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Article

Morality, Wholesomeness, and Consumption. Cannabis Regulatory Regimes in Ecuador

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Abstract: This article analyzes laws, normative reforms and regulations surrounding the practices and mechanisms of control over the consumption, cultivation and commercialization of cannabis. On the one hand, I investigate regulatory practices that deny rights for the consumption of cannabis classified as recreational. On the other hand, I study regulatory practices that extend rights for the production, consumption and commercialization of cannabis classified as medicinal and industrial. The empirical moment is composed of four stages and methodological tools. First, I conduct an analysis of state policies. Then, I analyze nine laws and codes on cannabis regulation from 1970 to the present. Next, I perform five semi-structured interviews. Finally, I develop two life stories of former people deprived of their liberty for cannabis cultivation and trade. In this way, I trace forms of regulation on multiple demands, knowledge, interests and beliefs. This research focuses on state regulation. Cannabis regulatory regimes are conceived as constructions of political, social and economic truths, meanings and rights. In sum, the answer to the question of how collective demands around cannabis are regulated in Ecuador stipulates that state action reinforces stigmatization and criminalization. In addition, it legitimizes moral entrepreneurs and counter-movements around cannabis.

Keywords: regulatory regimes; control devices; cannabis; rights extension; rights denial

1. Introduction

This research analyzes the cannabis plant as an object of regulation. It proposes three regulatory regimes that operate as structures of power relations and political and economic interests. A regulatory regime is a normative, economic and moral model that constructs truths, configures transgressions, and establishes deviations at national, regional and global levels.

To this end, I analyze laws, normative reforms and regulations related to the forms and mechanisms of control over the consumption, cultivation and commercialization of cannabis. On the one hand, I investigate regulatory practices that deny rights for the consumption of cannabis classified as recreational. On the other hand, I study regulatory practices that expand rights for the production, consumption and commercialization of cannabis classified as medicinal and industrial.

The proposition of three (intertwined) regulatory regimes is the analytical entry to understand cannabis as an object of regulation and public problematization. In order to answer the research question, I develop five sections. First, I study cannabis as an object of regulation in the country. Second, I construct three regulatory regimes on cannabis in Ecuador.

Subsequently, I justify the approach of a moralistic regulatory regime (1970-1990), a health regulatory regime (1990- 2014), and a consumer market regulatory regime (2015 onwards). Third, I elaborate on the legitimacy of such regulatory regimes and their corresponding control devices. Later, I contrast the extension of rights for medical and industrial cannabis with the denial of rights for recreational cannabis.

With this background, I developed four methodological tools. First, I conduct an analysis of state policies (Ministry of Public Health -MSP-, Ministry of Agriculture and Livestock -MAG-, National Institute of Agricultural Research -INIAP-, and National Agency of Regulation, Control and Sanitary Surveillance -ARCSA-). Next, I analyze nine laws, reforms and codes published in the Official Registry regarding the regulation of cannabis from 1970 to the present. Next, I conduct five semi-

structured interviews with (former) public officials, academics, businessmen, physicians, and researchers. Finally, I develop two life stories of former persons deprived of liberty -PPL-, detained and released for consumption, cultivation and trade of cannabis, Angel Pilamunga (Chambo) and Carlos Escalante (Lago Agrio).

This research warns about the risk (always latent) of a moral community applying its prejudices to profile a dangerous other (recreational consumers, growers, illegal traders, owners of grow stores and consumer accessories, artisanal producers of oils, creams, and extractions containing CBD¹, and activists who give workshops on cannabis cultivation). Groups that are not necessarily involved in breaking the regulatory framework. Under these regulatory conditions, social labels are strengthened. Even the rights of organizations, families and individuals associated with this conflict are often violated.

Cannabis as an object of regulation

The regulation of objects (as well as subjects) regulates and regulates not only demands, discontent and public dissatisfaction. At the same time, forms of knowledge, positioning, perceptions, preferences and affections for certain practices and habits are regulated. A regulatory regime considers both the moral and international economy in which the objects of regulation are inserted.

On April 20, 2021, the virtual event "Latin American Perspectives on Cannabis Regulation: Past, Present and Future" will take place. Green Medic 4:20, a cannabis club from Jaltenco, State of Mexico, is organizing this international conversation in which two Ecuadorian cannabis organizations are participating. One of the representatives of the Paraguayan cannabis organizations emphasizes that both state authorities and public servants put obstacles in the way of their agro-economic projects.

Faced with this regulatory scenario, these organizations position themselves from a collective identification that they call civil disobedience. They frequently meet at their mother farm and produce cannabis oils. From illegality, they recognize that this is the only way to advance their objectives. They assure that they are facing a corrupt political system that does not care about collective health.

The position of a State in the world economy is interdependent on the International Drug Control Regime. From the regulatory sphere and based on the reflections of Korzeniewicz and Moran (2008), Sergio Costa argues that an alternative perspective on the stratification of the objects and subjects of regulation is required. Institutional agreements are relational mechanisms of regulation, "they operate within countries and at the same time shape interactions and flows between them" [1] (p. 5).

In Peru, one of the main cannabis activists asserts that, in relation to cannabis, illicit acts are registered before crimes against the legal system. He invites cannabis organizations in Latin America to be vigilant so that prohibitions do not return (as in the United States). Cannabis (and other psychoactive substances) users have a second-class citizenship. "The State softens before industries, but enlarges before social organizations" (Pedro Vera, spokesperson for The Stoners Lawyer, "Latin American Perspectives on Cannabis Regulation: Past, Present and Future," April 20, 2021).

Under the Chilean regulatory context, Law 20000 replaces 19936. The representation of the cannabis consumer as a failed person remains in force. Fundación Daya² is one of the non-profit organizations working in favor of medical cannabis. Despite this, growers continue to be relegated from the elaboration, discussion and approval of legislative projects.

¹ Cannabidiol (CBD) is the non-psychoactive cannabinoid compound with medicinal and therapeutic potential. It has antioxidant, anti-psychotic, anxiolytic and antitumor effects.

² This social and civil organization, which receives economic contributions from its members, designs and executes projects for the use of medical cannabis. Its management involves municipalities, health institutions and organizations that seek to promote legal production and marketing. It also provides advisory services for the design of public policies and legislative projects. Finally, it provides guidance to patients who decide to cultivate this plant.

For a sector of the medical and scientific community, the latest legal and regulatory reform is still restrictive. Giving away or selling cannabis derivatives is illegal. "We want it to be authorized by the ISP³. There is authorization for companies to grow, plant and produce cannabis, but not for individuals. I can't invite anyone to my house to smoke. That is considered a trafficking crime" (Paola Muñoz Knesebeck, Fito researcher in medical cannabis, "Latin American perspectives on cannabis regulation: past present and future", April 20, 2021).

I define the regulatory regime as a set of public, territorial, legal and penal mechanisms that authorize the distribution and commercialization of an object of regulation by means of economic and normative provisions. In this way, a private-state structure is formed that stratifies and homologates licenses, processes as well as moral consents around an industry.

Complementarily, a regulatory regime appeals to political, scientific and collective positions. Societies base their own positions, and those of others, on "legal and institutional structures, public policies and models of daily coexistence of greater segregation or greater integration" [1].

In the face of the regulatory regimes described above, the control, prosecution and criminalization of cannabis have hostile effects. Policies aimed at policing the plant, whether strict or flexible, have little or no impact on the prevalence and frequency of its use. According to the international prohibition of cannabis, its use was restricted to certain states. However, cannabis use is spreading globally. Today, it is widely consumed "in the most developed countries to the point where it has become a rite of passage for most young people" [2] (p. 12).

According to the opinion of a Colombian grower, consumers of this plant represent 3% of the world's population. However, the financial system is closed to cannabis organizations. At the same time, the Colombian territory is occupied by international cannabis companies. "Public and private universities want to make money. We are still a minority. We are in a historic opportunity to promote spaces since there is still not total freedom. I can't sell a single gram" (Juan Rincón, founder of Breeders, "Latin American Perspectives on Cannabis Regulation: Past, Present and Future," April 20, 2021).

Cannabis as an object of regulation becomes a raw material that enables a provisional and unstable arrangement for the accumulation of private, mixed and state capital. The multiple contradictions of capital are reproduced and influenced with "specific weights through class struggle and institutionalized in regimes of accumulation and models of regulation" [3] (p. 90).

Public conversations and tensions about the categorization of cannabis as a dangerous substance replicate desires and intentions to exclude and punish. The assumption of consumption as a stigma, thematizes crimes around cannabis and prioritizes the medicalization of life from the perspective of public health.

To challenge the punitive approach of the war on drugs, cannabis is reclassified within the schedules of the 1961 Single Convention on Narcotic Drugs. If cannabis were to be removed from the International Drug Control Regime, the number of users of illegal substances would be significantly reduced (about 40 million users). Moreover, such a number of users would be unjustifiable for the substantial economic, social and political costs incurred by States.

This is without taking into account the corruption networks that have been operating globally since the establishment of prohibitionist regulatory regimes. The war on drugs would become a campaign to "alleviate the problems arising from a small number of dependent users of much more addictive and dangerous drugs" [2] (p. 13).

By regulating cannabis, drug use would be a minimal problem for both states and societies. Cannabis prohibition amplifies the problematic situations around their respective regulatory regimes; in some continents much more than in others.

Within this context, Ecuador leads in the consumption of stimulants in Latin America thanks to discourses that promote an increase in university and labor productivity. "The university population is the group that consumes the most stimulants. Each form of consumption has its individual reason"

³ The Public Health Institute of Chile protects the health of the population. It also strengthens sanitary control through surveillance, authorization, inspection, research and technology transfer.

(Alexandra Delgado, clinical psychologist and former CONSEP official, program "Stigmatization vs. decriminalization of marijuana in Ecuador. The change of cultural matrix", August 14, 2020).

One of the main differences between cannabis users and users of other prohibited substances lies in the fact that the networks of relationships woven around this plant promote a series of socio-political claims and demands in each of the Latin American states. Mainly to defend its cultivation and artisanal production, to demand an end to extortion and police abuse, and to insist on the priority of regulating its production as the beginning of the comprehensive decriminalization of all psychoactive substances.

Cannabis has become the new epicenter of collective action for emerging social movements. The demands of cannabis movements, mainly, agented by consumers, for medicinal purposes or not, question "the prevailing legal situation with respect to cannabis and drive collective actions to modify it" [4] (p. 12).

In Ecuador and around the illegal commercialization of cannabis, a young woman from Lago Agrio who lives in Quito, shares her experiences from her clandestine work. She believes that a small cannabis dealer also experiences anguish and uneasiness (just like a consumer) when his supplier disappears. During the time she was only a consumer, she opted to buy a few ounces of cannabis to stock up for up to four months.

One time when he was smoking with a friend, the latter asked him if he was likely to buy ten dollars' worth of cannabis. "I had plenty and I told him... of course, I started to sell to my closest friends... to my friends. I knew they smoked too. That's how it all started (smiles)..." ("Carla", illegal cannabis dealer, interview with author, March 18, 2021).

Regarding the networks of trust in the illegal cannabis markets, "Carla" comments that both her suppliers and herself only know their first names and places of residence (which are always temporary and rotating). The conversations are brief but sufficient to get to know basic traits of their personalities and attitudes. "You see him and you know if you can trust that person. It's a vibe... I don't know how to explain it. Besides, the people I've bought from have been... good people. No one with a scratchy face or anything like that" ("Carla," illegal cannabis dealer, interview with author, March 18, 2021).

At present, cannabis is consumed on all continents: Oceania (16%), North America (11%), Africa (8%); Western Europe with a higher proportion than the world average, Eastern Europe (4%), Latin America (2%) and Asia (2%). "Because of their large populations, Asia and Africa account for 31% and 24% of world consumption respectively. This is followed by America (24%), Europe (19%) and Oceania (2%)" [2] (pp. 20-21).

In Ecuador, according to the Regulations⁴ for the Therapeutic Use, Prescription and Dispensing of Medical Cannabis and Pharmaceutical Products Containing Cannabinoids, and through Article 6 of the Law on Patient Rights and Protection, it is stipulated that every patient has the right to decide to accept or decline medical treatment. In both circumstances, any health center has the obligation to inform about the repercussions of their decision. So far, public health services do not yet include the therapeutic use of cannabinoids for treatment. Nor is the demand for cannabis-derived medicines considered.

Article 19 of the Regulation in question prohibits the marketing and sale of pharmaceutical products (with -1% THC) and controlled medicines (with +1% THC) in pharmaceutical establishments not authorized by ARCSA or ACESS (Agency for Quality Assurance of Health Services and Prepaid Medicine). Finally, the marketing of natural and homeopathic products for medicinal use whose formulation contains CBD and cannabis derivatives with a concentration of less than 1% THC is authorized as long as they are dispensed with a doctor's prescription.

2. Materials and Methods

This methodological design considers interpretive and historical aspects around cannabis in Ecuador. It sociologically explains the cannabis conflict in Ecuador to understand how implicit

⁴ Third Supplement No. 410 of the Official Gazette of March 15, 2021.

mechanisms generate a plurality of experiences "whose outcomes interact with the process that produces those outcomes" (Becker 2016b, 19). The methodological perspective of the ethnographic work is qualitative⁵.

I triangulate the information from preliminary studies to form a state of the art from which the case of cannabis in Ecuador during the last decade is analyzed. From the case selection criteria, it is argued that this conflict involves disputes over the exercise of rights, it is a conflictive framework that enables the investigation of the scientific problem, it allows (future) research in a comparable perspective, and there is limited academic and sociological research on cannabis in Ecuador.

The study period corresponds to the period between 2010 and 2021. This temporality is fundamental because during this period, networks of actors and positions (for and against cannabis) are woven around its public problematization through different mobilization strategies, and around its respective thematization, categorization and ownership. During the collection of information, documents and data are gathered to examine regulatory practices and control devices on cannabis. In general terms, the existence of regulatory regimes that prohibit demands, knowledge, interests, sensations and beliefs is discussed.

Development of an analysis of state policies of the MSP, MAG, ARCSA, and INIAP. Through this analysis, information is gathered to explain the conformation of different types of publics (some questioning and others defending) around the regulation of cannabis in Ecuador. At the moment, there is a confused state response with respect to the consumption, cultivation and commercialization of cannabis. On the one hand, there is a certain openness to cannabis for medicinal and industrial purposes. On the other hand, there is greater repression for recreational consumption, artisanal production of medicinal derivatives and cultivation.

Through the production of five semi-structured interviews with (former) public officials, academics, businessmen, doctors, and researchers, we compile normative criteria and dominant categorizations regarding its regulation. Through two life stories of relevant interviewees: (former) persons deprived of liberty -PPL-, detained and released for consumption, cultivation or trade of cannabis, it is understood how the State regulates the actors around cannabis.

Finally, I conduct an analysis of laws, reforms and codes published in the Official Gazette regarding the regulation of cannabis in Ecuador from 1970 to the present. In this way, empirical and historical resources are available to outline the trajectory of cannabis regulatory regimes and to recognize positions in favor and against in moments prior to the approval of laws, regulations and reforms. The selection of research techniques described identifies different regulatory regimes. I propose three regulatory regimes that argue how power relations around cannabis are structured. This empirical moment is articulated with the objectives of the research: to examine regulatory practices and control devices in relation to cannabis in Ecuador.

3. Results

3.1. Cannabis regulatory regimes in Ecuador

Angel Pilamunga, a cannabis user and grower from Chambo, was arrested and sentenced for the crime of drug trafficking. His trial was one of thousands of cases registered with the Attorney General's Office (hereafter FGE). The Prosecutor's Office never presents solid and convincing evidence to prove his indictment on charges of illegal commercialization of cannabis. The sentence is

⁵ According to Aspers and Corte (2019, 142), qualitative research is a multi-method approach that studies objects within their natural settings, attempting to make sense of, or interpret, the phenomenon in terms of the meanings people formulate for them. This research model involves the use of empirical material-case study, personal experience, life history, interviews, observational, historical, interactional, and visual texts-that describes everyday, problematic, and meaningful moments within individual lives.

obtained thanks to an individual complaint, and to media and judicial persuasion that exposes moral grievances for corrupting the youth of that community.

According to the testimony of one of his sisters, Daniela Pilamunga, the seizure of 12 plants is the only convincing evidence to convict Angel. She recalls that the official National Police report argues that the amount of cannabis seized represents close to two hundred doses with a very high economic value in the Scheduled Controlled Substances (SCS market. "The headline of the newspaper was... hard blow to drug trafficking... twelve plants! It's not as if there were twelve hectares of crops. A super heroine, that prosecutor" (Ángel Samuel Pilamunga, person arrested, sentenced and released for illegal cannabis trade, life story with the author, March 13, 2021).

Under to the Foucauldian approach, the theses of the human sciences are based on the struggle between two types of heterogeneous mechanisms and discourses. First, the organization of law around sovereignty. Secondly, the coercion exercised by the disciplines. Power is practiced simultaneously by means of this law and these techniques.

That such disciplinary mechanics and discourses break into law, that the procedures of normalization dominate legal frameworks, is an explanation of the "global functioning of what I would call a society of normalization" [5] (p. 45-46). As he lifts his coffee cup -he holds it for several seconds- Carlos Escalante comments that young people who consume psychoactive substances are often cheated on the quality, quantity and price of the substances.

He says that when he was younger, he would take about two grams from the kids who were just starting (to use) and then he would "have" his dose. He and his group of friends had a dealer in Lago Agrio. They called her "Lulu. He remembers her as a kind woman until she "fell" in prison. Since then, his family situation has completely deteriorated. Lulu's son is still homeless. By way of comparison with his own reality, Carlos details:

Sometimes I am embezzled and I get into selling marijuana... I might go to prison again, but I'm not afraid anymore because I know what the note is like. But I am afraid for what it could cost my family (Carlos Escalante Pai, person arrested and released for allegedly selling cannabis, life story with the author, March 10, 2021).

With the prohibition of cannabis, its use is reduced to minimal levels. Only, due to the increase of its sale price in the illegal markets. Its access is limited by the decisions of clandestine economic networks rather than by the direct and punitive action of prohibitionist regulatory regimes. The prohibition of this plant gives rise to large-scale illegal markets. The blocking of its integral regulation is based on a presumed dangerousness that varies according to its dosage and combination with other substances.

The reforms⁶ to the COIP (2014) in consideration of Article 76 of the Constitution of the Republic underline the importance of the guarantees of due process; guarantees of defense for the defendant and for the victims. The Ecuadorian penal system maintains obsolete types in its substantive component. Its adjective component is inefficient and never guarantees fair, quick and simple processes.

In Ecuadorian society, as in the rest of Latin America (with the exception of Uruguay and, as of 2021, Mexico), multiple power relations cut across social, political and legal orders. Such orders are established and operate through the approval of a unique and dominant regulatory regime that sets itself up as anti-cannabis. The exercise of power reproduces truths. "This relationship between power, law and truth is organized in a very particular way" [5] (p. 34).

When Carlos Escalante was arrested, he also lost the economic, labor and temporary investment that he had allocated for four months to his cannabis cultivation. Together with his family, he disposes of the plants he was going to harvest. The course of his judicial process generates direct and indirect economic penalties for the finances of his family network. In July 2020, he launches his micro business project "Elinor Alternative Care". He confirms that his main motivation to enter the

⁶ Registro Oficial 180, of February 10, 2014, President of the National Assembly, Gabriela Rivadeneira Burbano.

commercial and clandestine networks of cannabis derivatives with medicinal potential comes from his interest in alleviating the dermatitis that his niece suffers from.

Rather than an isolated story, through Carlos' account I explain the Regulatory Approach (RE) from three main aspects. First, the unfinished relationship between economic capital and its social reproduction depends, unsteadily and contradictorily, on extra-economic conditions. Second, structural contradictions are inherent processes in the relationship between economic capital and legitimization in different regimes of accumulation. Ultimately, "Regulatory conflicts are expressed both in the circulation of capital and in its social and state formation" [6] (pp. 15-16).

The International Drug Control Regime undermines different state and organizational pretensions that seek to reform its punitive and prohibitionist character. In Latin America and under these conditions, organizational networks are formed around cannabis. In line with Sergio Costa (2013, 12), I assert that these organizational dynamics demand social changes and new regulatory frameworks on the cannabis consuming and cultivating population.

The reforms to the COIP -2014- guarantee that no person will testify against themselves in matters that may result in their criminal liability (prohibition of self-incrimination). However, in several criminal proceedings for drug offenses, public defenders fail to comply with this principle during hearings for consumption, cultivation and presumed illegal marketing of cannabis. The main recommendation that defendants receive is a guilty plea under the pretext of securing a minimum sentence, rather than a maximum sentence.

Control and penalization procedures still do not differentiate between personal consumption and illicit commercialization. The exercise of power encompasses concepts and practices related to disciplining, control and social order. To resist disciplinary power, the right to sovereignty is insufficient. "We should move towards a new right, anti-disciplinary but at the same time freed from the principle of sovereignty" [5] (pp. 46-47).

For the Chimborazo Provincial Prosecutor's Office, eradicating the evil means sentencing Ángel to the maximum possible number of years. Among the population of Chambo there is a rumor that people are afraid to go out at night. According to the prosecutor who brought the accusation, his arrest has restored tranquility to the community. Although no data or evidence has ever been published to corroborate these statements, the media claims that the rates of violence and consumption of SCS have increased in Chambo.

Daniela Pilamunga recalls that the prosecutor expresses (during the hearings) her moral commitment to take care of Chambo and clean it of criminals. Initially, Angel's sentence was for 16 years. During this judicial process, local television channel 29, presents news reports every day. Television commentaries suggest that the authorities should not allow someone "like this" to go free.

Extending the research findings of Sofía Argüello (2013), I point out that the development of regulatory regimes around cannabis clarifies political and conflictive moments of disputes over the rights of consumers, growers and artisanal producers. It also elucidates state, legal and business regulatory practices, as well as the collective action of organizational networks and cannabis activists in Ecuador.

From Carla Alvarez's point of view, the geopolitical phenomenon of drug trafficking and the sociocultural phenomenon of drug use are undeniable problems. Similarly, the transition of the country and the world towards the comprehensive legalization of cannabis, mediated by local and transnational business networks, is evident. State regulation of cannabis is more viable than regulation of other SCS.

Therefore, the current deregulation of these substances affects the health of the Ecuadorian population and that of other continents. Among its proposals, it emphasizes that:

You need a pull of people who are thinking about it. You need a new version of National Council for the Control of Narcotic and Psychotropic Substances (CONSEP) rather than the Technical Secretariat on Drugs. Because Technical Secretariat for Integrated Drug Prevention (SETED) was born with a super punitive twist (frowns). Without having clarity of where it was going... it was an institution with less clarity. I do not believe that CONSEP is the panacea, but I do say that we need a regulatory body. Someone to be in charge of oversight. Someone who is in charge of being a

counterweight to the police... because the police monopolize the discourse (Carla Álvarez Velasco, coordinator of the Master's Program in Public Policy for Comprehensive Drug Prevention at IAEN, interview with the author, April 14, 2021).

Cannabis regulatory regimes respond to their constitutional, legal and political contexts. They are results of diverse forms of emergence of the capitalist system, of accumulation regimes and of multiple national and regional contradictions. There are different ways to compensate for the lack of solidarity of the capitalist system. "Which of these comes to dominate depends on specific social and spatiotemporal frameworks in which these attempts take place" [6] (pp. 17-18).

Despite the fact that the country prohibits the criminalization of SCS consumption (art. 75 of the Constitution of the Republic), and admits free access to justice and to effective, impartial and expeditious protection, there are still criminal cases and proceedings involving the consumption, cultivation and commercialization of cannabis in which those involved invest considerable amounts of money to obtain minimum sentences, free defenses and moderately fair criminal proceedings. The (only possible) free trial is associated with a guilty plea by the accused.

Against the background described above, I outline three regulatory regimes surrounding cannabis - the object of social, political and cultural tensions in a highly discriminatory and exclusionary society. These regimes are located between state control and collective action. These relations "between domination and contention are a reminder that states become governmentalized" [7].

Similarly, such regimes regulate consumption and cultivation practices, and allow "societies to forge collective identifications and political and social actors to negotiate their rights" [8] (p. 495). Cannabis regulatory regimes change in time and space due to the constant socioeconomic tension in which they are embedded. Moreover, they are established as analytical tools and webs of interests and discomforts within a given social order that pretends to be immovable.

3.1.1. Moralistic regulatory regime (1970-1990)

In order to parameterize the state regulation of cannabis, I propose three institutional, legal and penal periods that are interrelated (rather than mutually differentiated). I take into account the last fifty years, since, from this moment of conflict, control devices, practices and discourses that obey international conventions are accentuated and strengthened. The prohibitionist regulatory regime is strengthened in Latin America.

With gratitude and emotion in her facial expression, Carla Alvarez mentions that Rodrigo Velez (former director of CONSEP and founder of the Parametria organization) publicly stated that police officers discover that the report of the seizure and forfeiture of drugs by doses was the media revelation of the century. The explanatory logic is as follows. If one kilogram of any SCS, for example, is divided into three or five hundred doses, the police report that they have prevented the illegal and successful commercialization of a large quantity of drugs when in reality it is a single unit of the object of prohibition.

The institutional business of the fight against drugs is monopolized. These tricks improve the positioning, public image and prestige of the National Police. From Carla's point of view, the human rights perspective during the police exercise continues to be deficient. There is a lack of a team of police and public servants who know the prisons in depth so that innocent people are not apprehended.

When drugs are approached as alterations to the social and political order, ethnographically two analytical dimensions are located: normative designation of health and disease, and legality and illegality. In Latin America, there are initiatives that "aim at understanding the illegal markets of prohibited substances, up to situations of use or even people in health treatment" [8] (pp. 129).

The Law for the Control and Control of Drug Trafficking⁷ (1970) incorporates provisions of the 1961 Single Convention on Narcotic Drugs. Ecuador adheres on August 27, 1964. The Committee of

⁷ Presidential Decree 366, published in the Official Gazette on November 23, 1970, President of the Republic, José María Velasco Ibarra.

Experts on Drugs of the World Health Organization (OMS) makes recommendations through an intergovernmental protocol. In response, the Ecuadorian State assumes the scarcity of regulatory frameworks to prevent, punish and punish the use of narcotic substances as a national difficulty.

Therefore, the Law on Trade in Opium and Other Drugs (October 18, 1916), the Law on Trade in Opium and Other Drugs (November 6, 1924) and its respective amendments (January 6, 1954) are repealed. Likewise, the Law on Trafficking of Raw Materials, Drugs and Narcotic Preparations (January 21, 1958) and its respective amendments (October and December 1963) as they are considered legal provisions opposed to this Law.

In this research, the positioning of Bewley Taylor (2012) is shared. The prohibitionist international regime is conceived as a promoter of norms. States choose to conform "rather than risk losing U.S. cooperation and support in other areas" [9] (p. 31).

The Narcotics Law (1970) prohibits, in the national territory, the sowing, cultivation and exploitation of the opium poppy⁸, coca (leaf) and hemp (cannabis sativa) as well as its indica varieties (art. 7). With the creation of the National Department for the Control and Control of Narcotics and through laboratories that technically and morally guarantee their procedures, the commercialization of narcotic substances is approved exclusively for the elaboration of pharmaceutical products.

Although it is not specified which requirements support the proposed guarantees, there is evidence of international pressure to increase the punitive capabilities of the regulatory framework. The previous Law (1958) is accused of being contradictory and anti-technical. It legitimizes the way for public punishment of consumers, growers, producers and traders of substances defined as narcotics.

This first regime of state regulation exercises judicial power, politicizes its public actions, and produces regulatory practices that deny rights. The approach of three regulatory regimes around cannabis allows us to understand periods of stability, crisis and change "of the ways of regulating the relationships between citizen demands and structures of power and domination" [8] (p. 498).

This regulatory regime has been securitizing drugs since the 1980s. This process associates armed violence, illegal commercialization and transnational criminality. In this securitization, "a given social issue is transformed by an international actor into a security issue" [11]. Practically any social phenomenon can become a matter of security (public, citizen and national). It moves from a space of minimal politicization to its prioritization in the political agenda of a State.

Thus, the activation of extraordinary state measures is justified. The regulation of illegal drugs has been securitized. That is, this problem is addressed in terms of criminality and security. "Not as a social and public health problem" [10] (p. 31). Under the 1970 Narcotics Act, police officers are empowered (and obliged) to detain any person who appears to be under the influence of drugs. Thus, it validates the transfer of the alleged user ⁹to a psychiatric hospital to check if he or she is really under such effects.

In this regulatory and historical context, a new connotation emerges for the meaning of dependence. It is interpreted as a bodily and mental state caused by the habitual use of a drug. This regulatory regime does not yet promote cannabis as a substance that generates dependence. The illegal productions of concern are opium, coca and, finally, cannabis resin.

Moralities, technologies and economies converge in the historicization of drug regulation. It is undeniable that the SCS carry with them the moral condemnation of illegality and harmfulness. Both dimensions proceed from classifications that respond to the sustenance of state order. "The legal

⁸ It is also known as royal poppy. It has a high alkaloid content, which is obtained by distilling its sap. It is the basis for the production of opium and its derivatives (morphine, codeine, noscapine). Its cultivation dates back at least 4000 years. Illegal cultivation is concentrated 90% in Afghanistan and Burma. The remaining 10% is located in Mexico and Colombia (insignificant production for the North American illegal market).

⁹ II Addicts, art. 24.

classification procedure marks and inscribes with prohibition the negative attribute of that which punishes" [9] (p. 129).

The Law for the Control and Control of Traffic in Narcotics and Psychotropic Substances¹⁰ (1974) establishes the indispensable role of the National Police to investigate, determine and destroy areas where narcotic plants are cultivated and to suppress the commercialization of narcotics. It should be noted that the purchase, transport and delivery carried out by members of Interpol and the National Police do not constitute illicit drug trafficking as long as they are related to legal investigations and hierarchical authorizations.

Regardless of the object of regulation and the correspondence between a normative framework and an international control regime, the social demands that precede its official publication are relegated to the background. Social movements focus their collective actions around legal and regulatory reforms that guarantee social recognition and the extension of rights. It is a matter of building a social indignation that "translates into legislative and/or institutional devices that configure a "problem-solution", therefore, an aporia" [12] (pp. 243-244).

Under the 1974 Narcotics Law, the Interpol Department of the National Police recommends appropriate measures on drug addiction to the Ecuadorian State. There is an increase of eight new functions for the National Police. This strengthening of competencies centralizes its power, control and prestige. Therefore, it restricts the opportunities for questioning its level of action and decision making. Before concluding, it should be noted that police investigation refers to state protocols that locate, identify and capture human profiles and networks of people who break the law.

3.1.2. Health Regulatory Regime (1990- 2014)

Max raises the tone of his voice and his hands adjust the cap he is wearing to express his dismay at the regulatory practices and control devices that prevent drug use in the country. He cites the case of the "leprosy tablets" in antiquity. He explains that people suffering from leprosy had boards attached to their bodies with the intention that they would generate noise when they walked. In this way, people were alerted to the presence of a leper. Since the last sixty years, the drug phenomenon replicates a similar process.

Individuals, institutions and states shy away from relationships with SCS users. All people (regardless of their socioeconomic status) who interact with drugs are labeled and treated as deplorable and undesirable human beings. Police discourse evidences this form of treatment. "We apprehended three thieves and each one had five grams of marijuana. Marijuana is part of the criminal acts..." (Max Paredes, associate consultant at Parametría, interview with the author, March 30, 2021).

Regarding the reforms to the COIP -2014-, Max comments that in criminal cases corresponding to minimum scale, preventive detention was not applied. Even if a police officer detained a SCS dealer with small amounts, he did not have the power to imprison him. The investigative procedure included the transfer of the person to the FGE, the extension of a substitute measure, and the subsequent physical presentation at this institution (bimonthly or semi-annually).

Under the 1987 Law for the Control and Control of Traffic in Narcotic Drugs and Psychotropic Substances¹¹, Ecuador releases its first classificatory registry of psychotropic drugs. Antipsychotics, anxiolytics, antidepressants, psychostimulants and hallucinogens are categorized. At the same time, an Interministerial Coordination Commission was established with the national objective of establishing and maintaining relations with international organizations in the field of narcotics.

This Commission regulates the use of narcotics by persons defined as addicts. The directors of hospitals and clinics are required to report monthly, to the National Control Department and the

¹⁰ Presidential Decree 909, published in the Official Gazette on September 13, 1974, President of the Republic, Guillermo Rodríguez Lara.

¹¹ Published in the Official Gazette on January 27, 1987, President of the Republic, León Febres Cordero.

Interpol Department of the National Police, the number of persons hospitalized for detoxification and rehabilitation.

Regulatory reforms, formalized through the 1987 Act, deploy new forms of discipline (for those contexts) around SCS consumption. The public and private availability of places for gathering and consumption of SCS is eliminated through fines and imprisonment for its administrators. The national government of the day divides opium between opium - the juice of the opium poppy - and opium medicine (adapted to medical use).

Thirty-two years later, the national government of former President Lenin Moreno Garcés replicated this regulatory strategy with cannabis. In Ecuador, since 1987, laboratory analysis and chemical reports of SCS have been carried out. States strive to observe and record social changes. They respond to the "feedback consequences of their actions and study the effects that may arise from what they do" [13] (p 5).

Carlos Escalante, activist of Lago Agrio Cannábico and Ecuador Cannábico, was arrested during an operation and raid carried out at Casa Pukará to suspend a punk concert. The FGE intended to charge him with possession and commercialization of more than 1000 grams of cannabis. He says that he refused to sign any document without the presence of a private lawyer. He says that the police officers and prosecutors (both men and women) on duty tried to force him to sign several documents.

Cannabis prohibition triggers social and protest movements that defend rights, decisions and practices that are woven around the social world of cannabis. Drug policy, in its repressive regulations, is an interstate operation that resorts to penal policy to favor a moral control that, supposedly, seeks to improve the health and well-being of humanity. It has collateral effects "on security, politics, and even public health, especially in Latin America" [4] (p. 79).

Through the Law on Narcotic and Psychotropic Substances or Law 108¹² of 1990, the Ecuadorian State establishes a new priority. The mobilization of public or private institutions to counteract the impacts (presented as disastrous) of drug trafficking that threaten the economic, cultural and political order. At this historical juncture, international norms that are already part of international drug conventions are incorporated.

It is the ideal moment for the organization of CONSEP. State agency whose fundamental mission was the fulfillment and application of this Law. CONSEP had the character of an autonomous legal entity of public law with attributions in the national territory. It had its own patrimony and funds, special budget and coercive jurisdiction to collect resources.

Alternative legalization programs for CSFCS affirm that the totality of production, commercialization and consumption networks be considered in order to prevent the reappropriation of existing markets. Political power opposes the categories of transnational organized crime and State. "The immoral attributes of the former would authorize the latter to legitimately keep the license over that market" [9] (p. 139).

Regarding the current regulation of cannabis, Isabel Espinosa considers that businessmen play an important role. They insist for a state opening to concrete legal reforms. According to her criteria, this business participation allows legislative approaches. She assumes the business networks, in favor of non-psychoactive cannabis, as a group allied to the regulation of the plant. During the work prior to the drafting of the Regulation for the Therapeutic Use of Cannabis (2020), the inter-institutional team that makes up the technical roundtables found doors closed. Faced with this situation, they decided to act with a different strategy:

I had to call some of them and tell them hey, let's do this. You talk... because they are the children of all the Ministers and even the President. I had to tell them to see what I was talking about. Don't be mean. Support us because they want to shut us down and they don't want to let this happen. They would open the doors with a little phone call. For example, the cannabis groceries that I saw that it was for the progress of the country. The only ones who opened these doors were the businessmen.

¹² Published in the Official Gazette on September 17, 1990, President of the Republic, Rodrigo Borja Cevallos.

Not the activists, the businessmen (Isabel Espinosa Soto, doctor expert in medical cannabis, interview with the author, April 7, 2021).

3.1.3. Regulatory regime of the consumer market (2015 onwards)

Regulatory reforms, over the last seven years, promote certain legal protection through the issuance of licenses and authorizations. Regulatory safeguards are pursued through the registration of intellectual properties. This emerging market is based on an industrial scaling methodology (progressive licensing).

For a representative of the legal cannabis industry, the main business challenge is economic growth and maintaining quality in their products. "You need a reliable partner. Without business connections you will not succeed. They must test plants for growth. The best cannabis is the cannabis that the person knows what they are using it for" (Dale C. Hunt, CEO of Breeders Best¹³, "Cannabis & Hemp: the agricultural business and the industrial application, do's and don'ts", July 16, 2020).

At the global level and from the perspective of cannabis regulation, the increase of civil penalties (fines and administrative sanctions in Belgium, Czech Republic, Italy, Denmark, Portugal and Australia) rather than criminal sanctions is highlighted. This position aims to reduce the stigmatization and criminalization of consumers, as well as public costs (resources allocated to criminal cannabis policy). However, the illegality of cannabis is still preserved to support regulatory frameworks that categorize cannabis use as a societal evil. Thus, it "remains within the boundaries of international conventions" [2] (p. 137).

Since 2020, the Multidisciplinary Activity Center for Cannabis, Arado, has been holding information sessions and business meetings to strengthen the emerging cannabis industry in Ecuador. According to several speakers at the conferences, Ecuador historically lacks professional cannabis growers. They are also concerned about the productive quality of this plant (partially decriminalized) and its CBD and CBG ¹⁴percentages.

The country has thermal soils suitable for cannabis cultivation (regardless of its post-harvest use). Large-scale cannabis cultivation requires vast quantities of water. In light of this, companies looking to build a cannabis industry are aware of the level and regularity of rainfall required.

Since the official dissemination of Law 108, owners and administrators of residential spaces (or collective gathering places) are obliged to report to any police officer or CONSEP official about the presumed existence of SCS consumption or commercialization networks. Under such state mandates, a particular, international interest is established as a national effort. The competent agencies provide protection against a danger created during the last sixty years; drugs.

Ecuadorian legislation adopts guidelines from the international conventions on drug use and trafficking. Since the beginning of the 1990s, the term-controlled substances (SSF) have been introduced to refer to narcotic and psychotropic substances. From that context and through the acceptance of the laws to come, a system of punishment and repression emerged for consumers, growers and illegal traders of cannabis and other controlled substances. The regulatory framework establishes devices for the enforcement of the expected subjugation. "Once others also see the advantage of doing so, the legal rule becomes the norm" [13] (p. 19).

¹³ International corporation that works with cannabis growers to consolidate and protect their cultivar patents. It licenses patented cultivars in global markets to provide economic value and recognition to its network of growers. They also generate professional networks for propagation, cultivation, testing, extraction, manufacturing and retailing.

¹⁴ Cannabigerol (CBG) is one of the first cannabinoids that the cannabis plant produces. During the seedling stage, its enzymes react with acids to produce CBGA. Subsequently, CBGA is converted to CBG through the process of decarboxylation. Without the formation of CBGA, other cannabinoids such as CBD would not be generated. Preclinical studies on CBG focus on glaucoma, inflammation, Huntington's disease and drug-resistant bacteria.

During the last decade there have been attempts to modify the International Drug Control Regime. For example, the request to decriminalize personal drug consumption, the progressive framing of risk and harm reduction¹⁵, the state regulation of cannabis classified as medicinal and recreational, as well as the triumphant exit and reintegration of Bolivia to the Single Convention on Narcotic Drugs (traditional use of the coca leaf in its national territory).

The current drug regime has two central bodies: "one a decision-maker, the Commission on Narcotic Drugs (CND). Another treaty monitor, International Narcotics Control Board (JIFE), to oversee treaty compliance by signatory states to the 1961 and 1971 conventions" [14] (pp. 84-85).

As co-author of the Regulation for the Therapeutic Use of Cannabis, Isabel describes that access to cannabis-derived medicine and the formal definition of cannabis medicine are already state practice in Ecuador. Although on September 25, 2020, the final draft of the Organic Health Code (COS) was vetoed by former President Lenin Moreno Garcés (and the debate scheduled for September 2021 has not yet materialized in the National Assembly), this expert in medical cannabis assures that, thanks to this Regulation, access to a medical prescription (via scientific diagnosis) is possible.

Prescription drugs require a doctor's prescription. In turn, cannabis-derived supplements do not require a prescription. "There is the product that has more than 1% THC. That one is with special (light blue) prescription. Another medicine is the one that has less than 1% THC of the total weight of the product. That medicine is also with prescription" (Isabel Espinosa Soto, doctor expert in medical cannabis, interview with the author, April 7, 2021).

This recent legislation on non-psychoactive cannabis (hereinafter referred to as NPC) contains similar nuances to the Uruguayan regulation. Basically, it structures a state market that regulates the production, distribution and commercialization of cannabis. The substantial difference lies in the fact that Ecuador's regulation of cannabis is partial while Uruguay's is comprehensive. As long as the Ecuadorian regime retains spaces for deregulation of cannabis, its regulatory framework will be ambivalent and contradictory (legal marketing and consumption for non-psychoactive cannabis and, at the same time, prohibited marketing and consumption for psychoactive cannabis).

This regulatory regime operates as a scenario of irresolution and anxiety. Mainly for those who supply themselves through cultivation. In the Uruguayan case, in order to access the regulated market, producers, consumers, growers, membership clubs and owners of authorized commercialization sites register at the authorized offices. At the same time, a certain number of licenses are granted where "quantities to be produced, cultivation sites and prices for purchase by the State are established" [15] (p. 108).

Below is a table of contents that summarizes the corresponding and intervening regulatory and control conditions in each of the three regimes described.

Table 1. Cannabis regulatory regimes in Ecuador.

Regulatory regime	Period	Power relationships	International chaining	Regulatory practices
Moralist	1970–1990	Monopolization of the institutional business of war against drugs.	Strengthening of the prohibitionist regulatory model in Latin America.	Reporting of drug seizure and forfeiture by

¹⁵ According to the International Drug Policy Consortium (IDPC), risk and harm reduction is a logical framework for thinking about the drug problem in an unprejudiced manner. Without the prohibitionist bias that promotes abstinence models as the only option. It is a pragmatic and humanitarian approach that respects the principles of public health and human rights. It considers the world's population as people with rights and recipients of health policies, regardless of whether or not they use drugs. It is opposed to any discriminatory and stigmatizing process based on their drug use status, whether licit or illicit.

		Lack of regulatory frameworks to prevent, sanction and punish the use of narcotic substances.	Normative designation of health and disease, and legality and illegality.	dosage as a media and public disclosure. Prohibition of the planting, cultivation and exploitation of opium poppy, coca, and cannabis sativa and indica.
Health	1990–2014	Individuals, institutions and States shy away from relationships with consumers of psychoactive and illegal substances. State intervention from the health sector through two axes: medicalization and abstinence.	Regulatory model determined by the impact of financing, outsourcing, technological change and expansion of the informal sector. Interministerial Coordination Commission regulates improper use of narcotics by persons defined as addicts.	First registry categorizing drugs: antipsychotics, anxiolytics, antidepressants, and hallucinogens. Mobilization of public and private institutions to counteract the effects (presented as disastrous) of drug trafficking.
Consumer market	2015 onwards	Application of punishment and repression for consumers, growers and illegal traders of cannabis and other SCSF. Regulatory framework generates downfall for growers.	Cannabis corporate consultancies around principles of law and the judicial system. Establishment of modes of business competitiveness in relation to the nascent cannabis industry.	Emerging market with industrial scaling methodology (progressive licensing). Access to cannabis-derived medicine and formal definition of cannabis medicine.

Source: Prepared by the author.

4. Discussion

4.1. Extension of rights for medical and industrial cannabis

In a legal regulatory regime for cannabis, both its cultivation, commercialization and supply are controlled, to a greater or lesser extent, by the State. For example, through the concentration of cannabis production and distribution. Or, in turn, through the awarding of licenses to private and state-owned producers and distribution centers. Any economic activity outside this state regime is categorized as illegal and fraudulent. "This licensing or monopoly system would resemble the systems by which alcohol production and distribution is governed in a large number of jurisdictions" [2] (p. 143).

In INIAP's cultivar validation protocol, it is determined that prior to the implementation of a trial (authorized cultivation of cannabis), any licensee must perform a soil analysis to determine its physical and chemical characteristics. Cultivars¹⁶ are required to have a treatment number, variety and description.

¹⁶ The term "cultivars" has a commercial purpose. Its use represents legal obligations for the breeder of the operating license. The registration of their patents and trademarks have short or long term validity.

With the political support provided by the Drug Prevention Law of 2015, the design of comprehensive drug prevention policies stands as a concatenation of public arenas that amplify the presence and participation of citizens. It demarcates the radius of action for comprehensive prevention through punitive actions that discourage drug use. In addition, it takes up again medical treatments related to a worn-out (and always unsuccessful) social inclusion of the consumer. For the first time, it recognizes the feasibility of risk and harm reduction.

In Ecuador, one of the most prestigious players in the cannabis business sector is Santiago Trejo Abril. In 2018, this agronomist engineer from Earth University, studies about regulated cannabis to understand regulatory regimes and the development of this industry worldwide.

He declares (and recognizes) that, in that political context, there is already an important struggle of cannabis organizations seeking the comprehensive regulation of cannabis. As the months went by, he became involved in the regulatory process. He points out that this industry is sensitive. Economic success depends on the formality of the regulatory path. With a convincing look, he states that the cannabis industry has to detach itself from the drug perspective, and from the hippie perspective. From anything that generates a perception of informality.

For Santiago, cannabis has to be seen as a responsible industry (he draws a vertical line with his right hand) that navigates a changing regulatory regime. Accordingly, he participates in the cannabis industry. As a confidence, he expresses that in the regulatory issue there is a primordial learning: "if you are not at the table, you are on the menu. When making regulations, you are the one who is going to be restricted... sanctioned and so on. I learned this from my previous experiences..." (Santiago Trejo Abril, businessman, interview with the author, April 8, 2021).

In Ecuador, 2019 consolidates as the year of normative and regulatory reforms around the partial decriminalization of cannabis. Meanwhile, 2020 becomes a key year for the promotion and expansion of events, actors and interests around the nascent cannabis industry. A new regime is legitimized with a single claim in mind: the state and corporate promise of new economic returns for the country. The following image shows a digital poster that evidences, for the first time, the public support of the Quito Chamber of Commerce to a cannabis business initiative. In short, to the business networks of this emerging national industry.



Figure 1. Hemp Cluster of the Quito Chamber of Commerce. *Source:* Industrial Hemp Organization Ecuador, 2020.

In the same year, the Universidad San Francisco de Quito (USFQ) organizes an initiative that seeks to bring together networks of strategic actors around cannabis. The virtual event "Trends and

New Approaches to Cannabis in Ecuador" is convened. The dean of the College of Jurisprudence, Farith Simon, moderates the debate that revolves around the Canadian industrial experience and the economic opportunities that the Ecuadorian regulatory framework offers.

The most common mistake is to assume that previous experience in other crops is valid. Previous experience cannot be transferred to cannabis cultivation. It is necessary to "generate an internal demand and an appropriate culture. Covid19 hits this industry like all others. There will be failures and bankruptcies of global companies (mergers). Only at the end (maybe) a large-scale investment" (Tyler Wordsworth, director of the Canadian Embassy, "Trends and new approaches to Cannabis in Ecuador", July 9, 2020).

The Drug Prevention Act of 2015 distorts risk and harm reduction. Minimal space is allocated for this alternative proposal to drug prohibitionism. It highlights the reduction of harmful effects of drug use. However, it is forgotten that the axis of risk and harm reduction is the right to the continuity of consumption based on the quality of substances, accessories and practices that guarantee a complete knowledge on drug regulation.

At the same time, with the suppression of CONSEP and the formal establishment of the Technical Secretariat on Drugs (SETED), the prohibitionist paradigms, perspectives and guidelines are still in place. Conceptual and regulatory training on drugs for public servants is minimal. Since the return to democracy and "although security forces increased arrests, a series of rulings and bills challenged the dominant paradigm" [16] (p. 34).

After examining why networks of illegality persist (not only around cannabis but around multiple objects of regulation), a common thread emerges: States are not the totalities they pretend to be. The structural strength of modern states is dissolving. Their role as a unified social and cultural model is weakened by challenges coming from global societies and markets. Thus, controversies around states defined as incomplete, disunited and fractured are increasing.

Since illegal practices, the States were never perfect and complete administrative/territorial units. In their laws, they pretend to be whole, but probably never will be. In a world of states, the line between legal and illegal is considered immutable. However, their practice is ambiguous and "subject to ingenious manipulation. Legality and illegality are thus simultaneously black and white, and shades of gray" [17] (p. 10-11).

The Undersecretary of Agricultural Production of MAG states that the international cannabis market is uncertain. Its head, Andrés Luque Nuques, accepts that Ministerial Agreement 109 sets the bar high. Then, as the years go by, the level of demand will decrease. He emphasizes that, for this type of cultivation, the viability of bank credits is practically null (not even the world's banks do it). In response to some questions from the public attending the virtual event "Trends and new approaches to Cannabis in Ecuador", Luque points out that the national industry will be an escape valve for production that exceeds 0.3% THC.

He also admits, publicly, that INIAP imports cannabis seeds for adaptability testing. He exclaims a final warning. Business groups that choose to invest in this industry will need to be financially resilient to "withstand the limitations of the market. This is not overnight. Avocado is more profitable than cannabis. We are going to put a cost on the portfolio review. This is an agricultural business" (Andrés Luque Nuques, Undersecretary of Agricultural Production, MAG, "Trends and New Approaches to Cannabis in Ecuador," July 9, 2020).

4.2. Denial of rights for recreational cannabis

The division of the cannabis plant (and its consumers) between medicinal and recreational promotes the persistence of its illegality. Karina Loza, spokesperson for Meythaler & Zambrano Abogados and speaker at the virtual event "Trends and New Approaches to Cannabis in Ecuador" expresses that we are witnessing a new regulatory trend in the world. Latin America is examining the need to regulate medical cannabis as an economic strategy to promote this emerging industry. Some countries are initiating this legal and regulatory challenge (Colombia, Chile, Uruguay, Mexico, Panama, Ecuador and Peru).

Despite the publication of reforms to the COIP (December 24, 2019) on the partial decriminalization of cannabis, apprehensions, intimidations and public rejection of psychoactive cannabis users continue. They have even increased since 2020. A particular event was the arrest of Danilo Herdoiza, artisanal producer of medicinal cannabis derivatives and spokesperson of *Legión Cannábica*, through a joint operation between FGE and National Police of Ecuador.

Due to the mandatory confinement imposed as one of the global health security measures, the collective mobilizations planned for the commemoration of the Global Marijuana March 2020 are suspended throughout Latin America. However, such public safety restrictions motivate a single virtual event that brings together most cannabis organizations in the region.

On May 5, 2020, a series of talks will be held to address different issues, demands and public denunciations of the Latin American cannabis movements. Throughout this day of discussion, several activists and researchers will present papers and situation analysis.

One of them was "El Plon", a Colombian activist arrested for possession of cannabis on the Rumichaca Bridge (border zone between Colombia and Ecuador). He wanted to travel part of Latin America on his motorcycle. From Colombia to Uruguay to meet José Mujica. The "Plon" narrates that his motorcycle became his home. According to his consumption practices, cannabis is part of his basic basket. For nine months he lives near Montañita. He returns to Ipiales to stock up on a pound of cannabis. When he intended to continue his return trip, the ARCSA of Ecuador detained him in Tulcán. Two hours later, he was detained in a prison in that city.

In countries with strong economies, large populations of cannabis users are also present. In these regulatory contexts, criminal penalties for possession and use are moderate. At the same time, the number of arrests for cannabis-related offenses is low (one per thousand). The benefits of decriminalization are reduced by police action. The number of consumers "sanctioned by the arbitrary application of the law" increases. What is prohibited cannot be easily regulated" [2] (pp. 228-229).

Comprehensive regulatory regimes for cannabis present a variety of mechanisms to normalize a legal market; controls on supply, taxation, minimum age of consumption and purchase, labeling and dosage margins. Jorge Vicente Paladines researches drug policy and legislation. On the regulation of cannabis in the country, he explains that the role of legislation (through the State) serves as a counterweight to the interests of transnational corporations.

The creation of state boundaries operates as a political economy strategy (a procedure used with commodities such as cocoa, bananas and oil) to avoid relations of subjugation between states. The regulatory debate lacks democratic qualities. In form it is apparently equitable, but de facto, "it favors the interests of these large corporations that are undoubtedly stronger than the States" (Jorge Vicente Paladines, UCE Law School professor, interview with the author, April 8, 2021).

The promotion of moral panic is used to establish a (and not just any) public policy agenda that delegitimizes certain activities - in this case, disputes over cannabis rights. The opposition between illegalities and moralities within the regulatory framework is evidence that the comprehensive regulation of cannabis is an unresolved issue. The reproduction of state actions for the benefit of the ruling classes must be unveiled. "State and illegal practices offer an important terrain for studying the complexity of power and common sense" [17] (p.7).

The Organic Law against drug consumption and micro drug trafficking establishes (again as in 1990) the need for the State to adopt effective and immediate measures and to work on behalf of the prevention of the socioeconomic phenomenon of drugs. In addition, the fight against drug micro-trafficking is strengthened as a common cause.

The Law against drug use and micro trafficking of 2020 proposes prevention as a tool for protection against a danger: substances harmful to the health and development of a person. There are no spaces available for SCS consumption. The only option, outside the public space, for consumption is the place of residence. However, it is crucial to remember that the idea and concept of family continues to be idealized as the nucleus of social neatness.

It is worth mentioning that there are also families that grow, consume and trade cannabis. The current regulatory regime prioritizes the apprehension of SCS consumers and dealers. However, it

relegates and hides social demands about the disproportionality of the penalties and the continuous criticisms for social reintegration. As a state moral, it is noted that cannabis use (or other SCS) leads to criminalization and subsequent social reintegration after many years in this preventive society.

5. Conclusions

The proposition of three regulatory regimes on cannabis in Ecuador is the theoretical and empirical basis for investigating this conflict in comparative perspective. The illegality of cannabis allows the persistence of the International Drug Control Regime. Under this scenario, States prohibit its consumption, cultivation and commercialization. They justify the allocation of economic, military and political resources to repress an undeniable reality: the criminalization and penalization of cannabis inspires new disputes over rights.

In addition, extortion and police abuse become (hidden) regulatory practices that deny the expansion of networks of cultivation and artisanal production of cannabis. We are witnessing a belated decriminalization that divides cannabis into psychoactive and non-psychoactive. In short, psychoactivity is vetoed, profitability is sought, and the disease is redefined.

The demands surrounding cannabis result in a first extension of rights for medical, business and patient networks. In the name of an emerging industry, the pejorative labels of cannabis are modified. Under the sole condition of assigning a new categorization: medical cannabis. Since 2019, regulatory reforms are published that evidence the partial decriminalization of cannabis. In addition, the Ecuadorian State takes advantage of this regulatory decision to offer new economic income from an industry that has not yet taken off.

However, that same State denies rights for recreational cannabis. The breaking of the law is a circumstantial and historical act. For example, in the 18th century cannabis consumption was a legal practice. Today, in Ecuador it is an illegal practice. In Canada, Germany, and the Czech Republic it is not. Although the prohibition of cannabis predominates globally, it is worth mentioning that there are families that grow, consume and commercialize cannabis.

The prohibition of an object of regulation never eradicates its consumption and commercialization. For example, societies have banned prostitution, alcohol, homosexuality, and also drugs. Fears are created to avoid regulatory responsibilities. Prohibiting is easier than regulating. Cannabis has always existed. Its prohibition is new. And its regulation is just beginning.

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