President Enrique Peña Nieto Announces Proposal to Further Ease Marijuana Laws in Mexico

Carlos Navarro
President Enrique Peña Nieto Announces Proposal to Further Ease Marijuana Laws in Mexico

by Carlos Navarro
Category/Department: Mexico
Published: 2016-04-27

Mexico took another step to further ease restrictions on the use of marijuana when President Enrique Peña Nieto announced his intention to send legislation to Congress that allows the use of marijuana for scientific and medical purposes and increases the amount of the drug that any individual may possess to 28 grams.

The president unveiled the plan during a speech in New York to the United Nations General Assembly on the world drug problem (UNGASS) on April 19-21.

“With firmness, we must continue doing what has worked. With flexibility, we must change that which hasn’t given results,” Peña Nieto told the assembly gathered at the UNGASS conference. The president initially had indicated that he would not attend the gathering, but changed his mind at the last minute.

“To not have gone would have been absurd, since the worldwide summit was convened at the request of Mexico, Guatemala, and Colombia due to the strong impact that international drug control policy—applied in our hemisphere particularly by United States’ coercion—has had on our societies and our countries,” columnist Jorge Javier Romero Vadillo wrote in SinEmbargo.mx

“President Peña Nieto came to the UN with a speech that appropriately puts Mexico on the side of countries seeking to abandon the drug policy paradigm that has prevailed over the past century,” wrote Romero. “Clearly, he said that the time has come to move forward in building a drug control system that is not based centrally on prohibition and that puts people and their rights in the center rather than focusing on substance persecution. The declaratory framework was impeccable and allowed him to keep Mexican diplomatic leadership in the matter.”

He added, “The Assembly’s response to Peña’s intervention showed the huge mistake his absence from the forum would have been.”

The president’s initiative, in effect, would end the criminalization of marijuana consumption in the country by allowing personal possession of 28 grams, compared with the current practice, which allows only 5 grams. That amount was set when Congress decriminalized possession of a small amount of drugs in 2009 (SourceMex, Aug. 26, 2009).

The plan also allows for the development of medications to control pain based on marijuana or its active ingredients. Additionally, the move opens the door for laboratories in Mexico to conduct clinical research on marijuana-based products.

The increase on the amount of personal possession would also have an impact on the prison system. Under Peña Nieto’s initiative, anyone serving a jail sentence for possession of 28 grams of marijuana or less would be eligible for release from prison.
In his speech to UNGASS, Peña Nieto alluded to the social costs of strict anti-drug enforcement, which is in large measure promoted by the US. “My country is one of the nations that have paid a high price, an excessive price, in terms of peace, suffering, human lives—the lives of children, young people, women and adults,” he said.

**Promoting medical marijuana**

Humberto Castillejos, legal counsel to the president, said Peña Nieto’s decision to push for a further easing of Mexico’s marijuana restrictions followed two court rulings in 2015. In one of those judicial decisions handed down last August, Federal District Court Judge Martín Santos Pérez granted the parents of an 8-year-old girl permission to import a marijuana-based medication to treat her epilepsy. The second court ruling, from the Primera Sala of Mexico’s highest court, upheld the rights of four individuals and their organization, the Sociedad Mexicana de Autoconsumo Responsable y Tolerante (SMART), to consume and transport marijuana for personal use (*SourceMex, Nov. 11, 2015*).

According to Castillejos, those two decisions prompted Peña Nieto to launch a series of hearings at the national level (*SourceMex, Feb. 3, 2016*), which led the president to arrive at his conclusions, that marijuana has therapeutic benefits, and that the use of pot should be allowed for medicinal purposes.

Castillejos pointed out, however, that the decriminalization of marijuana is not the same as granting the product legal status. “This does not imply legalizing it, nor does it allow individuals to develop a commercial market for production, sale or distribution,” he said in an interview on the Radio Fórmula network.

Peña Nieto is the first chief executive to propose changes to marijuana laws this early in the presidential term. Former Presidents Ernesto Zedillo (1994-2000), Vicente Fox (2000-2006) and Felipe Calderón (2006-2012) all proposed some sort of drug-policy reform after they left office or during the last months of their administration (*SourceMex, April 22, 2009, and Aug. 11, 2010*).

Some observers said there might have been some political motivations in Peña Nieto’s decision to seek more lenient laws on marijuana. They note the president’s popularity has declined because of allegations of corruption in his administration (*SourceMex, March 25, 2015, April 29, 2015, and Jan. 27, 2016*) and his handling of human rights issues (*SourceMex, Oct. 15, 2014, July 8, 2015, and April 20, 2016*).

“The fear of international isolation because of questions about policies dealing with human rights and security could explain why Peña Nieto has taken such a strong stand on this drug-related issue,” columnist José Buendía Hegewisch wrote in the daily newspaper Excélsior. “However, his change in stance might be related to the need to counteract the question of declining popularity, due to the increase in violence. This is what caused the [center-right Partido Acción Nacional] to lose the presidency in 2012.”

Others suggested that the initiative could, in the end, support the drug cartels. “Even with an increase in the amount of marijuana [that an individual is allowed to possess], my money will ultimately end in the hands of a delinquent,” columnist Carlos Puig wrote in the daily newspaper Milenio. “And part of my money, and that of other consumers, will reach the coffers of one of the criminal organizations responsible for the tragic violence that has hammered our country for a decade.”