It is time for a new CARICOM policy on marijuana

The View from Europe
David Jessop

At the end of July eleven individuals received jail sentences in Havana of between 15 to 30 years for attempting to traffic narcotics into Cuba from Jamaica. The convictions followed a number of co-ordinated operations to stop go-fast boats arriving with large quantities of marijuana. The intention had been to sell the ganja in the Cuban capital.

Criminal intent apart, the long sentences reflect Cuba’s concern about the moral, public health, and societal impact that the use or sale of narcotics could have on Cuban society; an approach that has resulted in zero tolerance towards even the possession of small quantities of marijuana for personal use, and severe sentences for citizens and visitors alike.

It is a policy quite unlike that of Jamaica which in recognition of its own reality has decriminalised possession, allowing a person to carry up to two ounces of ganja and to grow up to five plants where permitted. It has also established a Cannabis Licensing Authority to regulate a medicinal marijuana industry which it sees as offering significant economic gains, employment, and a new source of government revenue.

What these contrasting but equally valid positions illustrate is the complexity of trying to harmonise an approach to marijuana, not just in the Caribbean region, but across the whole of the Americas.

While parts of the United States, Canada, Uruguay, Colombia and Jamaica have either established or are intending to create legislation legalising and controlling the limited use of marijuana, many other nations like Cuba remain strongly opposed to the legislative and moral downgrading implied.

This divide was clearly demonstrated earlier this year when in April the UN General Assembly Special Session on Drugs ended without any significant change to the existing conventions, despite strong representations for reform from Latin American and CARICOM countries seeking a less prohibitionist global regime.

The meeting revealed deep disagreements over international drug policy between what the UN describes as countries that favoured moving to a humane approach by dealing with drug use primarily as a public health issue, versus those nations favouring a strict law and order response to all narcotics issues.

At the UN session, CARICOM nations proposed that the UN review the classification of ganja. Jamaica’s Minister of Foreign Affairs, Kamina Johnson-Smith, argued against a one size fits all approach, observing that all countries should be allowed the flexibility to craft appropriate laws and policies while continuing to undertake their obligations under the UN Drug Control Conventions. All nations, she suggested, should be able to take into account important national elements, such as different cultural perspectives and practices, noting that in Jamaica’s case marijuana’s use as a folk medicine or as a religious sacrament were not associated with illicit, large-scale cultivation for trade.

“We contend that the classification of cannabis under the Single Convention is an anomaly and that the medical value of a substance must be determined by science and evidence-based analysis, above other considerations,” Ms Johnson-Smith said, reportedly to some applause.
The meeting ended however without any such change being agreed, despite the fact that in the Americas the marijuana industry is rapidly and observably becoming a mainstream activity leaving the Caribbean behind.

In particular the sale and taxation of marijuana has become big business in many parts of the United States as well as a significant source of revenue for the states involved.

Its cultivation is now legal in Colorado, Oregon and Alaska, as is its sale with a state issued licence. Possession has been decriminalised in 18 US states; and it is legal medicinally in 25. In 2015 in Colorado alone, licensed and regulated stores sold US$996m worth of medical and recreational marijuana, earning in the process tax revenues for social spending of more than US$135m.

As Jamaica’s Finance Minister Audley Shaw recently pointed out, the legal marijuana market in the US is predicted to rise from US$6.7bn this year to US$21.8bn by 2020 and that some countries like the Netherlands have begun to export medical marijuana to countries like Canada, Italy, Germany and the Czech Republic.

If as is also expected, the Canadian government introduces legislation next year to make the sale of marijuana legal it will make the country one of the largest in the west to allow its widespread use.

All of which begs the question as to why the region as a whole is not moving more quickly to reach a conclusion about decriminalising the possession of small quantities of ganja for personal use and developing marijuana as a legal medically-oriented cash crop in a carefully controlled manner that supports economic growth and social spending.

In 2014, CARICOM set up a Regional Commission on Marijuana to examine the social, economic, health and legal issues surrounding its use in the Caribbean and to determine whether there should be a change in the current classification of marijuana as a dangerous drug. Despite this, continuing divisions over the issue within CARICOM and delays to convening national meetings suggest that a final report may be some way off and possibly absent from the agenda of Caribbean Heads of Government for a considerable while yet.

In a sign of growing impatience, a number of senior Caribbean figures have begun to speak out about the need for a change of regional policy on marijuana for both economic and humane reasons.

St Vincent’s Prime Minister, Ralph Gonsalves, has been particularly forthright, stressing the importance of decriminalising marijuana in a careful, structured and controlled way, using it as a tool for the economic diversification of the region. He has also noted that the window is small before international corporations in the US begin to grow marijuana on a large scale as a medical export crop. In addition, the Caribbean Court of Justice has noted that the lives of thousands of Caribbean young people continue to be blighted by incarceration for being in possession of small quantities of marijuana, and for this reason has said that it is important that the matter be addressed quickly.

Major decisions require time, careful consideration, wisdom and judgement. Unfortunately, as each day passes benefits accrue to the US, while the region and individuals are increasingly disadvantaged. It is time for a regional policy that accepts limited possession and a regional medical marijuana industry.

David Jessop is a consultant to the Caribbean Council and can be contacted at david.jessop@caribbean-council.org
Previous columns be found at www.caribbean-council.org
August 14th, 2016