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Cannabis as Political Subject in Mexico: From the Countryside to the City and Back

The almost 2 million square kilometers of our country are home to a multitude of people differentiated by their languages, knowledge, and ways of life. Among them, historically, there is an identity dispute about what it means to be born in Mexico. International coordination, which has peaked thanks to the communications and problems shared due to industrialization, allows us to understand how each decision inside and outside our nation-state plays a role in today's world dynamics.

To sketch a map of Mexican cultures, we can propose superimposing two population fields and making an analogy with the image of the eagle and the nopal cactus, which would allude to marginalized populations, the heirs of the memory and ways of life prior to the Spanish landing, and whose survival everywhere in the country is based on subsistence economies.

That is, the eagle landing on the nopal to indicate where the Mexican civilization should be founded refers us today to the populations established at the centers that house the republic's branches of government. For decades now, together with industrial and institutional activities, these have marked the way toward the horizons

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of the globalized market and filtered the political struggle for survival through the discussions of the North American economic bloc.

This analogy should serve to think about a not-so-recent political subject emerged from the coexistence of cannabis with the inhabitants of Mexico.

Health, Security, and Prohibitionism

The United Nations took it upon itself to create international conditions to allow for a unique specific surveillance of plants used as a means of exchange in the public health crises prior to the Cold War. The United Nations Conference for a Single Convention on Narcotic Drugs, held in New York in 1961, as well as the special commissions and national bodies derived from it in the following decades, molded the precise strategies that police and trade coordination would use for fieldwork, transportation, and distribution of goods based on the experiences of contraband over the last hundred years.

The activities involving cannabis, opium, alcohol, and cocaine continued the Mexican and U.S. governments' prohibitionist approach in the early 1920s. Public policies on the use of space, the determination of who had legal

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standing, the relationship between the state and the countryside (which would culminate a century later with the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, approved in New York in December 2018), and the broad spectrum of public health were completely molded by what would thereafter be called “the drug problem.” Persons involved with these species would be classified as criminals and accused of poisoning people and degenerating the human race.

Mexico would be the first to deal with this issue experimentally, linking it to public health. President Lázaro Cárdenas’s administration (1934-1940) gave Dr. Leopoldo Salazar Viniegra, the head of the Office of Drug Addiction and the Drug Addicts’ Hospital to write the first Federal Drug Addiction Regulation. The focus was on prophylaxis: that is, the prevention and treatment of addictions, orienting the use and distribution of the substances and the treatment of consumers toward a strict medical follow-up by the government. Nevertheless, U.S. foreign policy would push the initiative back into the field of prohibition, putting an end to the experiment.¹

The local confrontation became international. Due to the accusation of providing resources to organizations deemed terrorists, the fight against drugs became the slogan of the Cold War in the Americas. This would be the starting point for Operation Condor, during which the hemisphere’s governments would use police and military forces against opponents to the economic plan they had agreed upon. This period would also be known as the “Dirty War” in Mexico in the 1970s; much later, the Mérida Initiative or “War against Drugs” would extend this conflict to other territories and the next generations in the presidential periods begun in 2006 and 2012.

Specialists mention three effects of the war against drugs in Latin America.² First of all, the so-called “balloon” effect, a kind of cat-and-mouse hunt expanded the territory of the organized crime linked to the black market. This would give rise to the “membrane” effect, which

would push crops and transportation toward borders between countries. The third was the “mercury” effect, which mobilized the crops of the banned species toward the basins and micro-basins in natural areas that were difficult to access. These three effects, together with the arms race and its informal market, gave rise to clusters of businesses, authentic mini-cartels, that made the international conflicts proliferate, feeding the need for recruitment and the speed with which the market has radicalized.

When the globalized world began to visualize what ultra-prohibitionism was causing, regulatory plans began to unfold seriously and effectively. The “narco-states” of the second half of the twentieth century, which had become an articulated world oligopoly, were one of the main reasons for changing the way the drug problem was being handled. Just like in the case of alcohol and opium, the weapons-based approach progressed to one linked to the pharmaceutical industry and agribusiness. At that point, the United States and Canada began to develop regulatory strategies for products derived from cannabis and the work linked to them and quality, safety, and health standards.

Cannabis Activism and The Promised Regulations

These new attitudes allow us to see in retrospect the most conflictive points about the security and economic decisions for North America. It is no coincidence that migration, border policies, militarization, and the weapons market are among the priority issues at meetings of the three countries’ leaders. The speeches and discussions about the role of the cartels, military authorities and former authorities that form part of this network, and the ex-changes of agricultural products that enter this economic bloc indicate the rhythms proposed for coordinating the bloc with regard to including the industry of consumer products (ranging from medications to potato chips). Substances previously known as drugs have been added to this list, as well as the agreements about the populations that are part of their market flow.

This is how cannabis-related public policies, as well as those involving other species from which psychoactive substances are extracted, are a sensitive nerve for the citizenry’s legitimate condition. So, understanding the

activism associated with it as an actor in the new century is also approaching the feeling the population has about the experiences and complaints of our time.

The self-styled Mexican cannabis activists use the review of international experiences about what has been called “the drug problem” to demonstrate the main reason for the need to replace a security approach with a public health approach. Thanks to civil society participation, the experiences show how every act of resistance pressured the government to begin to work on this.

The discussion about drugs is not moving toward the human rights terrain. With the ferment of organized counterculture as the basis for the emergence of civil society as an international actor, non-governmental organizations, their associated entrepreneurial projects, and the protest culture that grew in times of authoritarianism firmly convened the plurality of groups to position themselves in the face of the new century’s different crises. Their claims, successively integrated into the Universal Declaration of Human Rights and the bodies born of it, today recognize the right to the free development of the personality, to access to health, and to a decent life. The very same rights that would be demanded by the organizations fighting for the leisure and medicinal use of cannabis.

In Mexico, this came to fruition with the appearance of the Mexican Association of Cannabis Studies (Ameca) and the first international march in favor of cannabis consumers. To this can be added the foundation of civil organizations such as the Collective for a Comprehensive Drug Policy, Mexico United Against Crime (MUCD), the Mexican Society of Responsible, Tolerant Self-consumption (SMART), and the Collective for a Comprehensive Drug Policy, as well as an incipient group of legislative bills in the early 2000s. Finally, after the establishment of the Center for Economic Research and Teaching (CIDE) Drug Policy Program, and with the support of the Transform Drug Policy international non-governmental organization, studies that looked to create regulatory policies with a comprehensive and multidisciplinary perspective were disseminated in the Mexican government.

In 2017, with support from the U.S. embassy, the Mexican government implemented the National Survey on Drug, Alcohol, and Tobacco Consumption (Encodat), 2016–2017.³ Later, the National Bioethics Commission and its council’s president at the time, Manuel H. Ruiz de Chávez, together with the National Council of Science and Tech-

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nology (Conacyt), would coordinate the compilation *Bioética y salud pública en la regularización de la marihuana* (Bioethics and Public Health in Regularizing Marihuana). To prepare the compilation, they convened a consulting technical committee made up of professionals from different key national and international research and development bodies. Among them were the Council of Europe International Cooperation Group on Drugs and Addiction, also known as the Pompidou Group, the United Nations Office Against Drugs and Crime (UNODC), the different Mexican government ministries involved in the problem, and the institutes and autonomous universities with academic production around this issue.

Following a multidisciplinary, comprehensive analysis, this work formulates the following recommendations, among others:

- Transform the “vicious cycle” into a “virtuous cycle” that would develop treatment and rehabilitation policies for individuals and communities using a distributive justice approach that recognizes all persons who are already part of the economic activities linked to the plant, based on the effort to create a balance between individual freedoms and collective obligations.
- Monitor the interrelated dimensions of supply, demand, context, and policies: there is a risk related to the implementation of public policies that regulate the adult and medicinal consumption of the plant. This implies the production of infrastructure for systems for information, traceability, control, and follow-up.
- The profit margin that marihuana offers the oligopolies of legal drugs makes it necessary to include in the discussion about regulation and public policies the aspects of the culture of illegality and organized crime that permeate the entire population and the way that the new market dynamics should

help the so-called “vulnerable sectors,” affected historically by the drug problem.⁴

From the Countryside to the City

The changes in the General Health Law recognize the plant’s therapeutic value and its presence in the market is tolerated given that it is an herbal remedy according to the Health Inputs Regulations, supervised by the Federal Commission for the Protection against Health Risks (Cofepris). However, a federal law has still not been passed to deal with the therapeutic value or the adult and/or leisure uses of the plant.

The pro-cannabis NGOs jointly presented the legal petitions needed for jurisprudence to establish the historic 2018 second Declaration of Unconstitutionality handed down. This decision ended the ban on activities related to the production and consumption of cannabis, leaving its legislative future in the hands of the courts and the Congress. The Cofepris was also authorized to issue special permits based on the decision.

The 2017 bioethical recommendations would be referred to the institutions created specifically to deal with the plant or to the National Commission against Addictions (Conadic) in each of the proposals that went through the Senate and the Chamber of Deputies. At that point, the Covid-19 pandemic concentrated all attention regarding public health.

Cannabis activism then reinforced its activities with civic and cultural peace participation: the Mexican Cannabis Movement, born in February 2020 in Mexico City’s downtown area, would organize the 420 Sit-in, a peaceful protest that set up a tent encampment and cannabis cultivation right next to Mexico’s Senate.

Cultivation as social protest has made it possible for people linked to the cannabis market to participate in this form of exercise of civil rights. The production of items like corn, tomatoes, and vegetables in general was coordinated with imports and exports, leaving to one side food autonomy and sustainability. One hundred ten years after the signing of the Ayala Plan, which returned the land to its legitimate owners, the peasants, marihuana was on its way to following the same road.

Inspired in the living memory of that Zapatista struggle, the Tetecala Plan, signed November 28, 2021, in Tetecala

de la Reforma in the state of Morelos, would back cannabis activism, already fostered by establishments authorized by Cofepris permits, and many ejido collective farm owners and peasants in their right to grow cannabis to improve their living conditions.⁵

Exercising the rights to freely grow, do scientific research, and foster a culture of peace and online transparency are now the basis for the different crops being grown as protest in northern and central Mexico. The interactions among civic associations fostering this new social movement and the Mexican government should be closely watched; until now, they have begun communicating in a climate of tolerance.

Thus, cannabis activism in favor of a plant persecuted for more than a century, together with people who were previously considered junkies, dealers, or criminals in the broad sense of the word, would close the gap that may remain between political protest, urbanized civil society, and social participation to promote life in the countryside, a central activity for consolidating nations.

The presence of cannabis in the political sphere and its dynamic in different circles of Mexican society (the peasantry, the legislature, commerce, health, and a broad etc.) is at a turning point because of the announced “freedom to cultivate.” Once again, we are before a different paradigm from that of other parts of the world, implicit in cultivating the land and at the same time surviving based on the fruits of that labor. ▀

Notes

1 For more about this issue, see Secretaría de Cultura, “En 1940 Lázaro Cárdenas legalizó las drogas en México,” Segob, May 6, 2019, <https://www.gob.mx/cultura/articulos/en-1940-lazaro-cardenas-legalizo-las-drogas-en-mexico?idiom=es#:~:text=En%201940%20%C3%BAltimo%20a%C3%B1o%20de,de%20drogas%20como%20un%20delito.> [Editor’s Note.]

2 Guillermo Garat, *El camino. Cómo se reguló el cannabis en Uruguay según sus actores políticos y sociales*, (Montevideo: Manosanta Desarrollo Editorial, 2015), pp. 40-41.

3 Comisión Nacional contra las Adicciones, “Encuesta Nacional de Consumo de Drogas, Alcohol y Tabaco, Encodat 2016-2017,” Gobierno de México, November 28, 2017, <https://www.gob.mx/salud%7Cconadic/acciones-y-programas/encuesta-nacional-de-consumo-de-drogas-alcohol-y-tabaco-encodat-2016-2017-136758>. [Editor’s Note.]

4 Manuel H. Ruiz de Chávez, Érika Salinas de la Torre, and Gustavo Olaiz Barragán, comps., *Bioética y salud pública en la regularización de la marihuana* (Mexico City: Fontamara, 2017), pp. 23-38, 59-70, and 81-92.

5 Nathaniel Janowitz, “Mexico’s Cannabis Growers are Going Rogue,” Vice World News, <https://www.vice.com/en/article/akewjg/mexico-rogue-cannabis-growers>, June 15, 2022, accessed January 25, 2023.