



Medical Cannabis Regulation and Good Governance: Ensuring Safe and Responsible Use

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Abstract- The regulation of medical cannabis is closely tied to good governance principles, which include transparency, accountability, public involvement, and responsiveness. These principles ensure that cannabis is used solely for medical purposes while also addressing potential risks like addiction and public health concerns. A well-structured framework for regulating medical cannabis must be transparent, making information accessible to the public. Government accountability in enforcing these regulations is essential for their effectiveness. Public participation means involving the community in shaping these regulations to meet their needs and address concerns. Responsiveness involves the government's ability to adapt these regulations to changing community needs within the context of medical cannabis, ultimately benefiting society. Effective regulation of medical cannabis has several societal benefits. These include increased access to affordable medical treatments, improved quality of life for patients, prevention of cannabis misuse, and protection against the negative consequences of cannabis abuse. Therefore, it is crucial for governments to establish strong medical cannabis regulations that align with good governance principles. Key considerations in developing these regulations include having a comprehensive framework that covers cannabis production, distribution, and use. Transparent procedures should be in place to ensure fair access for patients. Stringent controls are necessary to prevent cannabis abuse. Education and outreach efforts are vital for spreading information and raising public awareness. By creating well-thought-out medical cannabis regulations based on good governance principles, governments can promote the safe and responsible use of medical cannabis, benefiting society while minimizing potential harm.

Keywords- Medical Cannabis, Regulation, Good Governance, Safe, Responsible Use

I. INTRODUCTION

In an ever-evolving global landscape, numerous countries have undertaken significant policy changes with regard to cannabis, specifically in the realm of its medical applications. This monumental shift is closely intertwined with the landmark decision made on December 2, 2020, by the United Nations Commission on Narcotic Drugs (CND). On that momentous day, the CND made a groundbreaking decision to reclassify cannabis, thereby officially acknowledging its substantial medicinal properties [1]. This decision marked a turning point in the ongoing global conversation surrounding cannabis and its diverse potential. It is worth noting that in Indonesia, the current narcotics legislation classifies cannabis as a highly restricted Schedule I substance, a classification it shares with notoriously dangerous substances such as heroin and crystal meth. This strict categorization stands in stark contrast to the evolving perceptions and understanding of cannabis, which increasingly suggest that it carries considerably fewer risks compared to these other substances. This dichotomy has led to a growing sense of tension and debate within the nation regarding the status of cannabis, its potential benefits, and whether the existing legal framework is

reflective of this changing perspective. Nonetheless, there is cause for optimism and hope in the midst of this shifting landscape. Encouraging signs have emerged, demonstrating a gradual shift in the mindset of some government officials in Indonesia. These officials are beginning to recognize the potential therapeutic benefits that cannabis may offer, particularly in the context of medical treatment. This acknowledgment represents a potential turning point in the broader acceptance and acknowledgment of the therapeutic potential that is inherent in cannabis, paving the way for further exploration and policy changes in the future [2]. As the global dialogue on cannabis continues to evolve, the world watches with anticipation to see how different nations will adapt to these changes, aligning their policies with the ever-growing body of evidence supporting the beneficial aspects of this versatile plant.

The evolving perspective of select government officials in Indonesia has given rise to a fresh wave of optimism among proponents of cannabis use, notably the Sativa Nusantara Foundation. These developments, as extensively covered by various media outlets, have culminated in a noteworthy event. On June 26, 2023, the foundation took a significant step by formally presenting a meticulously crafted policy brief titled "Regulatory Reform of Medical Cannabis Regulations to Unlock More Potential in the Indonesian Healthcare Industry" to all the political parties gearing up for the pivotal 2024 election. The driving force behind this influential policy proposal was Singgih Tomi Gumilang, the Secretary of the Sativa Nusantara Foundation and also one of the writers in this paper. The recipients of this substantial submission included individuals with significant influence and responsibilities in the political landscape of Indonesia. Ichsan Soelistio, who played a crucial role in the development of this paper, was among the key recipients. Moreover, members of Commission III at the House of Representatives (DPR) from the Partai Demokrasi Indonesia Perjuangan (PDIP) were also in receipt of this document. Notably, Johan Budi, who shares a deep commitment to this cause, and Hinca Panjaitan, who represents the Partai Demokrat (PD), were among the notable figures entrusted with this critical policy brief. Singgih Tomi Gumilang underscored the pivotal aim of this comprehensive policy document: to furnish an all-encompassing view of the regulations, potential implementation strategies, and robust monitoring mechanisms pertaining to medical cannabis. Drawing upon lessons learned from effective models employed in other nations, this policy brief seeks to serve as an invaluable resource for the various stakeholders within Indonesia. Its primary goal is to aid these stakeholders in fashioning a framework of regulations that is both optimal and efficient for the future introduction of medical cannabis into the healthcare landscape of the nation. In a world that is rapidly reassessing the potential benefits of medical cannabis, this policy brief stands as a testament to the dynamic shifts in public opinion and political discourse. It reflects a proactive and forward-thinking approach, aimed at ensuring that the Indonesian healthcare industry can harness the full potential of medical cannabis in a manner that is not only safe and effective but also in alignment with the changing global landscape surrounding cannabis usage. As the 2024 election approaches, it remains to be seen how this policy proposal will impact the nation's political and healthcare trajectory, but it undoubtedly signals a significant milestone in the ongoing dialogue about medical cannabis in Indonesia [3].

The current regulatory system impedes the access to medical cannabis for patients in need of medicine from the plant's therapeutic properties. As a result, there has been an increase for a call for regulatory reform, which has been evidence by the potential medical benefits of cannabis, and the need to address the existing challenges. Indonesia's current strict regulations on medical cannabis has led to the limitations of the plant's accessibility, research, and development. These limitations hinder not only patients seeking alternative treatment options, but also the potential economic growth from the cannabis industry. The current regulatory framework impedes patients in search of the potential therapeutic benefits of medical cannabis. The call for reform comes from various parties. The call for reform arises from the fact that cannabis has numerous therapeutic advantages. Unfortunately, Indonesia still adopts stringent regulations that restrict the plant's availability and hinder its research and development. The consequences of these limitations are serious, impacting not only patients seeking alternative treatment options, but also economic opportunities that a well-regulated medical cannabis industry has to offer. One of the primary challenges of the current regulatory framework is the restricted accessibility of medical cannabis. This issue has particularly created inconvenience for patients who have the urgent need of traditional treatment options or a more holistic medical treatment approach.

II. LITERATURE REVIEW

A. Patient Access

The current regulations make it exceedingly difficult for patients suffering from various medical conditions to access medical cannabis. Patients with chronic pain, epilepsy, cancer, and other debilitating conditions often find themselves without effective treatment options.

B. Economic Potential

Reforming the regulatory framework can unlock a promising economic sector. A well-regulated medical cannabis industry has the potential to generate revenue, create jobs, and boost economic growth while ensuring the patients to access to safe and effective treatments.

C. Legalization of Medical Cannabis

We are proposing the country (Indonesia) for the legalization of medical cannabis, as there are many patients suffering medical conditions that can be alleviated or recovered using this plant. This proposed reform is expected to benefit individuals from the therapeutic properties of cannabis, and they can also access to such a treatment option under the supervision of healthcare professionals.

D. Research and Development

We are also advocating for the research and development on medical cannabis. Moreover, we can foster a better understand of the full potential of cannabis by conducting scientific studies.

E. Regulatory Oversight

A comprehensive regulatory framework is pivotal to monitor the cultivation, production, and distribution of medical cannabis products. To achieve this, we need to implement strict quality control measures, safety standards, and patient protection.

F. Public Education

It is essential that we increase public awareness of medical cannabis and its potential through public education campaigns and accurate information dissemination. The call for regulatory reform for medical cannabis in Indonesia is considerably urgent, especially in an effort to build the country's better healthcare and economic landscape. The reform shall encompass the improvement of patient access, the realization of economic opportunities, and creating a better understanding of the potential benefits that medical cannabis has to offer. By diving deeper into the subject, we can elaborate on this proposed reform. No less important, the reform can navigate better healthcare and realize economic prospects as well as contribute to scientific knowledge.

It is worth nothing that improving patient access to medical cannabis is a cornerstone of the regulatory reform. Patients benefiting from the therapeutic properties of cannabis have problems in obtaining the necessary treatments. Hence, Indonesian government shall make the most of endeavor to improve patient care. This way, individuals in need of medical cannabis have access to these treatments, which in turn, it can alleviate suffering, and enhance the quality of life.

The proposed reform also offers an opportunity to enhance our understanding of the applications of medical cannabis. The scientific and medical community shall continue to explore the potential of the cannabis' therapeutic benefits for various conditions, from chronic pain and epilepsy to anxiety and sleep disorders. Embracing this reform can take Indonesia to a global level in terms of contributing to research and clinical trials. This will unfavorably have the impact to enrich our knowledge and better develop innovative treatments.

Moreover, Indonesia should explore issue from the aspect of policy changes and from executing comprehensive strategy. This is deemed crucial to improve patient care, boost the economy, and enrich our knowledge in regard to medical cannabis. By embracing these reforms, Indonesia can participate in this global dialogue, contributing to research and clinical trials that will expand our knowledge and potentially lead to the development of innovative treatments.

It is essential to stress that a thoughtful, evidence-based approach to medical cannabis regulation is the cornerstone of these efforts. This approach ensures that the reforms are rooted in scientific evidence and clinical best practices, safeguarding patient safety, and the effectiveness of treatments.

To conclude, the call for medical cannabis regulatory reform in Indonesia isn't merely about policy changes; it represents a comprehensive strategy to enhance patient care, boost the economy, and expand our knowledge of the medical applications of cannabis. By embracing these reforms, Indonesia can align itself with the global conversation on medical cannabis, marking a significant step toward a brighter and more progressive future for the nation. [4]

III. METHOD

This study employs the normative legal research methodology. Laws and regulations, periodicals, and other material are inventoried by the author. The collected data will be subjected to a qualitative analysis, which the author will utilize as a basis for discussing the significance of expediting medical cannabis regulation. A qualitative analysis of the collected data will highlight the caliber of the research in relation to the volume of legal events that take place. The author of this study will make inferences utilizing inductive reasoning, which entails shifting findings from particular approaches to broad approaches. The goal of applying this reasoning in this research is to achieve the research's analytical precision.

IV. RESULT AND DISCUSSION

Broadly speaking, transitioning from an era of prohibition to a comprehensive regulatory framework for medicinal cannabis is a multifaceted and transformative process that warrants in-depth exploration from the perspective of qualitative policy analysis. This analytical approach not only allows for a thorough understanding of the intricacies involved but also provides the necessary foundation for designing a robust conceptual framework that governs the supply of cannabis and the authorization process for patients. By doing so, we are poised to facilitate improved patient access to this potentially life-changing medical resource.

Zooming out to the global stage, the realm of regulatory possibilities expands into a diverse landscape encompassing various cannabis formats. This spectrum includes synthetic and plant-based pharmaceutical preparations, as well as the unadulterated herbal form of cannabis. This diversity extends to encompass a range of policies and procedures governing patient authorization. It is this inherent flexibility and adaptability that enables regulatory bodies to tailor their approach to meet the distinct needs and circumstances prevailing in different regions and healthcare systems.

The transition from prohibition to comprehensive regulatory control of medical cannabis presents an evolution in the society perception and management of medicinal cannabis. It acknowledges the cannabis' therapeutic potential while addressing the concerns associated with its recreational use. This will balance not only the safety and quality of medicinal cannabis but also will improve patient access to obtaining the necessary treatments.

This shift constitutes a significant step towards establishing a more informed, patient-centered, and responsible approach to medical cannabis use. It signifies the maturation of a conversation that has, for too long, been shrouded in controversy and misunderstanding. With comprehensive regulations in place, society can now harness the potential of medicinal cannabis for the benefit of patients while mitigating the risks and challenges that might otherwise arise in an unregulated landscape. This transition encapsulates the ongoing evolution of medical science and policy, striving to strike a harmonious chord between compassion for patients and the need for societal responsibility [5].

Corporate governance, a critical pillar of modern business structures, plays a pivotal role in shaping the entire landscape of how a company operates, is supervised, and evolves. It serves as the intricate framework, akin to the architectural blueprint of an organization, meticulously delineating the methods by which it is managed and controlled. But it extends far beyond just a mere guideline; it's the guiding philosophy that informs the very essence of the company's existence and conduct.

At its core, corporate governance weaves a tapestry of principles and practices that intricately interlace to ensure that the decision-making processes are not arbitrary but systematic and well-informed. It's the compass that directs the company's leaders, offering a clear path through the maze of choices and strategies. This guidance is invaluable as it aids in aligning the actions of a company with its long-term objectives and stakeholder interests.

Moreover, corporate governance isn't confined solely to the upper echelons of management but permeates through the organization like a river irrigating the entire landscape. It defines the distribution of responsibilities, specifying who shoulders the weight of each task and who is accountable for the outcomes. This, in turn, fosters a culture of responsibility and transparency, instilling a sense of ownership in employees at all levels.

The web of relationships among various stakeholders within the company is another vital aspect. Corporate governance ensures that these relationships are nurtured and managed efficiently. It fosters an environment where investors, employees, customers, and the broader community are all considered and respected, acknowledging their interests, and striving for a harmonious coexistence.

In essence, corporate governance transcends being a mere set of rules; it is the very soul of a well-managed company. It encapsulates the principles of accountability, fairness, and transparency, creating a business environment where ethical conduct and responsibility are not just aspirations but daily practices. It's the unwavering commitment to directing the business in an organized, ethical, and accountable manner, providing a sturdy foundation upon which an organization can thrive and flourish [6].

Embarking on the journey of creating a cannabis company may appear relatively straightforward on the surface, often involving the completion of necessary paperwork with state agencies. However, the true challenge arises when one delves into the intricate task of effectively managing and sustaining a cannabis business. In this context, corporate cannabis governance takes center stage, emphasizing the "system by which companies are directed and controlled". In essence, it's the compass that guides the ship, ensuring that a robust set of procedures is not just established but adhered to in the operation of a cannabis business.

While the initial steps of setting up a cannabis enterprise might seem uncomplicated, it's imperative to recognize that corporate governance in this context is far from being a mere procedural hurdle. This viewpoint, which perceives it as such, can lead to significant challenges and complications in the long run.

As we journey further into the realm of running a cannabis business, it becomes evident that corporate governance transcends the realm of bureaucracy. It embodies the spirit of responsible management and ethical conduct, defining not only how a company is structured and operated but also how it interacts with its stakeholders and the broader industry. It encompasses a tapestry of policies, practices, and guidelines levels of decision-making down to the everyday operations on the ground.

One crucial facet of corporate cannabis governance is the harmonious coexistence of regulatory compliance and ethical business practices. This harmony ensures that a company not only follows the legal framework but also acts as a responsible member of the business community. It mitigates risks, enhances the reputation of the business, and fosters the trust of investors, customers, and the public.

In the cannabis industry, the significance of corporate governance is even more pronounced due to the unique legal landscape and societal perceptions surrounding the plant. Navigating this landscape while maintaining a strong moral compass is an intricate balancing act that corporate governance helps facilitate. It ensures that the cannabis business not only thrives but does so in a manner that aligns with the evolving expectations of society.

Hence, while it might be tempting to view corporate governance as a mere formality, it is the cornerstone of sustainable and responsible cannabis business management. It not only sets the rules for how a company operates but, more crucially, ensures that these rules are consistently upheld, fostering a culture of accountability, transparency, and ethical conduct. Recognizing the depth of its importance is fundamental to achieving long-term success in the ever-evolving cannabis industry.

Corporate governance agreements, in the context of cannabis businesses, hold a paramount position in the management and sustainability of such enterprises. While there may be situations where specific corporate governance documents aren't legally mandated for a business to operate, they undeniably become indispensable tools for launching and maintaining a cannabis business effectively. These documents are not just bureaucratic formalities; they play a crucial role in shaping the day-to-day operations and long-term prospects of a cannabis business.

Consider the scenario of opening a bank account for your cannabis company, a basic yet essential step in the business setup process. In such cases, the financial institution is likely to request specific corporate governance documents, such as the operating agreement, to ensure that the company is operating within a legally defined framework. Moreover, state or local regulatory bodies, keen on maintaining a tight grip on the cannabis industry, often mandate access to the corporation's by laws, shareholder agreement, and shareholder ledger as prerequisites for obtaining a license to operate within this highly regulated sector. Hence, the need for a well-structured governance framework becomes evident right from the very start of a cannabis business venture.

The majority of cannabis businesses are established with a singular and primary goal: obtaining a specific cannabis license to operate within a designated premises. This goal underscores the importance of corporate governance agreements because they become an integral part of the application process. What's noteworthy is that these requirements emerge at a stage when the financial resources of a new cannabis business are often limited. Consequently, some entrepreneurs might be tempted to take shortcuts, like downloading generic templates from the internet or asking their lawyers to draft a "short form" set of governance agreements to cut costs. However, this approach can have serious drawbacks and implications for the long-term success and stability of the business, which we shall delve into below.

The use of generic templates or "short form" governance agreements, while appearing cost-efficient in the short term, can lead to significant complexities down the road. Cannabis businesses operate within a highly regulated and ever-evolving legal framework. As a result, the governance agreements must be tailored to address the unique challenges and requirements of the cannabis industry. Failure to do so can lead to legal disputes, regulatory non-compliance, and operational inefficiencies.

All in all, corporate governance agreements are not just legal formalities but are integral to the functioning of cannabis businesses. They provide the essential structure and framework within which these enterprises can navigate the complex regulatory landscape while ensuring legal compliance and operational efficiency. In the competitive and heavily regulated cannabis industry, cutting corners in this aspect can be a costly mistake that hampers long-term success and growth.

The significance of proper corporate governance in the cannabis industry cannot be overstated. It goes far beyond being a mere checkbox for regulatory compliance; it serves as the bedrock upon which a cannabis business is established and subsequently sustained. We also elaborate roles of corporate governance as a means of enforcing legal requirements and building a highly regulated and competitive sector.

Generally speaking, corporate governance has the function to guide how a cannabis company shall operate. More than just about abiding by the prevailing law, corporate governance is pivotal in establishing a set of principles and practices in the business, and includes the roles of the authority, and how conflicts are resolved within an organization. Cannabis industry has a clear roadmap that relates to legal and regulatory landscape, as the industry is constantly evolving.

We shall take into account how the decision-making processes within a cannabis business take place. Effective governance provides a structured framework for making decisions, whether it is for operational matters, financial investments, or compliance with regulations. This approach ensures that decisions made are in correspondence with the objective of a company.

Moreover, corporate governance delineates the distribution of authority within the company. It defines who holds key positions, who is responsible for what, and how the organizational hierarchy functions. Clarity in these matters fosters a culture of accountability, transparency, and efficiency. It ensures that each team member understands their role and responsibilities, promoting a cohesive and harmonious work environment.

We should not ignore the crucial aspect of conflict resolution in any businesses across major industries, including the cannabis industry. Conflicts can arise from disputes between shareholders, disagreements among management, or regulatory issues. Resolving conflicts need an effective mechanism in a fair and transparent manner.

In the cannabis industry, the importance of these governance factors becomes even crucial nowadays. Regulatory compliance is non-negotiable, and governance shall ensure that a company maintains its strong ethical foundation.

Last but not the least, corporate governance isn't just a legal requirement; it's a strategic necessity in the cannabis industry. It provides a roadmap for making decisions, distributing authority, and resolving conflicts, all of which are critical in a sector that operates within a web of complex regulations and fierce competition. Cannabis businesses that recognize the profound role of corporate governance are better equipped to thrive, adapt, and succeed in this dynamic and evolving industry.

Why Corporate Governance Agreements are Vital?

A. Compliance:

To operate legally and maintain good standing with regulators, businesses must have their governance affairs in order. This includes having the necessary agreements and documents in place.

B. Clarity and Accountability:

Well-drafted governance agreements outline roles, responsibilities, and decision-making processes. This clarity fosters accountability and minimizes disputes among partners or stakeholders.

C. Investor Confidence:

For those seeking investment or partnerships, having strong corporate governance structures in place instills confidence in potential investors. It shows that the business is organized and committed to ethical and transparent practices.

D. Scalability:

Proper governance is flexible and can adapt as the business grows. It's not just a formality but a tool for strategic growth and adaptability.

In a brief, corporate governance in the cannabis industry is far from a mere administrative task; it's the backbone of a successful and sustainable business. Cutting corners at the outset may save a few dollars, but the long-term consequences can be significant. It's crucial for cannabis entrepreneurs to invest in the right legal counsel and ensure their corporate governance is not just a formality but a strategic asset [7].

V. CONCLUSION

The legalization of cannabis has paved the way for a burgeoning industry, with entrepreneurs flocking to various markets, including medical and recreational use, as well as ancillary businesses. As this industry continues to expand, it becomes increasingly vital for all current and prospective organizations to adopt robust cannabis corporate governance. Establishing strong governance practices is not only essential for industry leadership but also for attracting investors to fuel further growth. Environmental, Social, and Governance (ESG) initiatives play a pivotal role in shaping the investment outlook for the cannabis industry, with a particular emphasis on cannabis corporate governance. The following are some key initiatives that cannabis corporate governance professionals can employ to ensure their dominance in the industry, Identify and Engage Shareholders, the landscape evolves, retail investors are giving way to institutional investors, and shares are changing hands. Therefore, tracking and identifying shareholders is of paramount importance. Understanding voting policies during the proxy season is crucial for making informed decisions and strategic planning. Fostering independent and diverse directorship is a cornerstone of effective cannabis corporate governance. Looking to the Canadian experience, it's evident that having an average board independence of just 66% among the largest cannabis companies in 2017 wasn't ideal. To thrive in this nascent industry, boards should consist of experts in emerging sectors, startups, and capital markets. Furthermore, given the highly regulated nature of the cannabis industry, boards should include professionals with expertise in legal oversight and risk management. Avoid Conflicts of Interest: While independence and diversity are essential, directors should also maintain independence from each other. Many investors, directors, and shareholders have interests in multiple companies within the cannabis sector. To ensure transparent and effective decision-making, it's imperative that each company's interests are considered on their own merits, free from influence by any other business relationships. Addressing any perceived or real conflicts of interest promptly is a fundamental aspect of cannabis corporate governance.

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