

Culture's Impact on Ayahuasca's Legality in France, Brazil and Peru

How the historical and cultural use of ayahuasca shaped state interpretations and implementation of the UN Convention on Psychotropic Substances (1971)

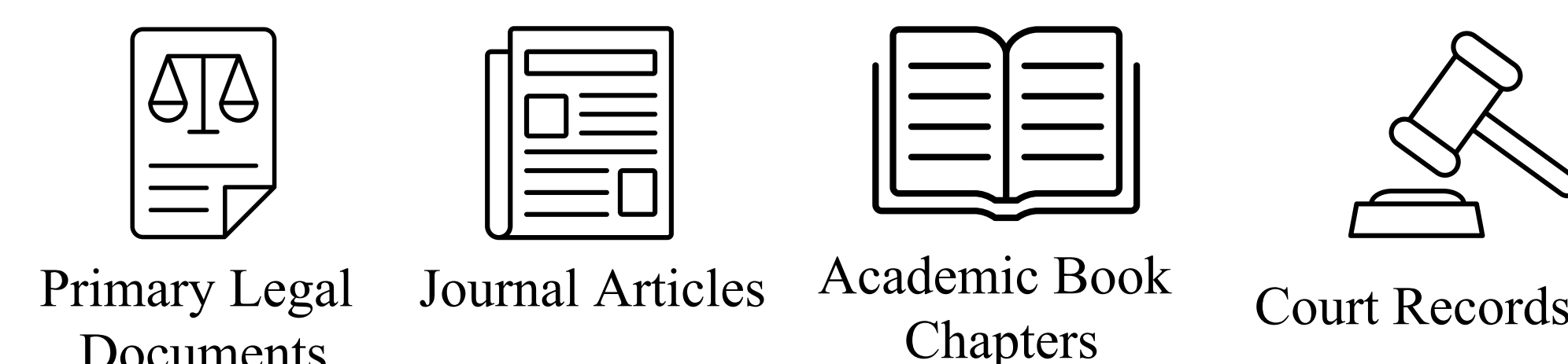
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Introduction

- The 1971 UN Convention on Psychotropic Substances is the international framework for categorizing substances into schedules by potential for harm. All 184 states that have ratified the treaty bind themselves to the rules it sets. If they do not abide by them, they face international scrutiny, diplomatic pressure, and a loss of credibility rather than direct legal enforcement. The International Narcotics Control Board (INCB) has officially clarified that no natural materials containing N,N-Dimethyltryptamine (DMT) are controlled.
- This means that ayahuasca, a psychoactive hallucinogenic brew made of two Amazonian plants- *Psychotria viridis* (contains DMT) and *Banisteriopsis caapi* (contains harmala alkaloids, an enzyme that makes it orally active), legality is up to the state. This brew is used mainly by Syncretic Religions, like Santo Daime and União do Vegetal (UDV), who blend Christian tradition with the mythology of the indigenous Amazonians. Scientific studies indicate that long-term use is not associated with any significant physical or mental harm, as found in the Hoasca Project which was a long-term biomedical and psychological study of members of UDV..
- Ayahuasca's legal status among these three states shows that culture and tradition have a strong impact on a country's legal framework. This research questions why states implement laws differently under the same international drug framework. It examines how cultural familiarity affects legal decision-making and the resulting impacts on communities that use ayahuasca.
- This project compares Brazil, Peru, and France. Brazil and investigates how a state's historical and cultural relationship- or lack of- with ayahuasca affects its legalization in a more flexible area of this international framework. Existing research focuses on states individually, leaving a lack of comparative analysis between Peru, Brazil, and France. This project aims to address this gap by examining these three states and the influence of differing cultural variables on the legality of ayahuasca.

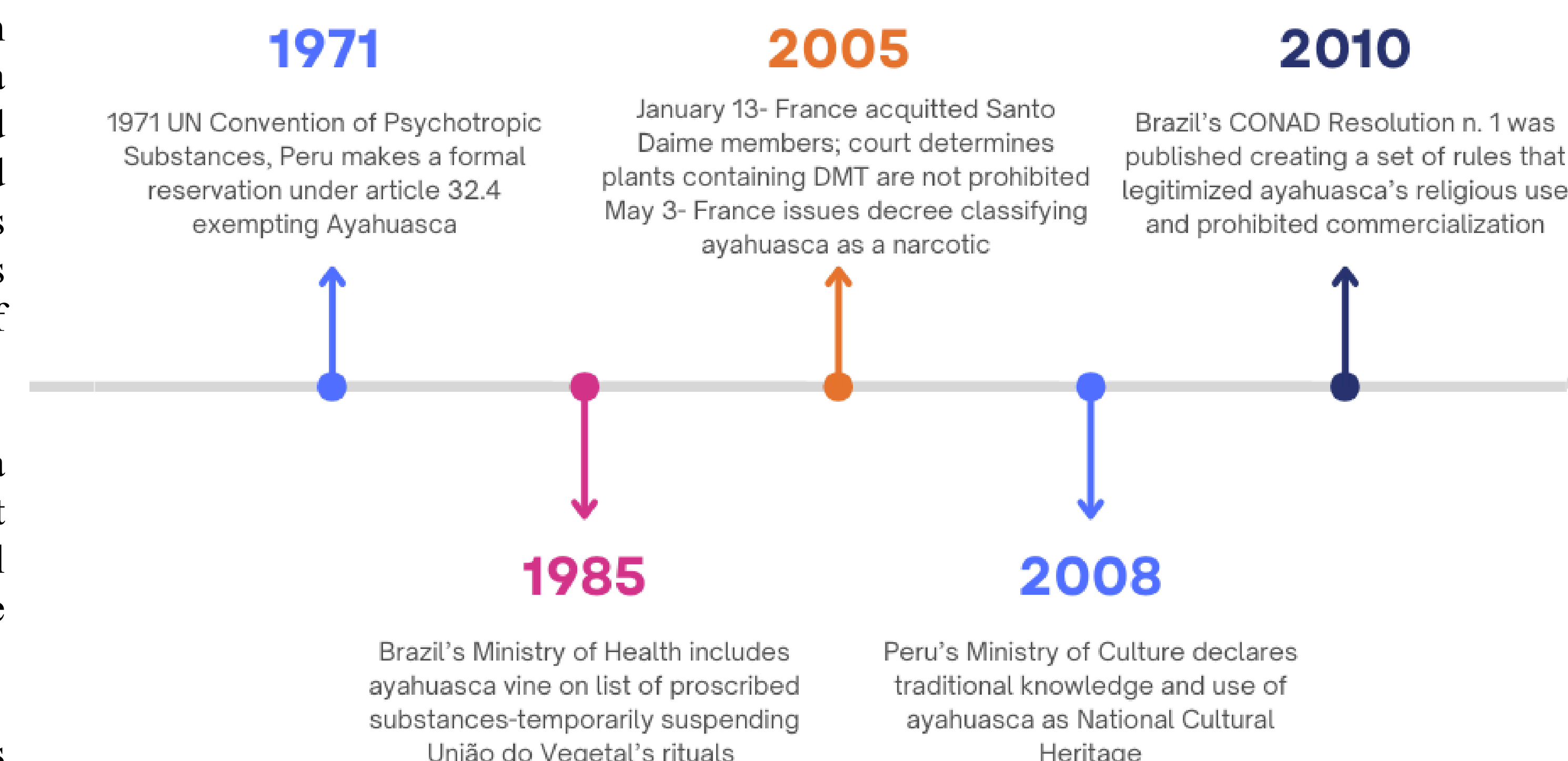
Methods

This project makes use of a comparative case study approach, focusing on France, Brazil and Peru to examine their individual legal framework regarding the Ayahuasca brew (figure 1.) when compared to the UN Psychotropic Convention (1971) and their religious and cultural history with the decotion. Specifically searching for cultural influences on lawmaking. This project analyzes the differing ways France, Brazil and Peru implemented guidelines when given permission through a gray area in the 1971 UN Convention. This research was conducted through literary analysis and qualitative synthesis using materials such as:



Timeline

The Legalization of Ayahuasca in France, Brazil and Peru



Discussion

Peru: National Cultural Heritage and Indigenous Medicine.

- Ayahuasca use traces back to centuries old traditional shamanism. The brew is viewed as a "doctor" or "plant teacher" in indigenous medicine. Its legality relies on its legitimacy as an indigenous medical practice which was validated in 2008 when it was given its status as National Cultural Heritage.

Brazil: Institutionalized Syncretic Religions.

- Ayahuasca is used by syncretic religions, who view it as having the power to connect their spirit with the divine. It is seen as a sacrament equivalent to the 'Blood of Christ.'
- In 1985, Brazil's Ministry of Health temporarily suspended União do Vegetal rituals while investigating potential public health concerns. However in 1992 UDV rituals were unsuspected. In 2010 it was formalized. They are now allowed to use it legally by legitimizing themselves as churches with formal documentation.

France: Public Security

- Ayahuasca is categorized as a sectoidal product meaning it induces a state of 'chemical submission' that severally inhibits the user's functional capability.
- Enabling the state to shift legal focus away from religious freedom and onto public security.



figure 1. image of brewed ayahuasca

Legal Implementation

In Peru, Ayahuasca use is a top priority in Peru so much so that they made a specific reservation (under Article 32.4) when signing on to the 1971 Convention, this reservation explicitly modified how the rules applied to it, it exempted traditional and indigenous use of wild psychotropic plants grown in its nations territories. While this was meant for the government to emphasize traditional use by indigenous people, there is limited regulations in practice. This means that ayahuasca tourism and resorts are a big attraction and easier

In Brazil, groups like Santo Daime and União do Vegetal need to achieve legal recognition by being legitimized as a formal church/religion through a multistep administrative process. They use the 2010 CONAD Resolution, a landmark policy which protects ritual and religious use while prohibiting commercial use by requiring religious groups to follow a strict code of conduct.

In France, they had a decree in 2005 by the National Commission for Illicit Drugs and Psychotropics that categorized ayahuasca as a narcotic, making ayahuasca illegal in France. France is the only county to ban both plant parts used in ayahuasca in their raw form. A cornerstone justification of the decree was pushing the public security angle by using anti-cult laws like the 2001 About-Picard Law. This was done after the French Courts failed to convict members of the Santo Daime Church for international drug charges due to Ayahuasca previously not being included on the list of narcotics, as well as tea not being considered a pure extraction of DMT.

Conclusion

- Allowance for flexibility in international frameworks is beneficial for protecting indigenous traditions and religious practices.
- A lack of cultural connection with a substance can cause increased prohibition for protection despite evidence suggesting low risk is involved.
- Historical connection can sometimes come at a detriment, as foreign countries allow for a lesser burden of proof for syncretic religions attempting to use ayahuasca abroad. This is due to foreigners assuming the authenticity of religion as opposed to domestic skepticism towards it.

References

