Jamaica’s Plans to Decriminalize Marijuana, A Move With Regional Implications

Gregory Scruggs

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Jamaica’s Plans to Decriminalize Marijuana, A Move With Regional Implications

by Gregory Scruggs
Category/Department: Region
Published: 2014-12-04

Cultivation and importation of marijuana has been illegal in Jamaica since 1913 despite wide popularity among citizens, religious use by Rastafarians, and global identification of the country with the plant through popular music and culture. However, efforts this year in Parliament to decriminalize cannabis seems likely to succeed, possibly as early as year’s end. This policy shift has broad implications in the Caribbean, where countries are divided on their attitudes toward marijuana and Jamaica’s experience as one of the larger countries in the region could sway public officials.

With its decriminalization plan, Jamaica joins a wave of pro-marijuana movements in the Western Hemisphere, including in Uruguay, the first country to fully legalize the plant and establish state-owned growers (NotiSur, Feb. 1, 2013); the US states of Alaska, Colorado, Oregon, and Washington; and the District of Columbia. While Jamaica’s current proposed legislation is for decriminalization, not legalization, such a move nevertheless will impact existing marijuana growers who operate illegally. By bringing the marijuana business out of the shadows, Jamaican growers could potentially engage with the large US market to the north. At the same time, concern that commercial marijuana operations could put small growers out of business has led to early efforts at the formation of marijuana cooperatives.

The Caribbean Community (CARICOM) formed a marijuana-reform working group in 2014 but thus far has yet to release any specific guidelines or policy positions. Some of the Caribbean political and economic union’s major players, namely Trinidad and Tobago and Barbados, are generally opposed to relaxed marijuana laws, while smaller economies like Guyana, St. Vincent and the Grenadines, St. Lucia, and Grenada have civil-society groups agitating on behalf of marijuana legalization.

Decriminalization largely welcome among public but faces international hurdles

In September, Justice Minister Mark Golding informed the public that legislation had been drafted that would render the possession of 2 ounces or less of marijuana a "petty offense." In addition, the legislation would fully decriminalize religious uses of the plant, common among adherents of the Rastafarian faith who believe the plant is a holy herb. The measure would adopt the recommendations of a 2001 report by the National Commission on Ganja.

While Parliament must approve the legislation, including amendments to the Law of Dangerous Substances, it is expected to pass, perhaps before the end of the calendar year. Medical marijuana falls under the Dangerous Drugs Act, and enacting legal change is anticipated to be a longer process. Nevertheless, the watershed moment reflects years of steady pressure from advocacy groups and public opinion in a country where an estimated 10% of the population uses marijuana and 16%-20% of 18-25 year olds use the drug. These figures place Jamaica in the top 20 countries
worldwide in annual prevalence of marijuana use, behind four other Caribbean countries, the US, and Canada.

These high rates of use have led to overcrowded prisons and overworked police and judicial systems dealing with low-level, nonviolent offenders. Decriminalization as a cost-cutting measure is likewise an argument that proved successful in US states that voted to relax penalties on marijuana possession. In the case of Jamaicans, where as many nationals live abroad as live in-country, the inability to secure a US visa if one has a conviction for marijuana possession can be a huge detriment to employment prospects.

Timothy Stewart is a carpentry student at the Heart Trust National Training Agency who was smoking marijuana at a dub reggae party in Kingston in October. He said, "Everyone wants to go abroad. I’ve almost been arrested many times. I have high hopes that it will pass, but the tobacco industry will block it."

Dr. André Haughton, a lecturer in the Department of Economics at the Mona campus of the University of the West Indies (UWI), has been advocating for the economic sense of marijuana decriminalization. His department cohosted an October forum on the economic, business, and legal ramifications of decriminalization entitled "Guilty Drugs/Innocent Plant." In an interview, he dismissed concerns that the tobacco industry would have a major impact on the measure. "Cigarettes will never be a substitute for marijuana," he said. Overall, there has been minimal public dissent other than some religious groups and lingering prejudice against Rastafarians.

Instead, Haughton is more concerned about the global implications of Jamaica’s plans, which he felt were not strong enough as he advocates for full legalization. Either way, however, Jamaica must negotiate to ensure that it does not lose vital UN aid. The UN General Assembly Special Session (UNGASS) on Drugs is slated for 2016, and Jamaica could be at the center of a global debate on drug reform, according to public comments from the symposium "The International War on Drugs: The Road to UNGASS 2016" held in Kingston in November. The last UNGASS on Drugs in 1998 called for the complete elimination of drugs globally, an assertion that will surely be revised given recent developments in national drug policies.

Moreover, Jamaica relies heavily on US aid, which could be jeopardized by legalization. The US Drug Enforcement Administration (DEA) has long collaborated with Jamaican law enforcement on marijuana-eradication efforts, much to the consternation of local growers. In 2010, the US government demanded the extradition of Christopher (Dudus) Coke, a drug kingpin, whose arrest entailed a military operation that left at least 74 dead.

"We anticipate US meddling," Haughton said. "We can’t ignore them, but we want to be seen in the same light as Colorado or Washington."

**Potential exists for marijuana industry to boost Jamaican economy**

The marijuana industry in Jamaica is estimated to have a potential value of US$1 billion to US$5 billion. It encompasses a wide range of products and services, from the baseline plant for consumer use to refined products such as essential oils, lotions, and creams. Research scientists in Jamaica pioneered the use of medical marijuana to treat glaucoma patients in the 1970s and UWI has taken steps to ramp up its contemporary research efforts in light of that past success.
"We must produce not just for smoking but for economic vertical diversification," insisted Haughton. "Our rural farmers can’t compete with the US and Brazil with sugarcane or corn because there is no economy of scale and a high barrier to entry, but with marijuana we can produce a niche product."

Indeed, the global popularity of reggae music and the identification of Jamaica with Rastafarianism in the popular consciousness have long tied the country’s reputation to top-quality marijuana, a potential competitive advantage for marketers who could attract more tourism revenues in the country’s service-dominated economy and achieve more success in the global export market.

Already, that potential has generated controversy. The family of famed singer Bob Marley has licensed his name for a line of marijuana products produced by a Seattle-based company purportedly using heirloom strains from Jamaica. The decision has been met with mixed reviews as to whether the legendary musician would have approved of this use of his name and whether such big-business marijuana was consistent with his views.

The arrival of big-business marijuana is a major concern for advocates in Jamaica, which has led to calls for the formation of marijuana-growing cooperatives that could aggregate the crops of small farmers to compete in the national and global marketplace. In January, the Cannabis Future Growers and Producers Association was launched with, among other goals, enshrining in law that Jamaicans retain a majority share in any marijuana-growing enterprise in the country.

Kevin Edmonds, a doctoral student at the University of Toronto who studies Caribbean political economy, believes that agricultural cooperatives have worked in the region at a local level but that export is uncharted territory. "Whether this system can be corrupted by influence and money is something I cannot tell," he cautioned.

Harvard law professor Charles Nesson, a public advocate for growers’ cooperatives, gave the keynote presentation at the Jamaica Cannabis Conference in May, where he stressed the issue. In April, he met with the Westmoreland Hemp and Ganja Farmers Association, where he emphasized the potential for these nonprofit cooperatives to negotiate for export. "From Jamaica’s point of view, I can’t see a single reason why Jamaica shouldn’t, as quickly as it can possibly manage it, take advantage of the fact that there is an opening global world market in legal marijuana that Jamaica can fill with its product," Nesson said in public comments.

Caribbean countries divided, but pro-legalization movements gaining traction

In July, CARICOM established a Regional Commission on Marijuana "to conduct a rigorous enquiry into the social, economic, health, and legal issues surrounding marijuana use in the Region and to advise whether there should be a change in the current drug classification of marijuana, thereby making the drug more accessible for a range of users." Since the commission’s formation, no public documents have been released and CARICOM did not return media inquiries about the status of the commission.

"In many ways, CARICOM leaders are waiting to see what the response is to Jamaica being the first to move on the issue of marijuana reform," explained Edmonds in his analysis of the regional body’s tight-lipped stance. He cited civil-society pressure in St. Vincent and the Grenadines, St. Lucia, and Guyana as particularly strong parallel efforts to the Jamaican cause.
"A great deal of the Caribbean has learned to be fearful of potentially losing aid, trade, and travel preferences under the US decertification program," Edmonds said. "If this does not happen to Jamaica, I think you will see a cascade of marijuana reform taking place throughout the rest of the Caribbean."

In the interim, however, the lack of a coordinated regional approach could lead to less effective policies and competition between CARICOM member-states once legalization gets underway. "The rest of the Caribbean does not have this cachet, which puts Jamaica at a comparative advantage," Edmonds argued. "I hope I am wrong, however, and Jamaica becomes a leader and source of support for the rest of the Caribbean to reform their marijuana laws."

-- End --