

# The World Ayahuasca Diaspora

Ayahuasca is a psychoactive substance that has long been associated with indigenous Amazonian shamanic practices. The recent rise of the drink's visibility in the media and popular culture, and its rapidly advancing inroads into international awareness, mean that the field of ayahuasca is quickly expanding. This expansion brings with it legal problems, economic inequalities, new forms of ritual and belief, cultural misunderstandings, and other controversies and reinventions.

In *The World Ayahuasca Diaspora*, leading scholars, including established academics and new voices in anthropology, religious studies, and law fuse case-study ethnographies with evaluations of relevant legal and anthropological knowledge. They explore how the substance has impacted indigenous communities, new urban religiosities, ritual healing, international drug policy, religious persecution, and recreational drug milieus. This unique book presents classic and contemporary issues in social science and the humanities, providing rich material on the burgeoning expansion of ayahuasca use around the globe.

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# **The World Ayahuasca Diaspora**

Reinventions and controversies

**Edited by Beatriz Caiuby Labate,  
Clancy Cavnar, and Alex K. Gearin**

First published 2017  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge  
711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

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Photos: Benjamin K. De Loenen

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*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

*Library of Congress Cataloging-in-Publication Data*

A catalog record for this book is available from the Library of Congress

ISBN: 978-1-4724-6663-1 (hbk)

ISBN: 978-1-315-55142-5 (ebk)

Typeset in Times New Roman  
by Apex CoVantage, LLC

**To Erik, Des and their garden.**



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**Graham St John**, PhD, is an anthropologist specializing in dance movements, event-cultures, and entheogens. He is the author of several books, including *Mystery School in Hyperspace: A Cultural History of DMT* (North Atlantic Books, 2015); the monographs *Global Tribe: Technology, Spirituality and Psytrance* (Equinox, 2012) and *Technomad: Global Raving Countercultures* (Equinox, 2009); and the edited collections *The Local Scenes and Global Culture of Psytrance* (Routledge, 2010), *Victor Turner and Contemporary Cultural Performance* (Berghahn, 2008), *Rave Culture and Religion* (Routledge, 2004), and *FreeNRG: Notes From the Edge of the Dance Floor* (Common-ground, 2001). He is currently editing *Weekend Societies: Electronic Dance Music Festivals and Event-Cultures* (Bloomsbury). Dr. St John has been awarded postdoctoral fellowships in Australia, the United States, Canada, and Switzerland, where he has recently begun researching the global Burning Man diaspora. He is founding Executive Editor of *Dancecult: Journal of Electronic Dance Music Culture*. He is Adjunct Research Fellow at the Griffith Centre for Cultural Research, Griffith University. For more information, see [www.edgecentral.net](http://www.edgecentral.net)

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## Foreword

### Ayahuasca in the twenty-first century: having it both ways

The genie is out of the bottle, tweeting about the next shamanic bodywork leadership seminar, and the bottle; well, check and see if it isn't in the back of your fridge by the vegan TV dinner.

Who would have ever imagined that ayahuasca, the enigmatic jungle potion William S. Burroughs once referred to as “the secret” (Burroughs & Ginsberg, 2006 [1963]) and whose very botanical identity was a matter of debate through the mid-twentieth century (Schultes, 1957) would, within a matter of decades, become a household (or at least, yoga-mat) word; the subject of hundreds of scientific, anthropological, and medical studies; a magnet for international tourism; the motor behind a global religious diaspora; and the victorious plaintiff *in absentia* of an historic Supreme Court case?

The rhyme “herbal brew”/“bamboo” in Paul Simon’s 1990 ayahuasca-inspired song “Spirit Voices” already rings of kitsch, but there is still something, if not fresh, then at least compelling about Sting (2005, p. 18), in his biography *Broken Music*, revealing that “ayahuasca has brought me close to something, something fearful and profound and deadly serious.” But by the time Lindsay Lohan confides to a reality TV host in April of 2015 that ayahuasca helped her “let go of past things . . . it was intense” (Morris, 2014), Burroughs’s “final fix” has finally entered the realm of cliché.

How did this happen? What is the special appeal of this bitter Amazonian brew in the post-post-modern global village toolbox of self-realization? How has it fared in the bustling marketplace of New Age spiritual entrepreneurship and on the battleground of the War on Drugs? And what does it all mean for the multiple, religiously and socially diverse, communities and individuals who consume ayahuasca, as well as various ayahuasca-like analogs, around the world?

We can think of the global ayahuasca expansion of the past two decades as a kind of second wave to the psychedelic revolution, following upon that other, “fantastic universal . . . inevitable . . . high and beautiful wave,” Hunter S. Thompson describes as cresting in the mid-1960s only to crash so quickly, and so disappointingly:

So now, less than five years later, you can go up on a steep hill in Las Vegas and look West, and with the right kind of eyes you can almost *see* the high-water mark – that place where the wave finally broke and rolled back.

(Thompson, 1998 [1971], p. 68)

Many of those who sought out ayahuasca in the Amazonian rainforests in the 1970s and 1980s were indeed spiritual orphans, in some sense, of this failed revolution that, though inspired by natural psychoactive substances and indigenous medico-religious rituals of the Americas, relied heavily on synthetic substances like LSD and mescaline, often consumed in informal or recreational, rather than ritual, settings. In its initial expansion, beginning in the 1980s, ayahuasca came, first, to non-Amazonian urban centers in tropical countries, and later, to dozens of countries across the globe, in much the same form as it was consumed in its place of origin. Traditional practitioners and religious groups still export ayahuasca, brewed from the rainforest vine *Banisteriopsis caapi* and the dimethyltryptamine (DMT)-containing shrub *Psychotria viridis* and related species, to adepts in many world countries, who risk and sometimes face prosecution under international controlled substance laws. Freelance enthusiasts operating at the fringes of legality may also obtain raw ingredients and make their own preparations.

But, due to chronic problems of supply, transport, and storage, not to mention legal restrictions, a growing number of people have experimented with various ayahuasca analogs, using alternative plants or pure pharmacological substances (“pharmahuasca”) with essentially the same chemical constituents, to produce brews that have similar experiential effects, at least according to some enthusiasts. And yet, by all indications – and despite the myriad contexts of international use, from commercially adapted indigenous rituals in ecotourism lodges in the Amazon to weekend workshops at yoga academies around the world – the ayahuasca diaspora seems to have resisted what Thompson and others saw as the recreational denouement, hedonistic failure, and political marginalization of the 1960s psychedelic revolution. Instead, wherever it is used, imported, or reinvented, ayahuasca seems to quickly, almost automatically, elaborate around itself a protective cloak of ritual and social control, from the Christian-influenced doctrines of Brazilian ayahuasca religions to the idiosyncratic neoshamanic ceremonies emerging in North America, Europe, and Australia. Whether this is due to a changing social milieu of use, or something about the ayahuasca experience itself, remains to be seen.

Setting aside the hype, and respecting the cultural and individual variability inherent in such powerful subjective states, one constant element of the ayahuasca experience, attested across different cultures, spiritual traditions, and personal backgrounds, is its ability to propitiate encounters with radical otherness. Speaking myriad languages, through dozens of religious and spiritual idioms and within infinite possibilities of individual variation, ayahuasca drinkers across the globe have described visions of celestial landscapes beyond comprehension and encounters with awe-inspiring, alien intelligence that alternately tantalizes and terrorizes them with healing and bodily degradation, spiritual salvation and ego disintegration, ecological wisdom and universal apocalypse.

The ayahuasca experience defies ordinary notions of causality, space, time, and logic. Indeed, in its intensity and fundamental strangeness, the ayahuasca experience can feel like the cognitive equivalent of the far side of a black hole, spewing out new space-time tunnels and parallel universes with utter disregard for the laws



of cognition, if not of physics itself. It is perhaps the very intensity of the cognitive, bodily, and spiritual disassociation produced by ayahuasca that calls so desperately to the structuring powers of ritual, ideology, and social control to impose order, provide meaning, and even extract advantage from the boiling foam of ecstasy.

Trance associated with altered consciousness of all kinds is characterized by symbolic visual imagery and nonlinear thought processes that can result in revelatory insights or intuitions about self, others, nature, and the cosmos (Winkelman, 1986). Gregory Bateson's (1972) cybernetic theory of mind sheds light on the adaptive functions of trance and altered states. In his reformulation of Freud, Bateson suggests that, for reasons of sheer economy, mental processes that are repetitive or that surpass the boundaries of the individual self become "sunk" into the subconscious. Bateson (1972) views art and certain kinds of religious beliefs as serving a corrective function, allowing integration of the narrow, individual consciousness with larger circuits of mental process, including collective and environmental "ecologies of mind." In the light of Bateson's theories, psychoactive plants like ayahuasca can be seen as tools for loosening up mental processes, blurring ego boundaries between individuals and their larger social and ecological context (Shepard, 2005). By amplifying the unexpected, nonlinear associations of the subconscious, this "ecstatic mode" of consciousness allows for the perception of new patterns and relations among things, experiences, and events.

Although trance states emerge for the individual through specific alterations in brain function, these personal experiences become framed and imbued with meaning by the social group, often in a ritual context. Victor Turner's (1974) classic writings on ritual, structure, antistructure, and the countercultural movement of the 1960s provide a framework for understanding what several authors call the "re-traditionalization" of ayahuasca (Labate & Cavnar, 2014). For Turner, people participating in rituals occupy a *liminal* or transitional social state, clearly distinguished in space and time from ordinary social life. During ritual, social structure is temporarily suspended and replaced by an undifferentiated *comunitas* of equal individuals who share a mutual sense of identity and belonging. The social distinctiveness of ritual is accompanied by a distinctive cognitive state in which ordinary logic is suspended and replaced by the nonlinear, inductive, combinatorial logic of symbols. Thus, ritual itself represents a kind of altered state of consciousness that, when amplified through trance techniques or the use of psychoactive substances, only reinforces the social, spatial, and temporal distinctiveness of the ritual state (Shepard, 2005).

Though he began his work studying rites of passage in a Zambian village, Turner realized that these concepts could also be used to understand the social upheavals of the 1960s. Although serving to maintain the functional stability of "institutionalized and preordained" social structures, liminality and *comunitas* can also emerge in moments of "radical structural change" (Turner, 1974, p. 248). The difference, for Turner, is that institutionalized rituals, when they conclude, facilitate the orderly return of individuals from liminality and *comunitas* back into the social order, whereas revolutionary and countercultural movements attempt to create permanent liminality: not a passage, but rather a constant state (1974).

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Perhaps ayahuasca is the contemporary world's way of having it both ways; of being both traditional and modern, ecstatic and scientific, heterodox yet messianic, transgressive but safe and (eventually) legal, altruistic and selfish. It is precisely around this set of contradictions – or dialectics, or challenges – that the current volume is organized. Moving beyond the ethnological purists' snubbing of neo-ayahuasca practices as mere drug tourism, and yet also avoiding the intellectual pitfalls of naïve enthusiasm, the authors in this volume apply the classic tools of critical sociocultural analysis to the universe of the global ayahuasca diaspora. The chapters present a multitude of voices, from "Aussie-huasca" (a native Australian analog) enthusiasts hoping to save the planet from the evils of capitalism, to indigenous Amazonian communities torn apart by rivalries and economic disparities brought on by the "ayahuasca boom." Though sympathetic to this diversity of experiences and opinions, the authors take an unblinking look at the legal and social conflicts and ideological contradictions produced as indigenous shamans and Brazilian ayahuasca churches have entered the global marketplace of New Age spiritualism. Contributions discuss troublesome emergent issues, including the commodification of ayahuasca practices, the reconfiguration of shamanic worldviews to attend to the modern self-as-project, health and safety concerns (drug interactions, ayahuasca-related accidents, sexual harassment), legal disputes, the "bureaucratization of enchantment" in ayahuasca religions, and the sanitization of darker aspects of traditional Amazonian shamanism, such as witchcraft and attack sorcery.

Will the "re-traditionalization" of global neo-ayahuasca ceremonies provide adequate social controls and ideological coherence to ensure that this "second wave" psychedelic revolution doesn't crash and dissipate somewhere between the headwaters of the Amazon and the Great Barrier Reef? Will the contradictions of the modern self and the temptations of capitalism undercut the radical vision of individual and planetary healing that some neo-ayahuasca enthusiasts prophecy? Will ayahuasca become another battlefield casualty in the global War on Drugs, or will legislation evolve to protect ayahuasca as a religious sacrament, as a medicine, as a tool of experiential freedom? We don't yet have all the answers to these questions, but the authors of this book are on the crest of the wave, and if anyone can see ahead to the far shore, it is they.

Glenn H. Shepard Jr.  
 Museu Paraense Emílio Goeldi

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## 11 A climate for change

### ICEERS and the challenges of the globalization of ayahuasca

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#### **Background: the broader drug policy context**

The legal status in which ayahuasca finds itself nowadays is not easy to comprehend, either for users, lawyers, authorities, or academics, and must be understood in the broader context of the international framework intended to control narcotics and psychotropics. The production, consumption, and trade of psychoactive substances has been a constant in the history of humankind and has played an important spiritual, social, economic, and political role in most societies and at all times (Schultes & Hofmann, 1979); the uses, social perceptions, and political approaches toward them have changed over time among different social contexts (Escobedo, 2008). Pleasure, individual freedom, health, morality, and even state reasons (Astorga, 1996) have been invoked when determining the level of social control, political intervention, or legal approach regarding their consumption, production, and trade.

Although it may seem the psychoactive substances generally known as “illicit drugs” have always been prohibited, prohibition as a political option to regulate human behavior toward these substances has taken place only in a very small period of time in human history. In fact, the contemporary international drug control system is only around 100 years old. It is integrated by three international conventions: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; and by three international drug control bodies within the system of the United Nations: the Commission on Narcotic Drugs (CND), the International Narcotics Control Board (INCB), and the United Nations Office on Drugs and Crime (UNODC). This set of legal and bureaucratic instruments has been based on the fundamental principle of limiting the production, consumption, and trade of controlled substances exclusively to medical and scientific purposes.<sup>4</sup> Other types of uses, e.g., recreational, ritualistic, personal development, or therapeutic purposes, should be prosecuted and eliminated. Beyond its prohibitionist nature, over the decades, the regime became increasingly punitive. The reason for this is that the conviction that such limitations necessitated the establishment of anticrime measures spread and was internalized by virtually every national government (Sánchez, 2014).

In order to understand the legal particularities of ayahuasca and other ethnobotanicals, it is necessary to explore some details contained in the international drug control treaties and, in particular, the specific provisions that can affect the status of these plants. These international conventions have two general objectives, which are specified in their preamble and are to be achieved by creating a set of obligations for the signatory states. The first objective is to reduce the availability of narcotic drugs and psychotropic substances to prevent abuse and addiction, “recognizing that addiction . . . constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,”<sup>5</sup> and this is why signatory states are “determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise.”

Within the framework of this objective, states should undertake measures to counter the production, supply, and trafficking of controlled substances for illicit purposes. On the other hand, the second objective of the conventions is to ensure adequate availability of controlled substances for medical and scientific purposes, as they are vital to relieve human pain and suffering. Therefore, within this control scheme, the availability of essential drugs must be assured at the same time the diversion into illicit channels is prosecuted.

More than 100 narcotic drugs are subject to control under the 1961 Single Convention, including scarcely processed plant-origin products such as opium, opium derivatives (morphine, heroin, codeine), cannabis, coca, and cocaine, and also synthetic substances such as methadone or meperidine. The 1961 Single Convention introduced several changes to the previous international drug control system, which had started in 1909 with the celebration of the Shanghai Opium Commission (McAllister, 2000). Among them, it broadened control measures to raw materials from which narcotic substances are obtained: the opium poppy plant, the coca bush, and the cannabis plant. Some of the traditional uses of plant-origin substances were understood in this treaty as “quasi-medical” uses that had to be abolished (Article 49).

As occurs in the 1961 Single Convention, the substances under control by the 1971 Convention – mainly amphetamines, benzodiazepines, barbiturates, and hallucinogens – are organized into four lists depending on their potential harmfulness and therapeutic value. An important feature for the legal status of ayahuasca is that the 1971 Convention also brought under control the psychoactive compounds contained in plants that had been used in traditional societies for religious and ritual purposes for decades, such as mescaline, peyote’s main alkaloid; psilocybin, contained in several mushrooms; and dimethyltryptamine (DMT), the main psychoactive component of ayahuasca.

The INCB, in its 2010 Annual Report, echoed this problematic issue and listed some examples of these plants, including:

khat (*Catha edulis*), whose active ingredients cathinone and cathine are listed in Schedules I and III of the 1971 Convention; ayahuasca, a preparation made from plants indigenous to the Amazon basin of South America, mainly a jungle vine (*Banisteriopsis caapi*) and another tryptamine-rich plant (*Psychotria*

*viridis*) containing a number of psychoactive alkaloids, including DMT; the peyote cactus (*Lophophora williamsii*), containing mescaline; magic mushrooms (*Psilocybe*), which contain psilocybine and psilocine; Ephedra, containing ephedrine; “kratom” (*Mitragyna speciosa*), a plant indigenous to South-East Asia that contains mitragynine; iboga (*Tabernanthe iboga*), a plant that contains the hallucinogen ibogaine and is native to the western part of Central Africa; varieties of Datura containing hyoscyamine (*atropine*) and scopolamine; and *Salvia divinorum*, a plant originating in Mexico that contains the hallucinogen salvinorin A.

(INCB, 2010a, para. 285)

The inclusion of the psychoactive ingredients of these plants in Schedule I was a reflection of cultural values and prejudices deeply embedded in Western perceptions regarding ritual drug use that takes place within the context of indigenous or syncretic ceremonies in many parts of the world (Labate & Feeney, 2012). However, the 1971 Convention tried to address these contradictions in the section devoted to reservations. Article 32.4 allows parties to make reservations regarding the provisions of Article 7 (which regulates the special provisions applicable to the substances in Schedule I and prohibits their use except for very limited medical and scientific purposes) to “plants growing wild which contain psychotropic substances from among those in Schedule I and which are traditionally used by certain small, clearly determined groups in magical or religious rites.”<sup>6</sup> In fact, at the time of accession to the treaty, many states made reservations in this regard, including Mexico, Peru, the United States, and Canada. When Mexico adhered to the 1971 Convention in 1975, the government made a reservation claiming that in its territory, certain indigenous ethnic groups still existed which traditionally made use of wild plants in magical or religious rites that contain psychotropic substances from among those in Schedule I. Canada, which has been part of this treaty since 1988, also formulated a reservation regarding peyote use by certain indigenous groups. Peru, which adhered in 1980, made a reservation to Article 7, following Article 32.4, regarding ayahuasca and the San Pedro cactus. The United States made a reservation to Article 7 to exclude peyote, which is cultivated and distributed for use by the Native American Church in religious ceremonies. Brazil did not formulate any reservation at the time the treaty was signed (UNTC, 2014).

As has been explained in detail in different chapters of this volume, ayahuasca is a psychoactive beverage generally composed of two plants, *Banisteriopsis caapi* and *Psychotria viridis*, the latter of which contains DMT (N,N-dimethyltryptamine). DMT is a controlled substance under the 1971 Convention (Schedule I), and therefore under most national drug legislations. However, the INCB, which is the monitoring body for the implementation of the UN drug control conventions, has specifically affirmed that ayahuasca, and similar ethnobotanicals that contain psychoactive alkaloids included in the 1971 Convention, are not under international control (Schaepe, 2001; ICEERS, 2010). In this sense, *de jure* legal status of ayahuasca is the opposite of other plants that are specifically prohibited under the 1961 Convention, namely, the cannabis plant, the opium poppy plant, and the coca bush.

The 1971 Convention consolidated a specific international drug control approach, strongly biased toward the preferences of Western industrialized countries (McAlister, 1991). Over time, this strategy has shown significant limitations to resolve drug-related issues in other contexts. That is the case in the ayahuasca-related legal challenges we are experiencing nowadays, especially during the last decade, when collectives and individuals involved in ayahuasca practices have suffered stigmatization and legal prosecution, notably, in North America, South America, and Europe. The main challenges faced by lawyers and policymakers come from the fact that religious and ritual use of ayahuasca has spread at the global level but resists the traditional conceptualizations and categorizations of illegal drug “abuse” that have determined drug policy formulation. Ayahuasca has a long history of use as a medicine, sacrament, and “plant teacher” – categories that do not fit into contemporary drug policy frames (Tupper, 2008). Besides, the presence of ayahuasca religions is forcing some states to balance the respect for these groups against their international commitments within the worldwide War on Drugs, namely, to balance Western perceptions of drug use with the evolving use of ayahuasca (Labate & Feeney, 2012).

### **A climate for change**

Since the mid-1990s, and especially during the last five years, the punitive prohibitionist approach to drug control has been put into question from many political and social spheres for its lack of effectiveness, its lack of pragmatism and, even beyond this, its lack of humanism. After more than 100 years of existence, the most important goal of the regime – to end or significantly reduce the consumption, production, and trafficking of illicit drugs in the world – has never been achieved. Despite these concerns, currently coming from very different voices and institutions, including prominent figures from academia and politics, international drug control agencies – mainly the INCB – have been traditionally reluctant to introduce reforms leading to more pragmatic, less repressive legal and policy schemes. To the reluctance of these organizations, we must add the opposition of certain key, powerful states to explore different options, especially the United States and, more recently, Russia (Bewley-Taylor, 2012).

However, many states have always had difficulties in adapting the international obligations arising from this control system to the specific circumstances of their national context, and many have decided to explore alternative ways of managing their specific problems. Since, in many cases, the cost of abandoning this scheme of cooperation is too high because of the issue linkage at the international arena, some countries have chosen to remain inside the international drug control framework. However, they make use of its inherent flexibility in order to avoid some of the unintended consequences of punitive policies, such as the high rates of incarceration for nonviolent drug offenses, the expansion of the illicit market, the stigmatization of drug users, or the overspending in law enforcement.

In the current drug policy landscape, numerous examples of these “deviations” can be identified (Bewley-Taylor, 2012): harm reduction programs have been



implemented in many Western European countries to handle injected drug use; the consumption, cultivation, or possession of controlled substances for personal use, especially cannabis, has been decriminalized, for example, in Portugal; drug consumption rooms operate in countries like Spain and Canada; and medical marijuana programs are implemented in several states of the United States and the famous coffee shops system in the Netherlands. Moreover, given the evolution of drug policy in some countries, it is appropriate to speak not only of deviations but also about ruptures that go a step further – notably, Bolivia’s request to withdraw the ban on chewing coca leaves from the 1961 Single Convention (Economic and Social Council, 2009), or the regularization of cannabis markets in Uruguay and in several U.S. states (Pardo, 2014).

But, while cannabis seems to be slowly stepping out of its criminalized environment and an expanding number of countries are heading toward more tolerant drug policy, the same is not true for psychoactive ethnobotanicals, in particular ayahuasca, that are undergoing increasingly widespread punitive and intolerant legal and political treatment ever since the INCB first invited governments to “criminalize where needed” on the national level in its 2010 annual report, later reinforced in their 2012 report (INCB, 2010a; 2012). Even though this was directed at all ethnobotanicals containing active principles that are controlled under the 1971 Convention, according to our empirical observation, police interventions for the importation and utilization of ayahuasca in particular increased drastically in 2010. It is hard to say whether the wave of arrests was a direct result of the INCB report, but probably there are various elements that played a role in this sudden change. One of these elements is, without doubt, the rapid popularization of ayahuasca on the global stage; but, if we look at the evolution of ayahuasca-related arrests since the end of 2009, it seems unlikely that this popularization by itself is accountable for the sudden rapid increase of legal confrontations.

### **A tidal wave of arrests starts**

In 2010, Spain became the epicenter of ayahuasca seizures and prosecutions. This wave started before the release of the 2010 annual INCB report; that, and the limitation of arrests to the Spanish territory, indicate that, at its base, there is another cause for this wave.<sup>7</sup> This cause lies, according to our personal sources, in the fact that a liquid scanner was installed in the airport of Madrid Barajas – Prime Minister Adolfo Suárez aimed at dealing with the increase of cocaine trafficking in liquid form from South America.<sup>8</sup> As a side effect, bottles of ayahuasca that were sent by post from countries like Brazil, Peru, and Colombia were intercepted at customs. A protocol of arrest was adopted by the authorities at this time: once a shipment was intercepted, the postal worker (many times, a police officer dressed up as a mail carrier) would deliver the bottles to the addressee, and when that person signed for the delivery, the police would come out of the car and arrest the individual. In other cases, the person was detained when picking the package up at the post office. After an estimated 37 arrests in Spain alone up to the present

(February 2015), Spanish detentions slowly came to an end, most probably due to the fact the people stopped shipping ayahuasca by mail from Latin America.

The legal activities of the International Center for Ethnobotanical Education, Research & Service (ICEERS)<sup>9</sup> have been more prominent in Spanish cases. However, we have also followed ayahuasca-related police interventions in other countries, including Portugal, Belgium, Italy, the U.K., Germany, Switzerland, Denmark, Argentina, and others. In many cases, as we have observed, the accused were not aware they were violating the law. Some of them even purchased small amounts through an online vendor (who claimed there was no legal risk whatsoever) out of curiosity without having prior personal experience with ayahuasca. The media coverage of the cases often seemed even harsher than the threat to the accused by law enforcement. Also, in Chile, Argentina, and Spain, police interventions were severe, some involving raids and preventive prison time. As we could observe in our interaction with the people involved, or their lawyers, Northern European countries generally dealt in a more “humane” manner with the accused, informing them that an investigation had been opened by certified letter, and requesting that the individuals appear at the police station for interrogation. While Spain has apparently had higher rates of arrests, the current situation leads one to believe that growing numbers of UN member states are following the alarm instigated by the INCB about the utilization of ayahuasca and other psychoactive plant materials, with arrests being much more widespread than before. However, further research is needed in this area; such research is challenging, as it involves usually secret information collected by the police and international bodies.

### **Countering the repression: ICEERS’ involvement in the Manto Wasi case**

ICEERS’ work in the legal defense of ayahuasca started in January 2010, with the case of Manto Wasi in Chile. The arrest took place in December 2009, when a fully armed police squad raided a center in Pirque, Santiago de Chile, just when a session in the style of Amazonia vegetalismo was about to start. This center had been utilizing ayahuasca as a therapeutic and personal development tool, along with psychotherapeutic practices, for several years before the incident happened. Aside from the traumatic experience of the participants, Cesar A. (Rumi) and Danae S., who were leading the session, got arrested and faced four years in prison for drug trafficking and endangering public health. Propagandistic, pseudo-scientific discourses about ayahuasca were launched, and the accused were demonized in the media. Danae, who worked at a psychotherapy center as a clinical psychologist, lost her position because of the intrusive, sensational media coverage accusing her of abusing her professional title to capture clients for the ayahuasca rituals. Even though the public prosecutor offered a deal if those arrested would plead guilty, they chose to start a difficult but rewarding 2.5-years-long battle for justice.

ICEERS became a consultant for the defendants and documented the whole case for a documentary about ayahuasca that is currently in its final stages of

production. Because of the demonizing and sensational nature of all the media coverage about ayahuasca and the arrest, influencing public opinion was an important aspect of the defense. Rumi initiated this through media appearances, where he shared his side of the story, as well as through the organization of the *Primera Conferencia Internacional Uso Ritual de la Ayahuasca: Perspectivas Científica, Antropológica y Terapéutica* (First International Conference on the Ritual Use of Ayahuasca: Scientific, Anthropological and Therapeutic Perspectives), and with the collaboration of ICEERS and presentations by scientific director José Carlos Bouso and Jordi Riba, among others (De Loenen, 2010). This event further succeeded in turning the tide of the negative propaganda toward a more just reflection of the reality around this practice.

During the development of this case, ICEERS sent a query to the INCB regarding the legal status of ayahuasca. In its response, the Board echoed previous communications of the INCB on the matter, and affirmed that no plant or concoctions of plants containing DMT were currently under international control, even though chemically extracted, purified DMT is a scheduled substance under the 1971 Convention. The INCB, however, added a phrase in the letter, saying, “some Governments may have decided, however, to apply control measures to ayahuasca, as the use of this preparation implies serious health risks” (INCB, 2010b). ICEERS formulated a letter (which was never sent) in response to this claim (ICEERS, 2010), and a compilation of scientific literature comprising all the ayahuasca research conducted on humans (Bouso, 2012), coming to the conclusion that scientific evidence does not support the claim of “serious health risks.” Instead of entering into debate with the INCB, however (since they affirmed what was needed: that ayahuasca is not under international control), we decided to utilize both the letter and the literature compilation as legal defense materials for the Manto Wasi and future cases. The solid legal defense supported by the INCB letter – alongside testimonials of session participants and several expert declarations in court – led to the withdrawal of all charges, and even to the recognition by the judges that ayahuasca had been beneficial for the participants of the sessions (Judgment Santiago de Chile, 2011).

A key strategy in this case was the focus on the cultural aspects of ayahuasca practices versus DMT use. In virtually all cases, the public prosecutor defined the confiscated bottles as “DMT extractions” and the sessions as “illegal DMT consumption encounters.” According to our own experience, the INCB letter by itself is often not enough to convince a judge about the fact that ayahuasca and DMT are different in terms of effects, risks, and patterns of use, because it is very confusing to state that, even though DMT is illegal, ayahuasca, which contains DMT, is not. One could try to convince a judge about the absurdity of the whole drug control system, but this would most probably be a suicidal strategy for the defendant (for a discussion of alternative strategies for the legalization of ayahuasca, see Chapter 12 by Walsh in this volume). It proved more efficient to make sense of this clear distinction in terms of two things: a) cultural aspects; the drug control treaties that schedule extracted DMT were not set in place to solve an epidemic of any kind of traditional ayahuasca practice endangering public health, but to deal with drug trafficking and the distribution of synthetic or extracted substances

considered potentially harmful; and b) the pharmacological differences of pure extracted DMT versus ayahuasca, e.g., if one drinks a cup of black tea, obviously the absorption of the caffeine contained in the tea is much slower and less concentrated than when one injects pure caffeine extract; the effects on the central nervous system are very different, the duration is different, the risks involved are different, etc. Demonstrating the acceptable psychological and physiological safety profile of ayahuasca (Bouso et al., 2013) was another important aspect of the defense strategy in all the cases; we are talking here about a tea that has no potential for addiction (Gable, 2007; Fábregas et al., 2010); generates neither physical dependency nor tolerance (needing to increase the dose each time to achieve the same effect); has moderate effects on blood pressure and heart rate, even in repeated doses (dos Santos et al., 2012); and has a very low index of reported adverse psychiatric events (Barbosa et al., 2012; Bouso et al., 2012).

One year after the Manto Wasi decision, and following a case involving allegations of murder in a cult where the cult leader and some of the members burned a newborn baby to death, the Public Health Institute of Chile (ISP) announced that they were considering installing a new law prohibiting ayahuasca in Chile. Because the cult members had started to use ayahuasca some months earlier, the media and political debate was again aimed toward implicating ayahuasca in inciting child murder (BBC, 2013). This initiative came from the right-wing conservative party in power at that moment, half a year before the presidential elections. ICEERS developed a technical report on ayahuasca with the collaboration of some of the most renowned biomedical researchers in the field of ayahuasca (Bouso et al., 2013) and collaborated with the lawyer Rodrigo González Soto and Rumi in dealing with the Chilean authorities. This joint effort succeeded in avoiding the criminalization of ayahuasca in the critical period before the elections, and it seems like this initiative is off the agenda for now. The technical report was later used in other court cases as defense material.

### **Countering the repression: ICEERS' involvement in other cases**

After ICEERS' involvement in the Manto Wasi case, growing numbers of victims of law enforcement against their ayahuasca practice got in touch for support, and even more so when the film trailer of the Manto Wasi case went online (De Loenen, 2014). Our involvement was dependent on the needs of each case, and was not only limited to guidance and expert advice in preparing for a solid defense, but also involved preparation of individuals who were notified that they had to appear at the police station for interrogation – as happened, for example, in Belgium and Switzerland. In these cases, we advised them on how to testify and provided documents to hand to the police. Several of these cases didn't end up in court. Also, in our experience, several cases in Spain were archived before reaching court because of the receptive attitude of public prosecutors to the documentation and argumentation provided. Here is a short overview of the most noteworthy cases we were involved in of the almost 30 cases in total from 2009 to 2015.

While, so far, no lawsuits have ended up with a conviction in Spain, not all of the outcomes were steps in the right direction in terms of ayahuasca regularization. A significant number of these cases were dropped because the purchase and possession of any illegal substance intended for personal use is decriminalized in Spain, so when someone could demonstrate that the ayahuasca was intended for personal use only, this would often be enough to gain freedom, even in some cases where they confiscated up to 25 liters. In a few of these cases, the judge concluded that ayahuasca is illegal in Spain.<sup>10</sup>

In a case in Catalonia, however, the final verdict was the first one to not only declare the accused innocent but also to recognize that ayahuasca is not illegal in Spain, in part following the INCB's opinion expressed in the 2010 letter.<sup>11</sup> In March of 2012, another, more complex, case emerged of someone who was arrested in Catalonia and admitted during the arrest that the confiscated ayahuasca was destined for group use in personal development sessions. The prosecutor wanted to sentence her to four and a half years of prison and a €10,000 fine for a crime against public health. In December 2013, the case led to the most positive outcome so far in Spain for a legal case concerning ayahuasca: the judge recognized not only that ayahuasca was a preparation of DMT containing plants and therefore not illegal according to the 2010 letter of the INCB, but also that there was no scientific evidence to claim that ayahuasca was harmful to health. All charges were dropped (Judgment Barcelona, 2013b).

In 2010, an *ayahuasquero* going to Belgium, working in a neoshamanic Peruvian style, was contacted by the Belgian police and asked for explanations about his activity. He had been discreet about his practices, but somebody tipped the authorities off about the sessions. He was cooperative, but after he made different statements during the following years, an official criminal accusation against him and two of his assistants was made, similar to the first case in Chile; they were charged with drug trafficking, promoting the use of illegal substances (DMT), and endangering public health. The prosecutor asked for a penalty of one year in prison and a €10,000 fine. ICEERS had been consulting with the lawyer and defendant, but unfortunately, he was convicted to six months in prison (all on probation) and a €6000 fine. This sentence (the lowest possible in Belgium for this type of case) involved a public message that the use of ayahuasca would not be tolerated in Belgium (Judgment Ghent, 2014). In order to counter this public message of criminalization, the decision was made to appeal the sentence and submit the case to the Higher Court, and providing a more extensive defense repertoire, including expert testimonies. Eventually the two assistants were acquitted and the ayahuasquero was freed with a settlement of a small fine.

Some other cases that are still in process include those in Germany, Denmark, and Argentina. In the German case, the police found 7 L of ayahuasca in the basement of an ayahuasquero and claimed that it contained 35 g of DMT. This estimation seemed extremely high, so ICEERS provided several scientific materials that could help to demonstrate these figures were not realistic; about 1 gram per L would have been a more accurate number. A second analysis was requested by the accused that showed a total of only 1.03 grams of DMT in the 7 L of ayahuasca.

The police were aware of this fact for at least nine months before the accused was informed. The trial is still pending as of May 2016.

The case in Denmark is more complex, as the accused was sentenced to an unconditional six months of prison. An ayahuasquero, he had been receiving ayahuasca by post for use in ceremonial sessions in Denmark without ever having any incidents with the police or customs. But one of these shipments – with five packages containing 2 L of ayahuasca – was confiscated, and he was charged with the offense of drug trafficking. He was called in front of the police to explain what he had planned to do with this “liquid containing DMT.”<sup>12</sup> He finally went to trial, although he had explained to the officers that ayahuasca was not under international control, and it had nothing to do with pure extracted DMT or illicit recreational drug use. Furthermore, ayahuasca was not prohibited under Danish law. However, he was found guilty of importing 25 L of ayahuasca that contained approximately 20 g of DMT, which the judgment (surprisingly) considered equivalent to 300 to 600 doses of LSD. The convicted faced six months of prison. After his conviction, he got in touch with ICEERS, which is now supporting him in the process of appeal.

Finally, a second case in Argentina involved a Colombian taita who traveled to this country to organize a session. The situation was very confusing at the beginning because, even though the taita’s people got in touch with ICEERS, for many days, the only information we received was through the press – which, obviously, does not reflect the facts in an objective manner, generally. There was an important particularity of this case compared to others: the charges against the taita did not imply drug trafficking, but fraud and illegal practice of medicine, at least until the substance could be analyzed – something that apparently can take several years in Argentina. This meant that the facts were not a federal crime in Argentina. That is why, at the very beginning, we suggested following a legal strategy that was more focused on the suitability of traditional medicines as therapeutic tools (see Walsh, Chapter 12 in this volume), reinforcing the fact that ayahuasca has beneficial effects on health, and patients attending the sessions were aware of the procedure and potential effects. The taita was finally released two weeks after being in preventive jail and went back to Colombia. However, he is likely to receive a judicial citation from Argentinean courts in the near future.<sup>13</sup>

Most of the cases that have gone to court so far have ended up in acquittal; however, ayahuasca, in particular, but also iboga, are increasingly coming under pressure. One of the reasons might be the reinforced advice given by the INCB in their 2012 annual report encouraging national criminalization. The INCB, rather than providing clarity to the legal ambiguity of plant-origin psychoactive substances, has contributed to this lack of understanding, noting in its 2010 Annual Report that there exists an apparent “interest in the recreational use of such plant materials” that are “often used outside of their original socio-economic context to exploit substance abusers” (INCB, 2010a, para. 286). Then, two years later, the INCB referred to ayahuasca as one of “the most commonly sold new psychoactive substances” through the Internet, apparently encouraged by a lack of clarity concerning the control status of the plants at the national and the international



level, and exploited by “drug trafficking networks and online retailers, resulting in increased trade, use and abuse of these plant materials in many countries” (INCB, 2012, para. 329). The INCB 2012 report also notes that:

. . . the increasing popularity of practices that purportedly have spiritual connotations, such as ‘spiritual tourism,’ under the cover of which the plant-based psychoactive materials are consumed . . . with concern that the use of those substances has been associated with various serious health risks (both physical and psychological) and even with death . . .

and reiterates

. . . its recommendation to the Governments of countries where the misuse and trafficking of such plant materials may occur to remain vigilant . . .

and recommends

. . . appropriate action be taken at the national level where the situation so requires.

(INCB, 2012, para. 329–330)

These statements lack any epidemiological and scientific evidence (Labate & Jungaberle, 2011).

Additionally, the World Drug Report of the United Nations Office on Drugs and Crime (UNODC) of 2013 (UNODC, 2013) extensively discusses the popularization of iboga as an alarming new phenomenon; other reports have appeared in which iboga and ayahuasca are mentioned, along with other ethnobotanicals, like so-called “new psychoactive substances” (NPS) (Spanish National Drug Program, 2011). Of course, the difference is that NPS lack scientific research into mechanisms of action, effects, risks, etc., and have no history of human use, while ayahuasca has been administered to humans in clinical trials for more than a decade, has centuries of indigenous cultural use, and its mechanisms of action, effects, and risks are well understood.

It seems nearly impossible for policymakers and those in charge of the current drug monitoring and control bodies to understand the phenomenon of ceremonial, religious, and therapeutic personal development uses of ayahuasca and related ethnobotanicals in an intercultural framework. If dealt with through constructive regularization, these practices should be able to exist outside of the range of the drug-of-abuse paradigm.

In 2008, the UN General Assembly approved the United Nations Declaration on the Rights of Indigenous Peoples. In its opening text, UN member states recognize “that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.” Article 12 states: “Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs

and ceremonies”; and Article 24 states: “Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals” (United Nations General Assembly, 2008).

This approach to indigenous ayahuasca practices is obviously discrepant with the treatment the INCB gives to this subject in its annual reports. Many of the arrested people were either indigenous people coming from ayahuasca-using cultures, or nonindigenous people who were apprentices of *ayahuasqueros* and worked in the indigenous traditions. In a globalized world, cultural interchange is natural and something that the UN stimulates, particularly the United Nations Educational, Scientific and Cultural Organization (UNESCO), which describes its mission as follows:

Today, UNESCO’s message has never been more important. We must create holistic policies that are capable of addressing the social, environmental and economic dimensions of sustainable development. This new thinking on sustainable development reaffirms the founding principles of the Organization and enhances its role: In a globalized world with interconnected societies, intercultural dialogue is vital if we are to live together while acknowledging our diversity.

(UNESCO, 2014)

Looking at the role ayahuasca serves to an increasing population around the world, it is in many ways a tool that facilitates sustainable development and intercultural dialogue. In a globalized world, our diversity enriches and inspires, but when it comes to plants that have consciousness-expanding effects, this understanding seems unable to surpass the classical drug control system paradigm. It seems like only the utilization of ayahuasca “inside its original socio-economic context,” as the INCB states it, is valid, and that Westerners are assembling in long lines to get a “hit” of ayahuasca. However, there is a generally increased interest in medicine systems (Blainey, 2014) and spiritual practices from other cultures (Prue & Voss, 2014), and it seems like the popularization of ayahuasca falls more in that area.

### **Integrating ethnobotanicals in a globalized world**

In Amazonian traditions, ayahuasca is a tool that is fully integrated into the societal structure, where it may serve a vast array of purposes: medicine, rites of passage, access to the spiritual dimensions of existence, divination, and defense against potential threats (enemies, negative energies, etc.). There are strict performances for its utilization and the passing-on of the traditions from generation to generation (Labate & Cavnar, 2014a). Preparatory practices are well-defined (e.g., *dietas*); and ayahuasca’s central place in indigenous culture facilitates social participation and support for individual processes, such as healing and the initiation into adult life, as well as integration of the experiences into everyday living.



In contemporary society, however, it is common that a person who chooses ayahuasca as a tool for personal development or to confront mental health issues cannot count on the support of his or her health professionals, family, partner, etc. In a similar way, it is not easy to have access to legal and safe multidisciplinary therapeutic frameworks, with some exceptions, such as in some of the countries of origin, like Peru, and in some ayahuasca churches, like the União do Vegetal (UDV) and Santo Daime, that have achieved legal status in a few countries for the use of ayahuasca as a sacrament (Bronfman, 2005; Anderson et al., 2012).

The vision that every human being should be free to choose the tools that he or she believes in for catalyzing therapeutic or personal-growth processes and spiritual development is what drives the ICEERS Foundation's agenda. Even though consciousness-expanding practices have been fundamental to human living since the earliest times, there is a general misconception around the nature of the experiences induced by such ethnobotanicals and their value as a means to confront psychosocial issues and deepen our relationship with ourselves, our loved ones, the world around us, and the cosmos (Labate & Cavnar, 2014b).

We have observed over the years how often the acute experience induced by the ingestion of ayahuasca is promoted as the therapeutic process, with very little emphasis on the importance of what comes before and after. Terminology such as "cure for addiction," "healing all ailments of the soul" or "ten years of psychotherapy in one night" are frequent statements found in educational information all over the Internet, in documentaries, and at lectures. Such statements are, however, misleading, and they generally do not contribute to a growing credibility within the scientific community, or among health professionals, policymakers, and others. A more nuanced, comprehensive, and science-based discourse is required to regularize valid ayahuasca drinking practices in our globalized world. For example, there is the concept of ayahuasca as a tool used as an adjunct to psychotherapeutic intervention, as an agent to catalyze the therapeutic process. Although ayahuasca is often promoted as a panacea for all, drinking ayahuasca is not suitable for everyone at any given moment in life; this can be due to psychiatric or physiological conditions, or because of conditional aspects. In a psychotherapeutic process, someone who initially might not have been in the position to go through an ayahuasca experience might become "treatment ready." Preparatory and integration frameworks can both maximize the therapeutic potential of the experience and reduce potential risks.

Another obstacle in terms of justifying the therapeutic potential of ayahuasca in court cases and in working toward legal clinical application is that there is still very limited scientific data regarding specific therapeutic and clinical uses of ayahuasca beyond the few publications on ayahuasca's potential for addiction treatment – such as Fábregas et al. (2010), Thomas et al. (2013), Fernández et al. (2014), and new publications that will come out soon on the treatment of depression (Osório et al., 2015).

The case of iboga is different, as preclinical and clinical research consistently shows its potential for the reduction of opioid withdrawal syndrome and craving, which was crucial in New Zealand's MEDSAFE decision in 2009 to turn

ibogaine into an experimental prescription medication for the treatment of drug dependency (MEDSAFE, 2009). This body of clinical research has not yet been generated in the case of ayahuasca. In the European Union, the United States, and other countries, it is a challenge to conduct clinical research studying specific medicinal or therapeutic benefits of ayahuasca with patients because of the lack of pharmaceutical-grade product developed under Good Manufacturing Practices (GMP) conditions (European Commission, 2011). Observational research is easier to conduct and is something ICEERS is actively working on. The aim here is to look not only at specific clinical treatment outcomes, but also at quality of life and other parameters that can facilitate a better understanding of ayahuasca's potential as a personal-growth catalyst (ICEERS, 2014).

The available body of scientific publications on the safety of ayahuasca has been quite successful, however, in influencing a large number of the court cases, as presented either through expert testimonials or technical reports. While scientific evidence favors an acceptable safety profile of ayahuasca, the appearance of new adverse events and incidents of irresponsible or unethical practice endanger the reputation of ayahuasca and invite prohibitionist measures from the authorities, as exemplified by the incident in Chile mentioned earlier. With the rapid popularization of ayahuasca in Occidental society also comes the increase of such practices and opportunism. With all eyes of international regulatory bodies, national and legal authorities, and mass media focused on the course of ayahuasca as it penetrates further into modern society, a great responsibility lies in the hands of those who organize rituals and work with ayahuasca. In response to these ethics and safety challenges, ICEERS contributed the *Ayahuasca Defense Fund Support Criteria*,<sup>14</sup> composed of 13 principles and derived from real-life incidents that took place over the last few years with practitioners working with ayahuasca and iboga, and first presented it at the World Ayahuasca Conference (AYA2014).

The conference, held in Ibiza from September 25 to 27, 2014,<sup>15</sup> was conceived as a strategy to deal with the multiple challenges of the globalization of ayahuasca. It brought together 650 people from over 60 countries, with over 100 international experts to debate the different aspects of the ayahuasca phenomenon. It also brought together important players in the current drug policy reform movement, bringing the topic of ayahuasca closer to this universe (one should note that ayahuasca aficionados are frequently prejudiced against “drugs,” and drug reform activists frequently consider psychedelic substances in general, and ayahuasca in particular, less relevant issues).

As ICEERS is committed to fostering a change of scenario by promoting regularization over the current trend of criminalization and legal control, one important objective of the conference was to put ayahuasca on the map of the drug policy stage, since there is relatively no awareness of the worrying trend of “criminalization without prohibition” of these plants. Therefore, perhaps one of the main achievements of AYA2014 was the establishment of the Ibiza Expert Committee for the Regularization of Ethnobotanicals, during a meeting held with over 20 attorneys, legal strategists, and drug policy experts. The establishment of the committee has two objectives: 1) working with the current status quo; meaning, to

structurally counter the increasing tendency of repression by developing a knowledge base about the legal situations in each country, supporting ayahuasca-related court cases with the expertise of the committee members, creating a legal fund, and developing reports on the current situation; and 2) changing the status quo; meaning, working toward changes in legal and policy treatments of the ayahuasca phenomenon within UNGASS 2016 (the United Nations General Assembly Special Session on Drugs), a major opportunity coming up. One of the main outcomes of these meetings (and of the conference as a whole) was the publication of the *AYA2014 Declaration: Ayahuasca in a globalized world*.<sup>16</sup> This document, supported by renowned scientists, academics, lawyers, and drug policy experts, calls on governing authorities and drug control bodies to take the traditional and cultural value of ayahuasca drinking practices worldwide into account. The Declaration urges that decisions be made based on scientific evidence and human rights, and recommends ending the legal prosecution of these practices and initiating collaboration with representatives of the communities of people who drink ayahuasca, facilitating efficient self-regulation models, health promotion and harm reduction, and public educational initiatives.

The Declaration also shows that, like many NGOs working in the field of drug policy, ICEERS is committed to developing a coherent global strategy vis-à-vis the UNGASS 2016 and to providing a solid foundation to work for the destigmatization and reduction of the legal vulnerability of legitimate practices involving ayahuasca drinking, fostering tolerance and better understanding of the public health implications of these practices.

## Notes

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- 4 Article 4 of the 1961 Single Convention.
- 5 Preamble of the 1961 Convention on Narcotic Drugs.
- 6 Article 32.4 of the 1971 Convention.
- 7 The first ayahuasca-related case in Spain dates back to 2000, when a group of Santo Daime members were arrested at Barajas airport. Detailed information about this case can be found in López-Pavillard & De las Casas, 2011. There were no more ayahuasca cases in Spain until the arrest of A.V. in 2008, which was adjudicated in 2011 (Judgment Majadahonda, Spain, 2011). Compared to subsequent cases, this case presented some peculiarities and ethical dilemmas. Among others, the accused made open advertisement of the ayahuasca sessions he organized in specialized magazines (e.g., alternative medicine) or vegetarian restaurants, and offered discounts for minors.
- 8 This fact concurred with the increased security measures at airports adopted following the terrorist attacks of September the 11th, 2001, which included a ban on traveling with liquids in the cabin baggage. The media echoed this trend; see, for instance, ABC (2006) and Libertad Digital (2006).
- 9 ICEERS is a charitable not-for-profit organization that was born out of the idea that ethnobotanicals, which are understood as medicinal plants utilized in particular cultural

contexts whose effects cannot be separated from the cultural background in which they take place (Spinella, 2001) – like iboga or ayahuasca – have played a quintessential role in indigenous societies as tools to facilitate the well-being of the individual, social bonding, and the survival of the community. Further, ICEERS understands that the very psychoactive effects that these plants have been used for in traditional contexts could make them important psychotherapeutic and personal development catalysts in our globalized world. For further information, see [www.iceers.org](http://www.iceers.org)

- 10 In the Spanish case, it is important to note that many of the acquittals have also been due to the fact that the concentration of DMT has not been determined, or based on the Supreme Court doctrine of shared consumption (both peculiarities of the Spanish legislation on drugs). However, some judgments concluded at the same time that ayahuasca is not a legal substance in Spain (Judgment Santa Cruz de Tenerife, Spain, 2012).
- 11 See, for example, the judgment of the 2012 Santo Daime case in Catalonia (Judgment Barcelona, Spain, 2012). In another judgment, the accused was acquitted according to the criminal law principle *in dubio pro reo*, as the judge considered it was not proven that the acquisition of ayahuasca was intended for trafficking and that ayahuasca could not be considered a harmful substance since it is not included in the control schedules (Judgment Barcelona, Spain, 2013a).
- 12 In the indictment, the accused was charged with violation of Article 191, paragraph 2, of the Danish Criminal Code. All the information related to this case was directly provided by the accused, with whom ICEERS had direct contact.
- 13 For more details of this case, see the interview with Taita Crispin Chindoy at Corrientes Televisión (Argentina), available at [www.youtube.com/watch?v=BcmQhTRB5wA](http://www.youtube.com/watch?v=BcmQhTRB5wA)
- 14 The Ayahuasca Defense Fund Support Criteria are available at [www.ayahuascadefense.com/index.php/our-support-criteria/](http://www.ayahuascadefense.com/index.php/our-support-criteria/)
- 15 For more information about the World Ayahuasca Conference, visit the conference's website at [www.aya2014.com/en](http://www.aya2014.com/en)
- 16 The AYA2014 Declaration is available at [www.aya2014.com/en/aya2014-declaration/](http://www.aya2014.com/en/aya2014-declaration/)

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