorship, citizens were keen to try new experiences that came with their regained civil liberties.⁷⁶

In 1998, Uruguay adopted the Vienna Convention Against Illicit Traffic in Narcotic Drugs of 1988, though it notably omitted the criminalisation of cannabis consumption for personal use.⁷⁷ There was therefore a period of roughly thirty years, from the mid-1980's through the beginning of the new millennium, in which the prohibitionist view on cannabis changed. This was because of developments at the international level with regard to drug policies, as well as domestic changes in drug use and economic circumstances.

As explained in the first chapter, from the 1980's onwards the idea of 'harm reduction' became more prevalent. This was a shift in the approach to drug use, not only

⁷² Room, 'Legalizing a Market for Cannabis', 346.

⁷³ NOS, 'Nieuw Kabinet Wil Proef Legale Wietteelt', 07/10/2017, see:

<https://nos.nl/artikel/2196782-nieuw-kabinet-wil-proef-met-legale-wietteelt.html>

⁷⁴ Montañés, V., *Rompiendo el Hielo: la Regulación de Cannabis en Países Bajos, Colorado y Uruguay*, Donostia/San Sebastián: Fundación Renovatio (June 2014) 53.

⁷⁵ *Ibidem*.

⁷⁶ Sanjurjo García, 'La Aplicación del Enfoque', 14.

⁷⁷ *Ibidem*, 60.

in Uruguay, but in Europe and the United States as well because of the beginning of the HIV epidemic, which spread rapidly not only through sexual intercourse, but also because of used needles that were interchanged by intravenous drug users.⁷⁸ This called for a pragmatic approach to drug use: governments had to leave behind the moral questions of whether or not they were facilitating or condoning drug use by supplying sterilized needles, or were promoting sexual promiscuity by supplying condoms and sexual education. In order to contain the disease both were necessary.⁷⁹ This resulted in policies that were aimed at 'harm reduction' instead of prohibition.

Even though the HIV epidemic remained contained in Uruguay because of relatively low use of intravenous drugs, the global shift to policies of harm reduction did affect national drug policies.⁸⁰ Throughout the 1990's drug policies were part of every election campaign and subjected to public scrutiny by journalists and politicians alike, even though the policies themselves remained repressive and prohibitionist under presidents Locatelli (1990-1995) and Sanguinetti (1995-2000).⁸¹

The economic crisis from the beginning of the 2000's coincided with the introduction of coca paste, or *paco*, commonly known as *crack*. This became the new scapegoat of social exclusion in the country, and had as an unintended side effect the reconfiguration of the government's view on cannabis as a 'less bad' drug.⁸² The political parties⁸³ who were the first to advocate for the legalisation of cannabis did this from the beginning of the 2000's, at the time when *paco* use increased and became the centre of political discussions.⁸⁴ During the 1980's the US was also affected by a crack cocaine epidemic, which also catalysed a change in the policies, yet in contrast to Uruguay, this resulted in stricter policies and harsher punishments.⁸⁵ In the Netherlands, the heroine

⁷⁸ *Ibidem*.

⁷⁹ Sanjurjo García, 'El Cambio en las Políticas de Estupefacientes', 299.

⁸⁰ Sanjurjo García, 'Aplicación del Enfoque de Coaliciones Promotoras', 15.

⁸¹ *Ibidem*, 16.

⁸² Aguiar, S. And C. Musto, 'El Rayo Verde: Regulación de la Marihuana en Uruguay' in: *Drogas, Política y Sociedad en América Latina y el Caribe* (Centro de Investigación y Docencia Económicas 2015) 297-317, 304.

⁸³ *Frente Amplio, Partido Colorado and Partido Nacional* source: G. Garat, *El Camino, Cómo se Reguló el Cannabis in Uruguay Según los Actores Políticos y Sociales* (Friedrich Ebert Stiftung 2015) 14/15.

⁸⁴ Montañés. *Rompiendo el Hielo*, 60.

⁸⁵ Brownfield, *Trends in Global Drug Policy* and J. Walsh and G. Ramsey, 'Uruguay's Drug Policy: Major Innovations, Major Challenges' in: *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016* (Brookings Institute 2016) 1-19, 3.

epidemic of the beginning of the 1970's can also be seen as a catalyst for change because it facilitated the distinction between cannabis as a 'soft drug' as compared to the 'hard drug' of heroin.⁸⁶

International Factors

It is exceptional for a small country like Uruguay to go against an international treaty, and therefore some authors⁸⁷ have suggested that the fact that Colorado legalised cannabis for recreational use in 2012, "created a momentum" and a "window of opportunity" for Uruguay to pass its reforms.⁸⁸

Other international events left their mark as well. Just the year before, in 2011, the Global Commission on Drug Policy published a devastating report on the War on Drugs, claiming that it had failed and calling for an end to "criminalisation and stigmatisation of people who use drugs but who do not harm others."⁸⁹

Two other events in the region, though not directly related to cannabis reform, did influence the legalisation process by demonstrating the fact that the "Vienna Consensus of 1988 had been broken."⁹⁰ Amongst those events was the adoption of the Antigua Declaration by the Organisation of American States, which encouraged new approaches to the drug problem in the Americas.⁹¹ Bolivia's withdrawal from the 1988

⁸⁶ Pakes, 'Globalisation and Governance', 244/245.

⁸⁷ Hoffmann von, J., 'The International Dimension of Drugs Policy Reform in Uruguay' in: *International Journal of Drug Policy* 34 (2016), 27-33, 29. See also: Garat, *El Camino*, 62 and 94.

⁸⁸ Hoffmann, 'International Dimension', 29. The legalization in Colorado is also explicitly mentioned by civil society groups such as the *International Drug Policy Consortium* (IDPC) see: IDPC, 'Declaración sobre la Adhesión Internacional a la Regulación del Cannabis in Uruguay' (17 December 2012) see: <http://idpc.net/es/alerts/2012/12/declaracion-sobre-la-adhesion-internacional-a-la-regulacion-del-cannabis-en-uruguay> (accessed 10/11/2017).

⁸⁹ Especially compared to the damage that is caused by alcohol and tobacco. Global Commission on Drug Policy, *Report of the Global Commission on Drug Policy* (June 2011), 2. See: https://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf (accessed 22/09/2017).

⁹⁰ Jelsma, M., 'UNGASS 2016: Prospects for Treaty Reform and UN-System-Wide Coherence on Drug Policy in: *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016* (Brookings Institute 2016), 1-29, 14/15.

⁹¹ Organisation of American States, 'Declaration of Antigua Guatemala "For a Comprehensive Policy Against the World Drug Problem in the Americas"' (June 7 2013),

Convention in 2011 and re-entrance into the treaty in 2013 with the exception of the classification of coca-leaves as drugs, based on the notion that coca-chewing is a traditional practice for Bolivians, highlighted the possibility for a country to try new approaches that allowed for local practices. It also showed that exceptions could be made and that the international community would accept these exceptions.⁹²

This international and historical context provided the backdrop of the legalisation of 2013.

see: http://www.oas.org/en/media_center/press_release.asp?sCodigo=S-010 (visited 24/09/2017).

⁹² Jelsma, 'Prospects for Treaty Reform', 15.

Chapter three: The Uruguayan Case: Arguments for Legalisation and Preliminary Results

This chapter concerns the case study of the legalisation of cannabis in Uruguay. Which arguments played a role in the justification of the policies, and why did José Mujica and his government go ahead with the plan, in spite of the vast majority⁹³ of Uruguayans being against it? In addition, what are the results of the policies thus far?

Economics and Public Health

The topic of economics was part of the Uruguayan government's argumentation, with the Defence Minister stating that "the cost of drug interdictions, criminal penalties and state-supported medical care are too costly to continue fighting illegal drug trafficking and consumption in a manner that fails to produce results."⁹⁴

The argument that a 'bright line' rule would be cheaper to enforce was partially countermanded by the creation of a new 'bright line': a strict division of cannabis users from cannabis traffickers and cannabis from all other drugs.⁹⁵ This meant that the question of whether or not the amount of cannabis that someone possessed was 'for personal use' was no longer left to the discretion of the judge, but written down in the letter of the law.⁹⁶ This idea can be linked to 'harm reduction' as well: several high-profile court cases about people that went to prison because of small offences⁹⁷ caught Uruguayans' attention, sparking outrage and illustrating the harmful consequences of the current legislations.

The public health argument formed part of the arguments of the Uruguayan government as well: with the creation of the laws, the provision was included that in every town with over ten thousand inhabitants a centre should be created for

⁹³ 61% of Uruguayans did not support legalisation when the law was implemented. J.M. Cruz, R. Queirolo and M.F. Boidi, 'Saying no to Weed: Public Opinion Towards Cannabis Legalisation in Uruguay' in: *Drugs, Education, Prevention and Policy, Early Online* (2016) 1-10, 4.

⁹⁴ Faubion, J., 'Reevaluating Drugs Policy', 400.

⁹⁵ *Ibidem*, 393.

⁹⁶ *Ibidem*

⁹⁷ Such as Alicia Castilla, a 66 years-old woman who went to prison for having five cannabis plants in her house. Garat, *El Camino*, 33.

information on cannabis and cannabis use as well as on rehabilitation from cannabis addiction.⁹⁸ So far, 16 of these centres have been opened as well as a national hotline for all questions related to drugs and drug addiction.⁹⁹

To add to this argument, the Uruguayan government looked at the Dutch model of decriminalised sale of and decriminalised use of cannabis as “evidence that the decriminalising of marihuana does not result in substantial health risks or public safety issues, which prohibitionist policies were said to want to avoid.”¹⁰⁰

Security

However, by far the most emphasis was laid on the supposition that the legalisation of cannabis would improve the security situation in Uruguay. The Uruguayan state has used the high perception of crime, the fact that most Uruguayans perceive the security situation in the country as the most important issue threatening the country’s citizens, even though there is no or limited actual increase in criminal activity,¹⁰¹ as an argument in their policies around national security and specifically connected to the legalisation of cannabis. This we see especially and explicitly in the justification of the law in 2012:¹⁰² the supposition that legalisation will decrease drug trafficking and therefore improve the security situation in the country. This supposed impact on illegal drug trade is “the primary policy principle underlying Uruguay’s new laws.”¹⁰³

Even though Uruguay is one of the safest countries in Latin America¹⁰⁴, the perception of safety of the Uruguayan citizens has in fact changed a lot in the last few

⁹⁸ See Act 19.172, chapter II art 9.

⁹⁹ Junta Nacional de Drogas, ‘Centros en Todo el Territorio’, see: <http://www.infodrogas.gub.uy/ciudadela/centros.php> (accessed 15/11/2017)

¹⁰⁰ Faubion, ‘Reevaluating Drug Policy’, 405.

¹⁰¹ Paternain, R., ‘La Inseguridad in Uruguay: Perspectivas e Interpretaciones’ in: H. Perez (ed.), *El Uruguay Desde la Sociología X* (Montevideo 2012) 11-32, 16.

¹⁰² Ley 19.172, *Archivo de la Presidencia de la República*, 3.

¹⁰³ Graham, L., ‘Legalizing Marijuana in the Shadows’, 145.

¹⁰⁴ Especially when it comes to violent crime and murder. Paternain, ‘Inseguridad in Uruguay’, 14.

decades.¹⁰⁵ However, crime itself has only risen during times of economic hardship, particularly during the economic crisis of 2001-2002, but has stayed well below Latin American averages.¹⁰⁶

For those politicians in favour of legalisation of cannabis, the consequences of the perception of increased crime rates were rather favourable because it meant that reforms could be presented as beneficial to the security situation, and the prohibitionist model could be painted as ineffective. This process started in 2001, when President Batlle publicly announced that the legalisation of cannabis should be considered, explicitly naming the prohibitionist model as the cause for the existence of violent drug gangs.¹⁰⁷

With the new regulations, a market that until now was largely invisible for the state has come into the light of legality and the state stands to profit from this. The state profits because it can tax the good and exercise control over the drug use of its citizens. President Vázquez, successor to Mujica in 2015, announced that he would use the user registry to ‘rehabilitate the users’, further raising Uruguayans’ concerns¹⁰⁸ about privacy, which were articulated already under Mujica’s presidency.¹⁰⁹

Until legalisation, the state only encountered the cannabis market in an illegal capacity: when arresting drug dealers, as the consumption of cannabis was already legal, or when trying to prevent large amounts of cannabis from entering the country at the borders because the sale of the drug was illegal. Most of the illegal cannabis in Uruguay comes from Paraguay.¹¹⁰ Since legalisation, the state has a myriad of points of encounter with all aspects concerning the now licit market and its consumers.

¹⁰⁵ Montañés, *Rompiendo el Hielo*, 54 and M. Lagos and L. Dammert, *La Seguridad Ciudadana: el Problema Principal de América Latina*, Corporación Latinobarómetro (2012) 37, 38.

¹⁰⁶ *Ibidem*, 54/55.

¹⁰⁷ Garat, *El Camino*, 14.

¹⁰⁸ Ramsey, G., ‘Candidato Presidencial de Uruguay Propone Rehabilitar a los Consumidores de Marihuana’ *Insight Crime* (September 2014).

<http://es.insightcrime.org/analisis/candidato-presidencial-uruguay-propone-rehabilitacion-consumidores-marihuana> (accessed 24/09/2017).

¹⁰⁹ Garat, G., ‘Implicancias de la Regularización del Cannabis in Uruguay’ in: *Análisis 6* (2013) *Friedrich Ebert Stiftung 2013*, 1-22, 18.

¹¹⁰ Ferri, P. and J.L. Pardo, ‘El Aroma Verde de la Tierra Roja’ *Domingo Universal* (27 July 2014) see:

<http://www.domingoeluniversal.mx/historias/detalle/El+aroma+verde+de+la+Tierra+Roja-2682> Visited: 20/04/2016

Even though transnational crime is not absent from Uruguay's borders, it is in fact only a minor problem and therefore has a limited effect on the security situation in the country. There are some Peruvian and Colombian criminal groups active, and because of high dollarization of the economy the country is a good place for the money laundering that accompanies the drug trade and other illegal activities.¹¹¹ Furthermore, unless the government takes a 'more aggressive stance'¹¹² on money laundering and border security, the legalisation of cannabis is unlikely to affect transnational crime networks. This 'more aggressive stance', however, could have negative consequences if it is not combined with the dismantling of criminal asset networks and the attacking of high-level corruption at the same time.¹¹³ Although in the Latin American context Uruguay suffers from relatively little corruption, it is not immune to this problem.¹¹⁴ In the cases where criminal asset networks remain untouched, criminal groups will "simply face the higher expected punishments of its high-level members by re-assigning their relatively untouched financial resources to expanding their rings (scope) and scale of corruption at higher levels and add violence in order to protect themselves."¹¹⁵ As Uruguay is a small country with limited resources and only legalising cannabis and not other drugs, it is unlikely to affect much change to transnational crime, which was not a big problem in the country to begin with.

By securitising the issue of transnational crime, the Uruguayan Government has made it possible to take action outside the normal political procedure and can go against international treaties, including the Vienna Convention of 1988.¹¹⁶ By presenting the legalisation of cannabis as a security issue, it became more urgent and, as an added benefit, made it seem as if the government was doing something against rising crime levels. This also explains why the legalisation, contrary to the legalisation in Colorado,

¹¹¹ Andreas, P., 'Illicit Globalization', 423 and International Monetary Fund, *Uruguay: Report on the Observance of Standards and Codes on Anti-Money Laundering and Combating the Financing of Terrorism* (December 2006) 3.

¹¹² Ramsey, G., *Uruguay: Marihuana, Organized Crime and the Politics of Drugs* (InsightCrime, July 2013) 15.

¹¹³ Buscaglia, E., 'The Paradox of Expected Punishment: Legal and Economic Factors Determining Success and Failure in the Fight against Organized Crime' in: *Review of Law and Economics* 4, 1 (2008) 290-317, 306.

¹¹⁴ Buquet, D. And Rafael Piñeiro, 'Uruguay's Shift From Clientelism' in: *Journal of Democracy* 27 (January 2016) 139-151, 139.

¹¹⁵ Buscaglia, 'Paradox', 306.

¹¹⁶ Sanjurjo García, D., 'Análisis del Proyecto', 7.

was a top-down process: by securitising the issue the actual policy decision of legalisation could be formulated as ‘above politics’ and therefore did not have to adhere to the normal political processes of accountability and did not have to count on popular support.

The securitisation of the issue can also be seen by the fact that Mujica’s government released a document in June of 2012 called *Estrategia para la vida y la convivencia*, in which it announced fifteen measures to improve the government’s security performance.¹¹⁷ In this document, the government explicitly linked the transnational drug trade to the security situation in the country.¹¹⁸ Cannabis regulation was therefore constructed as a tool to undermine the economic base of drug traffickers, and laid a direct link between drugs and crime.¹¹⁹ Because of the inclusion of cannabis in both the security agenda as well as making it a question of public health, the government could justify a diversification of measures with regard to regulation.¹²⁰ The idea that cannabis regulation strongly benefitted the health of both the individual as well as the ‘public health’ of the whole population was an integral part of the justification of the policies.¹²¹ It also justified the comprehensiveness of the measures: because of the diverse effects on society, cannabis regulatory measures had to be comprehensive as well.

How the international context influenced the justification can be seen in the Uruguayan defence of the policies, which mentioned the rigidity of especially the United Nations, holding fast to the prohibitionist approach to drug policies and which, as recent as the 2016 Special Session of the General Assembly (UNGASS) on the World Drug Problem, continues to underscore that the twentieth century’s Conventions on drugs are the foundation of international drug regulations.¹²² This, together with a ‘global

¹¹⁷ Repetto, L, ‘Regulación del Cannabis: un Asunto de Seguridad? Entrada y Mantenimiento en Agenda de un Problema de Política Pública’ in: *Revista Uruguaya de Ciencia Política* (September 2014) 6-34, 14/15.

¹¹⁸ See for the full text:

https://medios.presidencia.gub.uy/jm_portal/2012/noticias/NO_E582/Estrategia.pdf accessed 05/05/2017.

¹¹⁹ Repetto, ‘Regulación del Cannabis’, 14.

¹²⁰ *Ibidem*.

¹²¹ Spithoff, S., B. Emerson and A. Spithoff, ‘Cannabis Legalization: Adhering to Public Health Best Practice’ in: *Canadian Medical Association Journal* 187 (2015), 1211-1216, 1212.

¹²² United Nations Office on Drugs and Crime, *Outcome Document*, 2.

discomfort' with the US-led "War on Drugs" as expressed in the Organisation of American States, made it possible for the Uruguayan Government to argue that its policy "is fully in line with the original objectives that the drug control treaties emphasized, but have subsequently failed to achieve—namely, the protection and welfare of humankind."¹²³ It also stated that "the creation of a regulated market for adult use of cannabis is driven by health and security imperatives and is therefore an issue of human rights."¹²⁴ Some authors¹²⁵ have called this position: "principled non-compliance."

As the security argument is very versatile and can be used to justify a diversity of measures as long as they are supposed to improve the security situation in a country. By securitising the question of cannabis, Mujica and his government were seen by his electorate¹²⁶ as improving the security situation in Uruguay, which was the biggest concern of its citizens then¹²⁷ and continues to be so to this day.¹²⁸ The securitisation of the issue can also be discerned in the fact that the argument about the economics of cannabis regulation at the beginning of this chapter was made by the Minister of Defence, and not by the Minister of Economy and Finance.

Because of the perceived worsening security situation in the country, around mid-2012 Mujica's government's popularity was at an all-time low, with polls showing the security situation as the primary reason for citizens' concern.¹²⁹ This helps to explain why, even though the bill could count on little popular support¹³⁰, there was no

¹²³ Bewly-Taylor *et al.*, *Cannabis Regulation and the UN Treaties*, 14.

¹²⁴ *Ibidem*.

¹²⁵ *Ibidem*, 15.

¹²⁶ Cruz, J., R. Quierolo and M.F. Boidi, 'Rethinking the Leaf? Support for Marijuana Legalisation in Uruguay, El Salvador and the United States, Paper to be presented at the 9th Conference of the International Society for the Study of Drug Policy (ISSDP)' Ghent 19-22 May 2015, 16.

¹²⁷ Bottinelli, E., 'Seguridad Pública, Educación, Drogas y Violencia Doméstica son las Principales Preocupaciones de los Uruguayos' in: *Factum Digital* (18 December 2012) see: <http://www.factum.uy/encuestas/2012/enc121218.php> (accessed 29/10/2017)

¹²⁸ Monitor Cannabis Uruguay, 'Seminario Evaluación y Monitoreo de la Regulación del Cannabis: Tres Años de su Aprobación' (15 november 2016) see: <http://monitorcannabis.uy/a-tres-anos-de-la-aprobacion-objetivo-seguridad/> (accessed 15/11/2017).

¹²⁹ Bottinelli, O., 'Mujica llega a la Mitad de su Presidencia con el Menor Nivel de Confianza de la Gente' in: *Factum Digital* (31 August 2012) see: <http://www.factum.uy/analisis/2012/ana120831.php> (accessed 02/11/2017)

¹³⁰ J.M. Cruz *et al.* 'Determinants of Public Support, 311.

major civic resistance to the bill either. This is largely due to the public perception¹³¹ of the measures as beneficial to the security situation in the country.¹³² In fact, the Uruguayan government of Mujica was able to capitalise on its perceived reputation of “being able to address key problems such as crime,”¹³³ and approval ratings for Mujica afterwards went up.¹³⁴ Between the presentation of the document containing the fifteen security measures and the presentation of the first draft of the cannabis laws there were a mere thirty days.¹³⁵

Preliminary Results of the Policies

Four years after legalisation, Uruguayans have shown very little enthusiasm for the cannabis policies. In 2017, 66% of consumed cannabis still comes from outside Uruguay and is therefore still part of a system of transnational drug trafficking.¹³⁶ Only 15000 people,¹³⁷ of the estimated 400.000 consumers of cannabis¹³⁸ have registered themselves in the user registry in order to be able to buy cannabis in pharmacies.¹³⁹ Seven out of ten Uruguayans that consumed cannabis still obtained the drug illegally.¹⁴⁰ The measures also have had very little effect on incarceration rates. In 2014, the year after legalisation and the last year of which data are available, cannabis possession was still the principal cause of incarceration among drug offenders.¹⁴¹ Amongst those

¹³¹ Measured in various polls, such as the AMERICASBarometer, see: J. Cruz, ‘Rethinking the Leaf’, 14.

¹³² Buscaglia, ‘The Paradox of Expected Punishment’, 310.

¹³³ Hetzer and Walsh, ‘Pioneering Cannabis Regulation’, 35

¹³⁴ Botinelli, E., ‘Confianza en el Presidente José Mujica’ see:

<http://www.factum.uy/encuestas/2014/enc140326.php> (accessed 15/11/2017).

¹³⁵ Repetto, ‘Regulación del Cannabis’, 16.

¹³⁶ Berbera, C., ‘The Impact of Drug Enforcement Policies on Transnational Organized Crime in Latin America: A Case Study’ in: *Denver Journal of International Law and Policy* (November 2017) 1-4, 2.

¹³⁷ The website of the IRCCA tallies the total number of people inscribed in the *Registro de Usuarios*, see: <http://www.ircca.gub.uy/>

¹³⁸ Estimate comes from *Monitor Cannabis*, the forum that evaluates the implementation of the law 19.172 in coordination with the *Universidad de la República* See:

<http://monitorcannabis.uy/proyecto/>

¹³⁹ Espinosa, G.G., ‘Uruguay deja Puertas Abiertas al Narcotráfico’ *Insight Crime* (January 2017)

¹⁴⁰ *Ibidem*.

¹⁴¹ Bardanzano, G. And I. Salamano., *Por el Lado Más Fino, Privación de Libertad y Legalización de Drogas en Uruguay* (Montevideo 2015) 60.

Uruguayans prosecuted for drug trafficking, cannabis was the most trafficked drug.¹⁴² Uruguay's incarceration rate reached record levels in 2017.¹⁴³ The murder rate has risen in recent years as well, emphasising the fact that it is difficult to prove a direct link between violent crime and drug trafficking.¹⁴⁴ The lack of enthusiasm by citizens also has to do with Uruguayans' concerns about privacy and the uneasiness of officially registering one's drug use with the government.

¹⁴² *Ibidem*, 53.

¹⁴³ El Pais, 'Uruguay tiene Récord Histórico de Presos', 17/03/2017 (accessed 15/11/2017).

¹⁴⁴ Monitor Cannabis Uruguay, 'Seminario Evaluación y Monitoreo de la Regulación del Cannabis: Tres Años de su Aprobación' (15 november 2016). See: <http://monitorcannabis.uy/a-tres-anos-de-la-aprobacion-conclusiones/> (accessed 15/11/2017).

Conclusion

Policies of harm reduction should limit the negative social and public health consequences of drug use and drug trade. The Uruguayan government has presented this as their primary policy objective. Arguments about the legalisation of drugs are subdivided in three different categories: economics, (public) health and security. Therefore, the Uruguayan legalisation of cannabis should reduce the economic, health and security 'harm' of prohibitionist policies. This thesis has established whether this is the case and when this goal is not achieved, to establish the reason why it is not achieved.

The economic harm of prohibitionist policies, the cost of enforcing regulations, has not been reduced. The policies have not made a big impact on how cannabis is obtained by most Uruguayans as the vast majority to this day obtain their cannabis illegally. Therefore, the Uruguayan state still has to spend money on enforcement; trying to stop illegal cannabis from coming into the country and combatting the subsequent trade. At the same time, it has to spend money on new institutions and facilities that have accompanied the creation of the policies, such as clinics and the IRCCA. This is exacerbated by the fact that in order to keep the price below illegal cannabis, VAT is not levied on the sale of cannabis,¹⁴⁵ in contrast to alcohol and tobacco and therefore revenue from the actual sale of cannabis has been small.¹⁴⁶ When looking at the 'economic harm' of cannabis laws, the regulatory model therefore does not represent an improvement over the prohibitionist model.

With regard to the (public) health 'harm' of the laws, it can be posited that they are unlikely to harm the health of the general population, as cannabis is not very toxic nor very addictive. As a consequence of this, there is only a limited need for specialised health care related to the drug.

As explained in this thesis, there are compelling reasons for the adoption of a regulatory model in which only cannabis is legal and other drugs are not, because

¹⁴⁵ UNODC, *World Drug Report 2016*, 50.

¹⁴⁶ Of the sales price of 1,30 USD per gram, 17 cents go to the IRCCA. The rest is production cost and commission for the pharmacy that sells it. Source: *Telenoche Uruguay* 'Uruguay Tiene Nueve Toneladas de Marihuana Legal' 07/07/2017, see: <http://www.telenoche.com.uy/sociedad/uruguay-tiene-nueve-toneladas-de-marihuana-legal.html> (accessed 20/11/2017)

individuals who suffer from certain medical conditions benefit from access to cannabis. This would imply that a regulatory model in which only medicinal cannabis but not recreational cannabis was legal would suffice. However, because of the fact that more harmful drugs like tobacco and alcohol are legal, cannabis does not constitute enough harm to prefer a prohibitionist model to a regulatory model that includes recreational use. Because the regulatory model improves the health situation for those individuals suffering from conditions that cannabis helps to alleviate, and does not cause more harm to recreational users than other legal drugs, the regulatory model does represent an improvement over the prohibitionist model when it comes to harm reduction.

However, the most important way in which the object of harm reduction is not achieved is the effect on the security situation in Uruguay. This is because of two main reasons. Firstly, because of the security argument itself: it has been used historically by politicians in order to achieve a secondary goal: whether it be control of the US over Latin American countries, or local Latin American elites over their own populations. In the case of Uruguay, by framing drug trafficking as the prime reason for the increase in crime, the Uruguayan government's legalisation of cannabis could be seen as a measure against the main preoccupation of the population and thereby counteract a moment of unpopularity. The Uruguayan cannabis policies therefore do not constitute a radical new approach: they are just as well based in the securitisation of the problem of drugs.

Secondly, cannabis trafficking has only a very limited effect on the security situation in Uruguay to begin with. The fact that, although still very limited in comparison to other Latin American countries, violent crime has gone up since legalisation, illustrates this. This is also logical when looking at the security arguments themselves: legalising *only* cannabis is not enough to counteract the negative security consequences of drug trafficking. The regulatory model therefore does not reduce the harm that the prohibitionist model causes when it comes to security and thus does not constitute an improvement.

The Uruguayan policies therefore fail to achieve most of their 'harm reduction' objectives, and this helps to explain why Uruguayans' enthusiasm for them has been limited.

Bibliography

- Aguiar, S. And C. Musto, 'El Rayo Verde: Regulación de la Marihuana en Uruguay' in: *Drogas, Política y Sociedad en América Latina y el Caribe* (Centro de Investigación y Docencia Económicas 2015) 297-317.
- Akaba, O. 'International Trade in Narcotic Drugs: Implications for Global Security, in: *Futures* 29 (1997), 605-616.
- Amsterdam, J. van, A. Opperhuizen, M. Koeter en W. Van den Brink, 'Ranking the Harm of Alcohol, Tobacco and Illicit Drugs for the Individual and the Population' in: *European Addiction Research* (July 2010) 202-207.
- Armenta, A., P. Metaal and M. Jelsma, 'Un Proceso en Ciernes, Cambios en el Debate sobre Políticas de drogas en América Latina' in: *Reforma Legislativa en Materia de Drogas* 21 (2012) 1-16.
- Baradaran, S., 'Drugs and Violence' in: *Southern California Law Review* 88 (2015) 227-307.
- Barbu, A. and A-E Cincu, 'War on Drugs in Latin America- a Failed War? Colombia – the Learned Lesson' in: *The Public Administration and Social Policies Review* VI 1 (June 2014) 107-119.
- Bardazano, G., 'State Responses to Users of Psychoactive Substances in Uruguay: Between Alternatives and an Entrenchment of the "War on Drugs"' in: C. Youngers and Pérez Correa, C., (eds.), *In Search of Rights: Drug Users and State Responses in Latin America*, Colectivo de Estudios Drogas y Derechos (2014) 128-142.
- Becker, G., K. Murphy and M. Grossman, 'The Market for Illegal Goods: the Case of Drugs' in: *Journal of Political Economy* 114 (2006) 38-60.
- Berbera, C., 'The Impact of Drug Enforcement Policies on Transnational Organized Crime in Latin America: A Case Study' in: *Denver Journal of International Law and Policy* (November 2017) 1-4.
- Bewley-Taylor, W., M. Jelsma, S. Rolles and J. Walsh, *Cannabis Regulation and the UN Drug Treaties; Strategies for Reform*, Briefing Paper WOLA (June 2016).
- Botinelli, E., 'Confianza en en el Presidente José Mujica' in: *Factum Digital* (26 March 2014) see: <http://www.factum.uy/encuestas/2014/enc140326.php> (accessed 15/11/2017).

Bottinelli, E., 'Seguridad Pública, Educación, Drogas y Violencia Doméstica son las Principales Preocupaciones de los Uruguayos' in: *Factum Digital* (18 December 2012) see: <http://www.factum.uy/encuestas/2012/enc121218.php> (accessed 29/10/2017)

Bottinelli, O., 'Mujica llega a la Mitad de su Presidencia con el Menor Nivel de Confianza de la Gente' in: *Factum Digital* (31 August 2012) see: <http://www.factum.uy/analisis/2012/ana120831.php> (accessed 02/11/2017).

Briscoe, I. And J.G. Tokatlian, 'Drogas Ilícitas y Nuevo Paradigma: Hacia un Debate Posprohibicionista in: J.G. Tokatlian, *Drogas y Prohibición, Una Vieja Guerra, un Nuevo Debate* (Buenos Aires 2010) 387-408.

Brownfield, W.R., *Trends in Global Drug Policy, Roundtable at the Bureau of International Narcotics and Law Enforcement Affairs* (March 8 2016), see: <https://2009-2017-fpc.state.gov/254116.htm> (accessed 27/09/2017).

Budney, A.J., R. Roffman, R.S. Stevens and D. Walker, 'Marihuana Dependence and its Treatment' in: *Addiction Science and Clinical Practice* 4 (December 2007) 4-16.

Buquet, D. And Rafael Piñeiro, 'Uruguay's Shift From Clientelism' in: *Journal of Democracy* 27 (January 2016) 139-151.

Buscaglia, E., 'The Paradox of Expected Punishment: Legal and Economic Factors Determining Success and Failure in the Fight against Organized Crime' in: *Review of Law and Economics* 4, 1 (2008) 290-317.

Cerdá, M. and B. Kilmer, 'Uruguay's Middle-ground Approach to Cannabis Legalization' in: *International Journal of Drug Policy* 42 (2017) 118-120.

Chu, Y., 'Do Medical Marijuana Laws increase Hard-Drug Use?' in *The Journal of Law and Economics* 58 (May 2015) 481-507,

Crick, E., 'Drugs as an Existential Threat: an Analysis of the International Securitization of Drugs' in: *International Journal of Drug Policy* 23 (March 2012) 407-414.

Cruz, G.M, 'A View from the South: the Global Creation of the War on Drugs' in: *Contexto Internacional* 39 (September 2017) 633-653, 640.

Cruz, J.M., R. Queirolo and M.F. Boidi, 'Determinants of Public Support of Marijuana Legalization in Uruguay, the United States and El Salvador' in: *Journal of Drug Issues* 46 (4), 308-325.

Cruz, R. Quierolo and M.F. Boidi, 'Rethinking the Leaf? Support for Marijuana Legalisation in Uruguay, El Salvador and the United States, Paper to be presented at the

9th Conference of the International Society for the Study of Drug Policy (ISSDP)' Ghent 19-22 May 2015.

Cruz, J.M., R. Queirolo and M.F. Boidi, 'Saying no to Weed: Public Opinion Towards Cannabis Legalisation in Uruguay' in: *Drugs, Education, Prevention and Policy, Early Online* (2016), 1-10.

El Pais, 'Uruguay tiene Récord Histórico de Presos', 17/03/2017 (accessed 15/11/2017).

Espinosa, G.G., 'Uruguay deja Puertas Abiertas al Narcotráfico' *Insight Crime* (January 2017).

Fairbanks, E., 'Mujica was Every Liberal's Dream President. He was too Good to be True' *The New Republic* (06 February 2015) see: <http://pulitzercenter.org/reporting/jose-mujica-was-every-liberals-dream-president-he-was-too-good-be-true> (accessed 05/10/2017).

Faubion, J., 'Reevaluating Drugs Policy: Uruguay's Efforts to Reform Marijuana Laws' in: *Law and Business Review of the Americas* 19, 383-410.

Ferri, P. and J.L. Pardo, 'El Aroma Verde de la Tierra Roja' *Domingo Universal* (27 July 2014) see:

<http://www.domingoeluniversal.mx/historias/detalle/El+aroma+verde+de+la+Tierra+Roja-2682> Visited: 20/04/2016

Garat, G., *El Camino, Cómo se Reguló el Cannabis in Uruguay Según los Actores Políticos y Sociales* (Friedrich Ebert Stiftung 2015).

Garat, G., 'Implicancias de la Regularización del Cannabis in Uruguay' in: *Análisis 6* (2013) *Friedrich Ebert Stiftung* 2013, 1-22.

Garat, G., 'Un siglo de Políticas de Drogas en Uruguay', in: *Análisis 1* (2013) *Friedrich Ebert Stiftung*, 1-20.

Glaeser, E. and A. Schlifer, 'A Reason for Quality Regulation' in: *AEA Economic Review* 91 (2001) 431-435.

Global Commission on Drug Policy, *Report of the Global Commission on Drug Policy* (June 2011).

See: https://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf (accessed 22/09/2017).

Graham, L., 'Legalizing Marijuana in the Shadows of International Law: the Uruguay, Colorado and Washington Models' in: *Wisconsin International Law Journal* 33 (1), 140-166.

Grayson, K., 'Securitization and the Boomerang Debate: A Rejoinder to Liotta and Smith-Windsor' in: *Security Dialogue* 34 (September 2003) 337-343.

The Guardian, 'UN Backs Prohibitionist Drug Policies Despite Calls for More "Humane Solution"' (19 April 2016) see: <https://www.theguardian.com/world/2016/apr/19/un-summit-global-war-drugs-agreement-approved> (accessed 25/09/2017).

Harrington Cleveland, H. and R. Wiebe, 'Understanding the Association Between Adolescent Marijuana Use and Later Serious Drug Use: Gateway effect or Developmental Trajectory?' in: *Development and Psychopathology* 20 (Spring 2008) 615-632.

Hetzer, H. and J. Walsh, 'Pioneering Cannabis Regulation in Uruguay' in: *NACLA Report on the Americas* (summer 2014) 33-35.

Hoffmann von, J., 'The International Dimension of Drugs Policy Reform in Uruguay' in: *International Journal of Drug Policy* 34 (2016), 27-33.

Iniciardi, J.A., *The Drug Legalization Debate* (Thousand Oaks 1999).

International Drug Policy Consortium, 'Declaración sobre la Adhesión Internacional a la Regulación del Cannabis in Uruguay' (17 December 2012) see: <http://idpc.net/es/alerts/2012/12/declaracion-sobre-la-adhesion-internacional-a-la-regulacion-del-cannabis-en-uruguay> (accessed 10/11/2017).

Jelsma, M., 'Innovaciones Legislativas en Políticas de Drogas', *Transnational Institute* (2014).

Jelsma, M., 'UNGASS 2016: Prospects for Treaty Reform and UN-System-Wide Coherence on Drug Policy' in: *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016* (Brookings Institute 2016), 1-29.

Jenner, M.S., 'International Drug Trafficking: a Global Problem with a Domestic Solution' in: *Indiana Journal of Global Legal Studies* 18 (2011) 901-928.

Junta Nacional de Drogas, 'Centros en Todo el Territorio', see: <http://www.infodrogas.gub.uy/ciudadela/centros.php> (accessed 15/11/2017).

La Nación 11/03/2014 'La ONU Critica a Uruguay e Insiste en que la Legalización de Drogas no es una Solución al Problema de las Drogas' see: <http://www.lanacion.com.ar/1671178-1671178> Visited: 20/04/2016.

Lagos, M. and L. Dammert, *La Seguridad Ciudadana: el Problema Principal de América Latina*, Corporación Latinobarómetro (2012).

Lee, M.A., *Smoke Signals: A Social History of Marijuana* (Scribner 2012).

Ley 19.172, *Archivo de la Presidencia de la República*,

http://archivo.presidencia.gub.uy/sci/leyes/2013/12/cons_min_803.pdf. Visited: 20/05/2016.

Miron, A.S., 'Drugs', in: B. Lomborg (ed.), *Solutions for the World's Biggest Problems: Costs and Benefits* (Cambridge University Press 2009) 283-294.

Monitor Cannabis Uruguay, 'Seminario Evaluación y Monitoreo de la Regulación del Cannabis: Tres Años de su Aprobación' (15 november 2016). See:

<http://monitorcannabis.uy/a-tres-anos-de-la-aprobacion-conclusiones/> (accessed 15/11/2017).

Montañés, V., *Rompiendo el Hielo: la Regulación de Cannabis en Países Bajos, Colorado y Uruguay*, Donostia/San Sebastián: Fundación Renovatio (June 2014).

NOS, 'Nieuw Kabinet Wil Proef Legale Wietteelt', 07/10/2017, see:

<https://nos.nl/artikel/2196782-nieuw-kabinet-wil-proef-met-legale-wietteelt.html> (accessed 22/10/2017).

Organisation of American States, 'Declaration of Antigua Guatemala "For a Comprehensive Policy Against the World Drug Problem in the Americas"' (June 7 2013), see: http://www.oas.org/en/media_center/press_release.asp?sCodigo=S-010 (visited 24/09/2017).

Pakes, F., 'Globalisation and the Governance of Dutch Coffee Shops' in: *European Journal of Crime, Criminal Law and Criminal Justice* 17 (2009) 243-257.

Pardo, B., 'Cannabis Policy Reforms in the Americas: a Comparative Analysis of Colorado, Washington and Uruguay in: *International Journal of Drug Policy* 25 (2014) 727-735.

Paternain, R., 'La Inseguridad in Uruguay: Perspectivas e Interpretaciones' in: H. Perez (ed.), *El Uruguay Desde la Sociología X* (Montevideo 2012) 11-32.

Presidencia de la República, *Estrategia Para la Vida y la Convivencia*, see:

https://medios.presidencia.gub.uy/jm_portal/2012/noticias/NO_E582/Estrategia.pdf accessed 05/05/2017.

Ramos Barbero, V. and G. Garrote Pérez de Albéniz, 'Relación entre la Conducta Consumo de Sustancias y la Conducta Delictiva' in: *Psicología y Desarrollo: Infancia y Adolescencia* 1 (2009) 647-656.

Ramsey, G., *Uruguay: Marihuana, Organized Crime and the Politics of Drugs*, Insight Crime, (July 2013).

Ramsey, G., 'Candidato Presidencial de Uruguay Propone Rehabilitar a los Consumidores de Marihuana' *Insight Crime* (September 2014).

<http://es.insightcrime.org/analisis/candidato-presidencial-uruguay-propone-rehabilitacion-consumidores-marihuana> (accessed 24/09/2017).

Rementería, de, I., 'La Guerra de las Drogas: Cien años de Crueldad y Fracasos Sanitarios' in: *Nueva Sociedad* 222 (2009) 70-80.

Repetto, L., 'Regulación del Cannabis: un Asunto de Seguridad? Entrada y Mantenimiento en Agenda de un Problema de Política Pública' in: *Revista Uruguaya de Ciencia Política* (September 2014) 6-34.

Rhodes, W. *et al.*, *Illicit Drugs: Price Elasticity of Demand and Supply. Final Report Prepared for National Institute of Justice* (Cambridge 2000).

Room, R., 'Legalizing a Market for Cannabis for Pleasure: Colorado, Washington, Uruguay and Beyond' in: *Addiction* 109 (2013) 345-351.

Sanjurjo García, D., 'Análisis del proyecto de ley de regulación del mercado de cannabis en Uruguay', in: *Circunstancia* 35 (September 2014) 2-24.

Sanjurjo García, D., 'El Cambio en las Políticas de Estupefacientes: el Ejemplo de Uruguay', in: *Revista Jurídica Universidad Autónoma de Madrid* 27 (2013), 291-311.

Sanjurjo García, D., 'La Aplicación del Enfoque de Coaliciones Promotoras al Cambio en las Políticas de Drogas en el Uruguay' *Documento para su presentación en el IV Congreso Internacional en Gobierno, Administración y Políticas Públicas GIGAPP-IUIOG. Instituto Nacional de Administración Pública* (September 2014), 14.

Sanseviero, R. And G. López Machin, *Seguridad Ciudadana: Informe Uruguay* Montevideo: Informe de Desarrollo Humano PNUD (2006).

Shanahan, M. and A. Ritter, 'Cost Benefit Analysis of Two Policy Options for Cannabis: Status Quo and Legalisation' in: *PLOS One* 9 (April 2014) 1-14.

Spithoff, S., B. Emerson and A. Spithoff, 'Cannabis Legalization: Adhering to Public Health Best Practice' in: *Canadian Medical Association Journal* 187 (2015) 1211-1216.

Stokes, D. and N. Chomsky, *America's Other War: Terrorizing Colombia* (London 2005).

The Transnational Institute, 10/12/2013 'Uruguay's Pioneering Cannabis Regulation Marks the Tipping Point in the Failed War on Drugs' see:

<http://www.druglawreform.info/en/newsroom/press-releases/item/5178-uruguays->

[pioneering-cannabis-regulation-marks-the-tipping-point-in-the-failed-war-on-drugs](#)
25/04/2016.

Telenoche Uruguay 'Uruguay Tiene Nueve Toneladas de Marihuana Legal' 07/07/2017,
see: <http://www.telenoche.com.uy/sociedad/uruguay-tiene-nueve-toneladas-de-marihuana-legal.html> (accessed 20/11/2017).

Transform Drug Foundation, *How to Regulate Cannabis, a Practical Guide* (London 2014)
see: <http://www.tdpf.org.uk/resources/publications/how-regulate-cannabis-practical-guide> (accessed 20/11/2017).

United Nations Office on Drugs and Crime, *Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem* (New York 2016).

United Nations Office on Drugs and Crime, *Making Drug Control 'Fit for Purpose': Building on the UNGASS decade* Report by the Executive Director of the United Nations on Drugs and Crime as a contribution to the review of the twentieth special session of the General Assembly (May 2008).

United Nations Office on Drugs and Crime, *World Drugs Report 2016* see: https://www.unodc.org/doc/wdr2016/WORLD_DRUG_REPORT_2016_web.pdf (accessed 08/11/2017).

Walsh, J. and G. Ramsey, 'Uruguay's Drug Policy: Major Innovations, Major Challenges' in: *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016* (Brookings Institute 2016) 1-19.