

The world's spreading cannabis crop

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Pop quiz: Which European country has the most liberal drug laws? (Hint: It's not the Netherlands.)

Although its capital Amsterdam is notorious for its marijuana haze-filled "coffee shops," the Netherlands has never actually legalized cannabis — the Dutch simply don't enforce their laws against the shops.

The correct answer is Portugal, which in 2001 became the first European country to officially abolish all criminal penalties for personal possession of drugs, including marijuana, cocaine, heroin and methamphetamine.

Portugal

"In the 1990s they probably had the single worst problem with drug abuse and related pathologies of any country in Europe. Crime was through the roof," Glenn Greenwald, an attorney sent by the Cato Institute to study Portugal's drug laws, said. "They felt like they had a huge crisis on their hands ... The more they criminalized the worse it got."

In 2001 newspapers around the world carried graphic reports of addicts injecting heroin in the grimy streets of a Lisbon slum. The place was dubbed Europe's "most shameful neighborhood" and its "worst drugs ghetto".

Portugal assembled a non-partisan commission of experts to make recommendations on alleviating the rampant drug problem. The only option not considered - because Portugal concluded it would violate treaty obligations - was full-scale drug legalization. The result was complete drug decriminalization in 2001 of not just marijuana but all drugs - heroin, cocaine, methamphetamines.

Here's the difference. Drug use and possession are still against the law in Portugal, but they do not carry criminal penalties. They are considered administrative offenses - like parking tickets - and are punishable by fines or mandatory treatment.

Even those penalties are rarely handed out. Police who catch drug users issue them citations calling them before a three-person "dissuasion commission," which usually consists of a health worker, a judge or lawyer, and one other official. The commission considers whether the subject is a first-time or frequent user and offers treatment options. (In 2005, 83% of cases ended with a suspension of proceedings - no penalty imposed.)

The whole process takes place outside the realm of criminal law - no arrests, courts, probation or criminal records. Drug trafficking - as well as furnishing drugs to a minor - remain criminal offenses.

At the recommendation of the national commission charged with addressing Portugal's drug problem, jail time was replaced with the offer of therapy. The argument was that the fear of prison drives addicts underground and that incarceration is more expensive than treatment — so why not give drug addicts health services instead? Under Portugal's new regime, people found guilty of possessing small amounts of drugs are sent to a panel consisting of a psychologist, social worker and legal adviser for appropriate treatment (which may be refused without criminal punishment), instead of jail.

At the time, critics in the poor, socially conservative and largely Catholic nation said decriminalizing drug possession would open the country to "drug tourists" and exacerbate Portugal's drug problem; the country had some of the highest levels of hard-drug use in Europe. This "ultraliberal legislation", said the foreign media, had set alarm bells ringing across Europe. The Portuguese were said to be fearful that holiday resorts would become dumping-grounds for drug tourists. Some conservative politicians denounced the decriminalization as "pure lunacy". Paulo Portas, leader of the People's Party, predicted Portugal was now openly offering "sun, beaches and any drug you like."

But the recently released results of a report commissioned by the Cato Institute suggest otherwise.

The Cato Institute found that in the five years after personal possession was decriminalized, illegal drug use among teens in Portugal declined and rates of new HIV infections caused by sharing of dirty needles dropped, while the number of people seeking treatment for drug addiction more than doubled.

"Judging by every metric, decriminalization in Portugal has been a resounding success," says Glenn Greenwald, an attorney who conducted the research. "It has enabled the Portuguese government to manage and control the drug problem far better than virtually every other Western country does."

In contrast to the dire consequences that critics predicted, he concluded that "none of the nightmare scenarios" initially painted, "from rampant increases in drug usage among the young to the transformation of Lisbon into a haven for 'drug tourists', has occurred."

Greenwald claims that the data show that "decriminalization has had no adverse effect on drug usage rates in Portugal", which "in numerous categories are now among the lowest in the European Union".

"Before decriminalization, addicts were afraid to seek treatment because they feared they would be denounced to the police and arrested," says Manuel Cardoso, deputy director of the Institute

for Drugs and Drug Addiction, Portugal's main drugs-prevention and drugs-policy agency. "Now they know they will be treated as patients with a problem and not stigmatized as criminals."

Compared to the European Union and the U.S., Portugal's drug use numbers are impressive. Following decriminalization, Portugal had the lowest rate of lifetime marijuana use in people over 15 in the E.U.: 10%. The most comparable figure in America is in people over 12: 39.8%. Proportionally, more Americans have used cocaine than Portuguese have used marijuana.

The Cato Institute reports that since decriminalization, lifetime prevalence rates (which measure how many people have consumed a particular drug or drugs over the course of their lifetime) in Portugal have decreased for various age groups. For students in the 7th-9th grades (13-15 years old), the rate decreased from 14.1 percent in 2001 to 10.6 percent in 2006. For those in the 10th-12th grades (16-18 years old), the lifetime prevalence rate, which increased from 14.1 percent in 1995 to 27.6 percent in 2001, the year of decriminalization, has decreased subsequent to decriminalization, to 21.6 percent in 2006.

Other age groups saw increases: lifetime prevalence among 20- to 24-year olds rose about 9 percent.

Mark Kleiman, author of the forthcoming *When Brute Force Fails: How to Have Less Crime and Less Punishment* and director of the drug policy analysis program at UCLA, does not consider Portugal a realistic model for the U.S., however, because of differences in size and culture between the two countries.

But there is a movement afoot in the U.S., in the legislatures of New York State, California and Massachusetts, to reconsider our overly punitive drug laws. Recently, Senators Jim Webb and Arlen Specter proposed that Congress create a national commission, not unlike Portugal's, to deal with prison reform and overhaul drug-sentencing policy. As Webb noted, the U.S. is home to 5% of the global population but 25% of its prisoners.

Economist film: <http://www.economist.com/content/global-compass-drugs-war-or-store>

The Netherlands

Despite what the typical backpack-toting college student might think, pot exists in something of a legal netherworld even in Amsterdam. Marijuana is officially an illegal substance in The Netherlands but since 1976 the government has turned a blind eye to it.

In 1976, the Dutch adopted a formal policy of non-enforcement for violations involving possession or sale of up to 30 grams (5 grams since 1995) of cannabis. Police and prosecutors were forbidden to act against users, and officials adopted a set of rules that effectively allowed the technically illicit sale of small amounts in licensed coffee shops and nightclubs.

While coffee shops in some areas of the country can sell marijuana without risk of punishment, proprietors cannot legally obtain the product for sale. And possession and production are technically misdemeanors that can prompt a fine.

"The Dutch model is a little half baked," quips Tim Boekhout van Solinge, a drug policy expert at the University of Utrecht in the Netherlands. "The supply side is still illegal, the production is illegal."

Dutch drug policy is grounded in the separation of soft drugs like marijuana from harder drugs like cocaine and heroin. "The policy has evolved slowly over time," said Craig Reinerman, a sociology professor and drug policy expert at the University of California Santa Cruz. "At first they had a national commission, much like the Nixon administration had in the 1970s. And their national commission said, 'look, all drugs have risks, even legal ones. Some are acceptable, and some are just too high.'"

Because history suggested people would use marijuana regardless of the limits imposed by the government, the Dutch tried to manage use as part of an attempt to keep transactions as safe as possible.

Dutch law enforcement will not go after coffee shops that sell small amounts of marijuana (up to five grams) to people over the age of 18, though the coffee shops can only operate if the local municipality allows it. The coffee shops can only keep 500 grams of marijuana onsite at any one time, can't advertize, can't sell alcohol or hard drugs and can be shut down if they become a nuisance to the neighborhood. Customers are permitted to consume the drug on the premises or at their home.

From the mid-1980s, Dutch policy evolved from the simple decriminalization of cannabis to the active commercialization of it. Between 1980 and 1988, the number of coffee shops selling cannabis in Amsterdam increased tenfold; the shops spread to more prominent and accessible locations in the central city and began to promote the drug more openly. Today, somewhere between 1,200 and 1,500 coffee shops (about one per 12,000 inhabitants) sell cannabis in the Netherlands; much of their business involves tourists.

In the current system the state can only generate tax revenue indirectly, via the incomes of those who run the coffee shops. And many proprietors have little choice but to engage in somewhat shadowy transactions in order to secure the product.

"The fact that production and supply are still left in the underground certainly creates some problems," said Bruce Mirken at the Marijuana Policy Project.

Over the years, Dutch policy has prompted serious grousing from neighbors. In the 1990s, French president Jacques Chirac suggested the country's position was weakening Europe-wide efforts to combat drug use. One of his allies in the legislature went so far as to dub Holland a "narco-state." Holland has long fought illegal drug trafficking, yet remains a significant producer

of a number of drugs and a key entry point for narcotics into Europe.

Yet as defenders of the Dutch policy are all too happy to point out, the Dutch actually smoke less pot than many of their neighbors - the French included. According to the European Monitoring Centre for Drugs and Drug Addiction, 22.6 percent of Dutch citizens between ages 15 and 64 reported having used cannabis in their lifetime. In France, the percentage in that age group who reported using the drug was nearly four points higher - 26.2 percent.

Among Spaniards the lifetime usage rate for this age group is even higher - 28.6 percent - while among Italians it sits at a relatively robust 29.3 percent. In the United Kingdom, where the sample included 16 through 59 year olds, the percentage who said they had used cannabis was above 30 percent.

In the United States, meanwhile, more than 40 percent of people 18 and older have used marijuana or hashish. America boasts one of the highest pot usage rates in the world. And police in the U.S. still arrest between 750,000 and 900,000 people per year on marijuana-related charges, 85% for possession, not sale. In 2006, police arrested over 820,000 people for marijuana possession, according to FBI statistics, or one arrest every 38 seconds.

"It just should be accepted that cannabis is consumed by hundreds of millions of people around the world," said Boekhout van Solinge, a drug policy expert at the University of Utrecht in the Netherlands. "When governments arrest people, it hasn't stopped people from consuming cannabis."

"If you look at the data, it really dispels any notion that allowing adults to possess marijuana creates a nation of potheads," Merkin said.

Dutch public opinion over the nation's drug policy has long been split, with polls usually suggesting that a slim majority favor the coffee shop-based system. In recent years, however, the country has moved to become more restrictive, thanks in large part to resentment over the impact of so-called "drug tourists," whose partying has long angered locals.

In 2007, the Netherlands banned the use of psychedelic mushrooms (which had essentially been treated as soft drugs) after a drug-related suicide, and several municipalities have moved to close coffee shops to discourage crime and drug tourism. The U.S. Department of Justice says that 81 percent of the Netherlands' municipalities did not allow coffee shops as far back as 2000.

Peter Reuter, a University of Maryland professor of criminology, believes that any increase in usage rates if marijuana were decriminalized would be modest. He points to the fact that Dutch marijuana users tend to give up the drug at the same time as Americans do - in their 20s.

"I'm reasonably confident that if we followed the Dutch model we would not see a big uptick in usage," he said.

That could depend, however, on whether the United States could successfully follow one aspect of the Dutch policy that both legalization advocates and opponents laud: its ban on advertising. Hay notes that under a legalization policy business interests would be incentivized to try to drive up demand.

In the United States, he argues, a policy that bans advertising on legal marijuana would raise questions of Constitutionality. (Congress and the Obama administration did recently pass legislation more strictly limiting tobacco advertising.)

"I think it would be tightly contested whether restrictions could be put on it, because the adverse health effects are not that great," said Reuter. "Potential producers could bring suit."

Canada

For more than 70 years, possession of marijuana has been a crime in Canada. For most of that time, there were no exceptions for anyone using it for medical reasons, but in recent years the restrictions have changed.

Over the past decade, Canada has been moving slowly towards a more benign regime of toleration towards marijuana. Surveys found that 80% of Canadians favored legalizing marijuana use for medical reasons. Non-profit groups — often called compassion clubs — sprang up across Canada to facilitate the distribution of marijuana to members who said the drug provided them relief from a variety of health complaints that no other medication could match.

One such user — Terrence Parker — was the one that changed everything.

The Toronto man had been charged with pot possession many times, as he made no secret of using it to control his epileptic seizures. But his lawyers used a different defense for his 1996 charges. This time, they said the charges violated Parker's constitutional rights.

The defense worked. On Dec. 10, 1997, a judge ruled that people must be able to access necessary medical treatment without fear of arrest. Parker became the first Canadian to be exempted from further prosecution for either possession or cultivation of marijuana.

Justice Mark Rosenberg of the Ontario Court of Appeal wrote that "forcing Parker to choose between his health and imprisonment violates his right to liberty and security of the person."

However, there were no guidelines on how the few Canadians who have been given an exemption from Canada's marijuana possession laws were supposed to get their drug — which, after all, was still illegal to distribute.

In 2001, Ottawa came up with a solution to the problem, making Canada the first country to adopt a formal system to regulate the medicinal use of marijuana — the Marijuana Medical Access Regulations.

As a result, using cannabis for medicinal reasons is legal everywhere in Canada and run by a federal agency, Health Canada. Unlike in the US, medicinal marijuana is regulated on the federal, not provincial, level in Canada.

Since 2001, Canada has allowed patients to grow their own marijuana or designate a grower to do so on their behalf.

The policy allows people suffering from terminal illnesses or severe conditions such as epilepsy, AIDS, multiple sclerosis and cancer to use the drug if it eased their symptoms.

The number of people in the country legally authorized to use medical marijuana is currently around 40,000.

The rapid growth led Health Canada to take legal production of medical marijuana out of private homes and put it in the hands of licensed growers as of April 2014, a business that is estimated to be worth \$1.3 billion by 2024.

The looming change in regulations means that medical marijuana users may no longer be able to legally grow their own medication. Instead they may soon have to purchase marijuana from licensed producer at approximately \$5 per gram, as opposed to growing their own for a price of \$0.50 to \$1.00 per gram.

But recreational marijuana is still illegal. Cannabis is a Schedule II drug in Canada, which means growing, possessing, distributing and selling it is illegal. Possession can result in up to five years in jail, production can result in up to seven years in jail, and trafficking can result in life imprisonment.

Uruguay

In August 2013, members of Uruguay's House of Representatives passed a bill to legalize marijuana.

Smoking pot had long been legal in Uruguay, but growing, carrying, buying or selling it had been punishable by prison terms. This bill attempted to change that.

Smoking marijuana - and indeed the private consumption of all drugs - has not been a crime in Uruguay since 1974, but the small South American nation of 3.3 million people is now the world's first to fully regulate marijuana from cultivation to consumption.

"When people think of liberal drug laws, they tend to think of Holland, but actually it's Uruguay that has always been at the forefront," says Hannah Hetzer of the Drug Policy Alliance (DPA).

The bill was approved by the Senate in Dec. 2013, and with President Jose Mujica's signature, Uruguay became the first country to legalize and regulate the production, distribution and sale of marijuana. The law is the world's most far-reaching cannabis law.

The measure had the backing and support of President Mujica, who says it will remove profits from drug dealers and divert users from harder drugs. "The effects of drug trafficking are worse than those of the drugs themselves," he said.

President Mujica is no stranger to revolution. As a leader of the Tupamaros guerilla group in the 1960s and 1970s, he orchestrated an armed uprising against financial institutions and the Uruguayan government – attacks that included political kidnappings and assassinations. He was captured in 1972, escaped twice, and eventually spent 14 years in prison, including more than a decade in solitary confinement. Now, he finds himself leading a new rebellion, leading Uruguay on the path to become the world's first country to legalize marijuana.

The supporters of the measure argued that the fight against drugs and drug trafficking had failed, and the country needed "new alternatives".

"The regulation is not to promote consumption; consumption already exists," said Sebastian Sabini of the governing centre-left Frente Amplio (Broad Front) coalition, which has a majority of one in the lower house.

Marijuana use has reportedly doubled in Uruguay over the past year. An estimated 22 tons of marijuana are being sold in the country annually, according to Uruguay's National Drugs Committee.

But Gerardo Amarilla of the opposition National Party said the government was "playing with fire" given the health risks he said were linked to marijuana use.

Under the law, only the government will be allowed to sell marijuana.

Uruguay is trying to bring the cannabis market under state control by undercutting and outlawing the traffickers. The government says it will arrange for a high-quality, legal product to be sold in a safe environment at a price that competes with that offered by illegal dealers.

The state assumes "the control and regulation of the importation, exportation, plantation, cultivation, the harvest, the production, the acquisition, the storage, the commercialization and the distribution of cannabis and its by-products".

Marijuana sales started in 2014 at a price of about \$1 a gram, drug chief Julio Calzada said – an eighth or less of what it costs at legal medical dispensaries in some US states.

The government claims it will sell better quality marijuana at a lower price: \$1 per gram as opposed to the \$1.40 per gram rate for black market marijuana that comes primarily from Paraguay. By doing so, Uruguay will tap into the marijuana black market, estimated at \$40 million a year, and drastically reduce the \$80 million the state spends annually to combat drugs.

Calzada said the idea was not to make money but to fight petty crime and wrench the market away from illegal dealers.

“If we can remove the profit the black market makes from marijuana sales, we’re going to substantially decrease the black market and its violence,” Calzada said.

"For 50 years, we have tried to tackle the drug problem with only one tool – penalization – and that has failed. As a result, we now have more consumers, bigger criminal organizations, money laundering, arms trafficking and collateral damage. As a control model, we're convinced that it is more harmful than the drugs themselves," says Julio Calzada, a presidential adviser and the head of the National Secretariat on Drugs.

The government will set up a Cannabis Research Institute, which will monitor the program, handle approvals of seeds, establish policies for research and regulate the industry.

Buyers have to be registered on a database and be over the age of 18. Uruguayans can purchase up to 40 grams (1.4oz) per month – with a limit of 10 grams per week – from specially licensed pharmacies. They can also choose to cultivate up to 6 homegrown plants, with a cap on annual production at 480 grams. Finally, as members of so-called “cannabis clubs,” Uruguayans will be able to cultivate up to 99 plants per group (from 15-45 members), with a production cap of 480 grams per member. But smokers must choose one form of acquiring pot, and will be denied access to the drug by the other two means.

Re-sales are prohibited. Coffee shops that put marijuana-based products on their menu will be closed down.

The law will grant licenses to private producers for large-scale cannabis farming and regulate the distribution of marijuana at controlled prices through pharmacies to registered consumers, all under the strict eye of the government.

The law, additionally, permits the government to produce pot for scientific and medicinal studies.

If regulation works, Uruguay could become an exporter of medical marijuana to countries such as Canada that are allowing an expansion of the use of the drug for health reasons.

And to dissuade pot tourism, only Uruguayan residents will be permitted to buy cannabis. The law doesn't give foreigners the right to smoke or even buy the drug. In fact, consumers, sellers and distributors all have to be licensed by the government.

About 120,000 Uruguayans consume marijuana at least once a year, according to the National Drug Council. Of these, 75,000 smoke it every week and 20,000 every day.

"We'll be the first country to have a regulatory framework for marijuana production, distribution, sale, consumption and medical research," says Julio Bango, one of the legislators who drafted the bill.

With the help of state-of-the-art technology, authorities will track every gram of marijuana sold, according to presidential aide Diego Canepa. Bags will be bar-coded. The genetic information of plants that are legally produced will be kept on file. This will allow police to determine whether illegal marijuana is being commercialized.

This is a groundbreaking law, but not only for Uruguay. For decades, drug trafficking has caused thousands of deaths throughout Latin America in countries like Mexico or Colombia.

Legalization has long been taboo for governments who aligned with the US anti-drug policy, heavily dependent on law enforcement and prohibition.

This is still considered the orthodox approach and it is supported by conservatives and the Catholic Church.

"Smoking marijuana is legal in Uruguay, you can't be arrested for smoking on the street; you could smoke here in front of the building of congress without any problem, even before this law," says Javier García, a congressman who voted against the change. "I'm a doctor and I don't agree with the law for medical reasons. Marijuana is a stepping stone to harder drugs such as cocaine. I feel we just don't have enough scientific research yet to back this law; there's no international precedent. It raises the risk of drug tourism and consumption is already legal, so what's the basis for it? Not individual freedom, because private consumption is already guaranteed."

But more and more leaders, like Guatemalan president Otto Perez Molina, Colombian president Juan Manuel Santos, and former Mexican president Vicente Fox, are asking to discuss decriminalizing some drugs in an attempt to undermine the cartels.

A growing list of Latin American leaders has called for alternatives to the blood-soaked war on drugs initiated by the United States 40 years ago and buttressed by the United Nations. That prohibitionist model, they say, has been a spectacular failure. Focused almost exclusively on stemming supply, it has done little to reduce global drug consumption and nothing to stop the violence associated with drug trafficking.

Several Caribbean nations have also discussed pot legalization. Ralph Gonzalves, St. Vincent's prime minister, recently proposed that the 15-member Caricom, or Caribbean Community, debate pot legalization. And Trinidad and Tobago's chief justice has suggested the island legalize marijuana to ease pressure on an overwhelmed judiciary.

Until now, though, U.S. and U.N. pressure has kept enthusiasm for legalization in check. Veer from the aggressive U.S. war on drugs, many countries fear, and risk trade sanctions or the withdrawal of aid, for example.

Jamaica

In Jamaica, marijuana was first introduced by indentured Indian workers in the 19th Century and grew wild across the island. But cultivation and import of the drug in Jamaica have been illegal since 1913, although those caught with small amounts are rarely prosecuted.

Today, it is commonly used in religious ceremonies by Rastafarians and as a herbal medicine by many others.

But it is not just grown for local consumption. According to the US state department, Jamaica remains the largest Caribbean supplier of marijuana to the US as well as other Caribbean islands.

In February 2015, though, the Jamaican parliament passed an act decriminalizing small amounts of pot and establishing a licensing agency to regulate a lawful medical marijuana industry.

The change means that a person cannot be arrested if in possession of up to 57 grams (2oz) of marijuana in a public space.

It also legalizes the cultivation of up to five marijuana plants on any premises.

And in a victory for religious freedom, adherents of the homegrown Rastafari spiritual movement can now freely use marijuana for sacramental purposes for the first time on the tropical island.

Furthermore, tourists who are prescribed medical marijuana abroad will soon be able to apply for permits authorizing them to legally buy small amounts of Jamaican weed.

The historic law paves the way for a "cannabis licensing authority" to be established to deal with regulating the cultivation and distribution of marijuana for medical and scientific purposes.

Peter Bunting, the island's national security minister, said the legislation does not mean Jamaica plans to soften its stance on transnational drug trafficking or cultivation of illegal plots. Jamaica has long been considered the Caribbean's largest supplier of pot to the U.S. and regional islands.

"The passage of this legislation does not create a free-for-all in the growing, transporting, dealing or exporting of ganja. The security forces will continue to rigorously enforce Jamaican law consistent with our international treaty obligations," Bunting said in Parliament.