

This report reflects the discussions held at a meeting in Marigot Bay, Saint Lucia, between October 20- 22, 2022. The meeting was organized by TNI and hosted by the Saint Lucia Bureau of Standards, and was attended by 20 academics, policy makers and activists from Saint Vincent and the Grenadines, Grenada, Dominica, Antigua and Barbuda, Jamaica, Barbados, Trinidad and Tobago and Saint Lucia. The subject of the meeting was centred around the future of cannabis policy in the region.

The host country established a Cannabis Commission in 2019 to review the existing cannabis laws and make recommendations on reform, pushed for by activists in the country for over a decade. The Commission submitted its report, and in March 2022 the (new) Government of Saint Lucia established a Cannabis Taskforce. Showing its serious intentions, *the Drugs (Prevention of Misuse) Act* was amended to allow adult possession of 30g of cannabis, and permission for the growing of four (4) cannabis plants per household.

The Cannabis Taskforce now works with a variety of stakeholders such as, (traditional cannabis) farmers, the Rastafarian community, and several Ministries to review the existing legal framework for cannabis to agree on a regime that is robust, safe, and inclusive. Plans are in place to have a new regulatory framework through enabling legislative measures and a "Cannabis Industry Bill" which will deal with the realities of the countries without breaching the international drug treaties. Stakeholder consultation is ongoing and will provide for the registration of interest for anyone who wishes to participate in the emerging cannabis industry. The Taskforce has reiterated a public health approach to cannabis reform with a priority being the protection of minors and the enforcement of public health regulations for the prohibition of smoking in public.

The Cannabis Taskforce appreciates the value and importance of standards for all aspects of the cannabis industry and will be assisted by the Saint Lucia Bureau of Standards. The country need not develop new standards for the cannabis industry, as there are several American Society for Testing and Materials (ASTM) standards applicable to the cannabis industry to be adopted or adapted. Many cannabis farmers do not keep records, one area where standards application can assist traditional cannabis farmers to enhance their operations.

It was recommended that any legal and regulatory framework for the development of the cannabis industry ought to acknowledge and capture the culture and social realities of cannabis use and means of availability in each country; as such, the framework should not exclude individuals that operate in the illicit cannabis trade such as the street sellers and boat man. An agricultural approach coupled with a social justice focus must guide the modernization of the laws and regulations for the cannabis industry.

The dialogue afforded a sneak preview of **Grenada's** plans to legalize cannabis. Grenada's new government created a commission on cannabis legalization in September 2022 to complete assigned tasks over a period of 14 months and hold broad consultations and create public awareness on the policy decision to legalize cannabis, and to prepare a report with a proposal for a new legislative and regulatory framework for the production and sale

of cannabis. The country is very clear that the laws must provide for, and deal with the social justice issues for those persons who have suffered, persecuted, and prosecuted in the name of cannabis. The laws will include an amnesty act. The commission is looking at farmers to participate in the cannabis industry; the industry is expected to drive employment; the country is also seeking international support in the form of serious and committed investors, but also for local investors.

Information garnered and exchanged between participants of this Dialogue on due diligence to screen investors would be very much welcomed. It is important to get it right from the start and to know the lessons learnt so far from countries such as Jamaica, Saint Vincent and the Grenadines and Antigua and Barbuda. While legalization of cannabis is highly supported, it cannot be done in isolation. As a region, Grenada should proceed step by step, for example the country could first decriminalize the cannabis, allowing possession of small amount, permitting home-grown cannabis along with a massive public education programme to sensitize and educate the people.

Are there lessons learned from previous experiences? In respect of **Jamaica** reference was made that though some good changes have been made, such as the removal of criminal records and the decriminalisation of possession, the reforms have fallen short, and adaptations are in process. The medicinal cannabis industry has not progressed much, and the export of ganja is lagging. The Alternative Development Programme (ADP) which was geared towards the incorporation of traditional ganja farmers to transition them from the illicit market to the licit market failed and will be replaced with ADP across the entire country, still aiming at the incorporation of the traditional ganja farmers.

There will be a cultivator transitional permit to help them to become larger players in the licit cannabis industry, as now it is for the “*big man only*.” Accordingly, some of the regulatory requirements will be reduced without compromising security and quality, for example the fencing requirements for entry to the industry and the renewal process for licensees will be reduced and the time shortened, respectively. The cultivation licence period will be increased from one (1) year to three (3) years in keeping with the period for the other licence categories and types (processing, retail, research, and transportation). Consequently, a cultivator will be able to better plan and coordinate/organise his/her business.

It was explained that the time between application for a cannabis licence and the issuance of the licence has been significantly lowered. Furthermore, a “motherfarm” concept¹ was developed for the cannabis industry and is to be implemented soon. A cannabis development taskforce is in place to make recommendations for a new cannabis act to provide for all aspects of the cannabis plant. The taskforce includes government and other stakeholders. There is a sub-committee of cabinet dealing with cannabis. It is acknowledged that the regulatory construct is one that is constantly changing. Cannabis is here to stay; it has value but there are challenges, such as the banking issue².

¹ The “mother farm” concept is a tool promoted by the Jamaican Agriculture and Fisheries Ministry that aims to foster knowledge and technology transfer within the agricultural field, bridging small and medium farmers with private sector entities aiming for the export market.

² Banks refusing to service the cannabis sector with the aim of protecting relationship with US banks, where cannabis is still illegal at a federal level.

Saint Vincent and the Grenadines (SVG) also has a large group of traditional farmers with many years of knowledge of the cannabis plant, and years of trading in the illicit cannabis market, integral part of the livelihood of the people involved in the trade. Regionally, SVG has the most enlightened legal framework for its incorporation of traditional cannabis farmers, which officially includes the man on the street who sells it, and the boat man who transports it. Traditional farmers were always invited to the table when the process was put in place to modernize the cannabis law. The country's amnesty law facilitates the transition from illicit to licit for traditional cannabis farmers. This provides for a glimmer of hope for traditional farmers, but it is not really working. COVID-19 pandemic and the eruption of the volcano in 2021 were two events that have adversely affected the country, including the traditional cannabis farmers.

Regarding the issue of standards, those requirements are big barriers for traditional cannabis farmers. Most, if not all the traditional cannabis farmers, do not own lands, or they are unable to access land. It appears that the policy makers are pushing cannabis farmers to not only grow cannabis but also to grow turmeric, ginger etc. There is cooperative movement among traditional cannabis farmers. The SVG government has earmarked lands to be given to over thirty (30) growers. This is yet to be done because the land is covered with ash. A bigger challenge that traditional farmers will face is the prohibitive cost to clear the land. Though traditional cannabis farmers can grow up to five (5) acres of land for two (2) years without paying any licence fee, those farmers are still waiting to gain/benefit from the cannabis industry.

Illegal ganja is still coming in from abroad (the USA and Canada) and competition is growing. Sales of the traditional cultivator cannabis have dropped in poor and rural communities. These trying times are teaching/pushing traditional cannabis farmers to be smart and strategic, and they are forced to continue to take risks. One must have money to enter the licit cannabis industry. Until now, traditional farmers are left on their own to fend for themselves in order to enter and remain in the legal and regulated cannabis industry. Until more special measures and rules are in place for traditional cannabis farmers, they will continue to struggle, and some will continue to suffer. Though in **Saint Vincent and the Grenadines** the cannabis laws and regulations on paper benefit the traditional growers, the reality on the ground is there is no evidence that the traditional cannabis farmers have sold cannabis under the licences received. Overall, the traditional cannabis farmers are pleased that eradication of their cannabis is a thing of the past. The biggest challenge for traditional farmers is access to land for growing; property for an administrative office as they organize themselves; and resources to create and maintain their businesses.

For traditional farmers or any cannabis farmer to become economically valuable, the farmers must create a structure. In the case of **Dominica**, it was pointed out that security is very crucial to the farmers. The farmers appreciate that they must have a working relationship with the police. In addition to the security that may be provided nationally and to the industry, it was explained that as a community, persons must work together to heighten and tighten security. Farmers in Dominica, like other countries in the region, are grouping themselves and working together in cooperatives. The negative impact that COVID-19 had on the cannabis industry in Dominica, like the other countries in the region was repeatedly put on the table.

Several investors have left the country and heading to Saint Lucia. A pattern has been observed with potential investors, they move from island to island. It was pointed out that Saint Lucia and Barbados who are known to be consumers of cannabis, are now becoming growers of cannabis. In the past, Barbados and Saint Lucia would get most of its cannabis from Saint Vincent.

The **Barbados** Medicinal Cannabis Licensing Authority (BMCLA) falls under the Ministry of Agriculture. The policy directive and drive are to open opportunities to let cannabis farmers benefit from duties, waivers and other benefits that are available to other farmers and manufacturers. The cannabis industry is creating cooperatives within which farmers are pooling their resources and know how. The stigma surrounding cannabis is still loud and strong, to alter this there is an urgent need for a national public education drive as well as customized public education in smaller groups. The cannabis regulator has been working with the national drug abuse organization to create and implement an educational programme.

In **Antigua and Barbuda** notwithstanding some progress made to date, there are some ongoing challenges with the current cannabis law, which was recently passed. The Rastafari and its partners had to destroy over ½ million dollars' worth of cannabis because of the nuances and gaps in the law. The law was not adequately framed by the drafters/consultants. It did not consider the uniqueness of the Antigua and Barbuda culture and realities of cannabis. It was built and crafted by Canadians on a North American model.

It was expressed that too many persons who are making decisions about cannabis do not know the cannabis plant or they are not prepared to listen to knowledge, experience and follow the science and research. What this means is that *the fact-finding group and the decision-making points* must be widened to include those who have the knowledge and can add value and meaning to the mission of get rid of the prohibitionist approach to the cannabis plant in the region.

Generally, it is the opinion of the group that consensus is needed as to where the regulatory authority and responsibilities of a regulated cannabis industry should fall. Should it be the ministry of health, the ministry of agriculture or the ministry of commerce and investment etc? Should one single agency overarch all of those? All agree that considerations on reparatory justice and social justice issues must take centre-stage as one of the matters to guide modern cannabis legislation. Policy makers along with technocrats, advocates and affected parties must analyse the situation comprehensively with a view to ensure that the laws and regulations are not onerous. They ought to provide the platform for traditional and grassroots cannabis farmers to enter the industry and provide a livelihood from the cannabis industry. For example, governments in the region must take into consideration the lack of resources and access to land that the farmers face.

It was expressed that since the publication of the Report of the CARICOM Regional Commission on Marijuana 2018 "***Waiting to Exhale - Safeguarding our Future through Responsible Socio-Legal Policy on Marijuana***" to date, as a region, progress has been made. The negative public perception of cannabis has changed a bit, but more work is needed in this area. The CARICOM Regional Commission did alert and cautioned not to place too much emphasis on the medicinal cannabis industry, bearing in mind that the reform or

modernization of the laws should address social justice issues. As it turned out, existing frameworks have not adequately addressed the core issues. It was suggested that there needs to be a greater push for legitimacy. There are still huge injustices, and limitations in the laws promulgated by those Member States that have decriminalized cannabis and established a medical cannabis industry.

Further, the **CARICOM Marijuana Report of 2018** explicitly states that a “*one size does not fit all approach*” should drive the modernization of the cannabis laws in each Member State. It was also highlighted that some CARICOM Member States, more than others, such as JAM and SVG are known for cannabis. As a region, the leaders have not come together in articulating at the international level for changes to the international drug-related treaties, such as putting forward a position from CARICOM for the proper scheduling of cannabis etc. The CARICOM report itself would not even have been published if outside support had not been given. Institutionally the issue seems not to have the political attention of its leaders, and the group raised doubts if CARICOM as an entity is useful and sensitive to advocacy efforts.

It was recommended that there is an urgent need to focus on a niche market within Caribbean countries for cannabis products and services. Where required, the food and drugs laws in Member States should be amended to facilitate the development of the market, the production of those products/nutraceuticals and the offering of cannabis related services. Also, the idea of a common cannabis market developed under the umbrella of the Organisation of Eastern Caribbean States (OECS) was an idea forward to be discussed. Being a subregion with CARICOM would make coordination much easier.

It was voiced that in respect of St. Lucia and other Caribbean countries that are considering or have started an industrial hemp industry that extensive research must be done to appreciate and address the issue of cross-pollination with cannabis that are grown or will be grown for medicinal or adult use.

It was further recommended that each country should consider their niche strengths (producing cannabis, consuming cannabis, producing hemp, or consuming hemp) with a view to encourage more trade among and between CARICOM Member States; some places may be better suited or instructed to grow hemp or cannabis, and others may be the larger consumer/buyer of hemp or cannabis/ganja. Likewise, some may be the processors/manufacturers of cannabis related products while others be the buyer of those products. This is an area to be explored for trade and other possibilities among CARICOM Member States. It was acknowledged that notwithstanding the concerns of intra-regional movement (air, sea, and land) such challenge should be tackled as one of those barriers, which require urgent attention and action.

In respect of CARICOM- in the ongoing fight against the prohibitionist approach to cannabis- for societal acceptance, it was recommended that a united Caribbean voice not a fragmented approach, is needed to push the message regarding the value and opportunities of cannabis. Repeatedly, the potential for CARICOM to be the tourism and wellness mecca for THC and CBD coupled with other herbal plants and therapy packages came to the fore, also a clear conclusion of the Saint Vincent Dialogue in 2021.

This, and the Caribbean region's unique position in terms of climate should continue to push the green agenda in the international space and can be used to its advantage. Caribbean countries are not the polluters, and the region has the ability and resources to grow cannabis outdoors all year round, with zero CO2 emissions. It could use this position to its benefit.

It was expressed that the banking restrictions the cannabis industry is facing are not limited to just cannabis. It was suggested that international finance restrictions are on a bigger scale, revealing global power asymmetries. In practice, however it still represents a huge challenge for the region.

It was agreed that a targeted approach is necessary to bring the health authorities to the table. It was proposed that the University of the West Indies organize a workshop on cannabis to include the chief medical officers, ministers of health and their technocrats with a view to place cannabis as a regional priority. The level of hesitancy at the health authorities to integrate cannabis into their medical practise in many CARICOM Member States remains a challenge. We were reminded that medical practitioners are trained and formed in a western medical system that does not acknowledge or recognize cannabis as a medicine, and although this is now changing, it explains their conservative attitude towards cannabis as a medicine. Not too much can be expected from that side.

Over decades the Rastafarian community have been living the life of health and wellness by using cannabis in all facets of their lives. Rastafari speak of Ital standards for the cannabis industry and the agricultural sector. Rastafari people now see how the world has packaged and branded the meaning and use of the "ital" and calls it "organic" without any reference and/or acknowledgment of the Rastafarian community and its cannabis medicinal uses. It is considered of utmost importance by the group to involve them in the debate on regulation.

One of the reasons given by some governments and technocrats around the region is that the Rastafarian community has not come forward to the cannabis discussion table with one voice, reflecting how splintered the Rastafari Community is. To rebut such a position, it was made clear to the Dialogue that on several occasions Rastafari has come forward in union to give governments adequate information to develop a system that would also work for Rastafari. Still, in several countries in the region it has proved difficult to find legitimate representatives to speak on behalf of the community.

In the case of the Rastafari Community in Antigua and Barbuda, it was recalled that the Prime Minister of Antigua and Barbuda made a formal apology to the Rastafarian Community regarding all the atrocities that were meted out on them. Additionally, the Rastafari Community was granted the removal of application and licence fees and given the first cultivation licence in partnership with the Government and a private company to grow cannabis for the legal and regulated cannabis industry.

In the case of the Rastafarian Community in Jamaica, it was felt that from statements made and feedback received from the Rastafari Community, the provisions in the amended *Dangerous Drugs Act* should primarily address the social justice issues.

The Dialogue was reminded of the right to traditional medicine, Indigenous rights and right to freedom of religion as provided for and protected in many documents such as **The Universal Declaration of Human Rights (UDHR)**, which was proclaimed by the United Nations General Assembly in Paris on 10 December 1948. A milestone document in the history of human rights, which for the first time set out the fundamental human rights and fundamental freedoms to be universally protected. Article 18 of the Declaration stipulates that everyone has the right to freedom of thought, conscience, and religion. Also cited as reference is the **2007 United Nations Declaration on the Rights of Indigenous Peoples**, which in its article 24 states: “indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.”

The Caribbean region is known for its Rastafarian community and its close relation to cannabis. Without a doubt, the Community has helped, in the case of Jamaica for example, to shape and solidify the Jamaican brand. Still, it remains a challenge to deal with the group(s) as a whole.

One view expressed that women in region are failing in their leadership or support role in the cannabis industry. It was suggested that more women need to get involved and create cannabis businesses as well as assist in spreading accurate information on the value of cannabis and its proper use.

Looking outside of the region, and considering international developments in cannabis regulation, the group discussed how things are evolving in the USA cannabis reform. It was pointed out that the US government is no longer in any position to make any demands on cannabis policies in the region. The cannabis reform appears to be critical to the Biden Administration. It was posited that President Biden’s recent statement on 6 October 2022 was centred on social justice, not just health. President Biden expressed that no one should be in jail just for using or possessing marijuana. Those people criminal records have also imposed needless barriers to employment, housing, and educational opportunities. The President shared, among other things, that people of colour have been arrested, prosecuted, and convicted at a disproportionate rate.

The Caribbean region is being encouraged to keenly watch how the USA is transitioning. Colombia is another country to be on the region’s radar regarding its cannabis policies, as the new government announced a series of reforms in their drug policy, including cannabis regulation.

It was explained that the UN Drugs treaties do not have a strong enforcement mechanism, although each year the International Narcotics Control Board (INCB) “names and shames” Uruguay and Canada, both having fully regulated cannabis markets, being in breach of their obligations under the treaties. It was expressed that those breaches have not led to (economic) sanctions. The challenge for European countries is that additionally to the UN treaty obligations, there is an additional legal obstacle in EU law that does prescribe sanctions if cannabis is regulated. Generally, the most popular cannabis legislative model is

decriminalization along with permission for possession of certain quantities and allow for home grown of a specified number of cannabis plants.

As further evidence of the global shift in cannabis policy reform it was noted that Germany, an global economic giant, will legalize recreational cannabis use by adults. It is felt that such act by Germany could set a precedent for the rest of Europe. It plans to make it legal for adults to purchase and own up to 30g of cannabis for recreational use and to privately grow up to three plants. The overriding objective expressed was to better protect young people who were already consuming the cannabis in increasing numbers, having purchased the cannabis from the illicit market.

- It was expressed that many countries, including Caribbean countries are hoping that Germany can lead the way in how to deal with its treaty obligations. The question is, what is the escape, if any from those rigid drug-related treaty regime? Some possibilities were examined:
- *Consensus* to amend the drug-related treaty – It was expressed that this road to reform is likely to fail because many countries want to keep the prohibitionist approach.
- A country or like-minded countries could *withdraw from the drug-related treaty, then re-adhere with a reservation for cannabis* – a road followed by Bolivia that withdrew from the 1961 Single Convention, then reassessed a year later with a reservation on the coca leaf, a traditional practice among Bolivians. Bolivia's re-accession to the treaty was conditional on the acceptance of States that have ratified or acceded to the Single Convention In the case of Bolivia for the reservation not to pass, it would one third of the one hundred and eighty-three (183) State parties to object within a specified time, which did not happen. Only fifteen (15) countries objected, which was not enough to prevent the reservation. Since then to date, Bolivia enjoys a legal coca market, though restricted to the internal market.
- *Inter se Treaty Modification to facilitate cannabis regulation* – A group of like-minded countries (2 or more) that are party to the Treaty could agree and indicate that the cannabis prohibition no longer work for them or is no longer relevant to their people. Those like-minded countries could conclude agreements among themselves that permit the production, trade, and consumption of cannabis for non-medical or non-scientific purposes.

Also, those like-minded countries would give a commitment that they would keep their treaty obligations to the other countries that are not a part of the inter se agreement. This action for an inter se treaty modification would require good coordination from those countries. It was acknowledged that political pressure may come to those like-minded countries should they pursue the *inter se treaty modification* route. It was also explained that significant work was done by the legal minds to arrive at the Inter se treaty modification option. It is legally sound as such action is allowed under the Vienna Convention on the Law of Treaties. It was stated that like the reservation route, inter se agreements will have its pros and cons. In the case of reservation, if blocked by many countries there would be a negative output.

Countries in the Caribbean could explore the inter se treaty modification route, by finding strength in numbers and coordination, together with small group of countries, or/and with other like-minded countries in Europe and the Americas. In short, Caribbean countries, with or without the involvement of CARICOM, OECD, etc. can organize and coordinate with like-minded countries such as Canada, Uruguay, and Colombia etc. It is the best moment yet for the region to capitalize on the new and potential changes that are occurring around the world in respect of cannabis law reform, particularly tapping into the global CO2 emissions discussion. In the charge against climate change resides some opportunities for CARICOM based on the “go green” push to reduce the carbon footprint in cultivation of cannabis. A strong point to capitalize on by CARICOM is the fact that CARICOM Member States are leaders in climate change/frontrunners in the global environment movement. The region has credibility when it comes to the facts of climate change and sustainable development.

The Way Forward

- In acknowledgment of the work being done by the Fairtrade Cannabis Working Group (FTWG) initiated by the Transnational Institute, it was agreed the FTWG could continue to assist the region as countries in the region modernise their failed prohibition cannabis laws.
- There is an urgent need to get Caribbean countries to engage with the new wave of changes in the region as well as in Europe, the Americas etc. During the Informal Dialogue was agreed upon the need of a common Caribbean approach and voice, to push the people’s agenda on cannabis. The Group expressed that a high-level consultation is needed on these matters, aiming at shared recommendations.
- The intention of some countries to allow for full regulation of adult cannabis use is perceived by the group as an opportunity to demonstrate it can be done. Consequently, as a group there is a commitment to work with those countries such as Grenada to help to assist in (1) developing a regulatory model and (2) share previous experiences and the lessons learnt from Jamaica’s, Antigua and Barbuda and Saint Vincent and the Grenadines relationships with investors. Some kind of monitoring deemed important in view of the tendency of some investors to move from one island to another, thus trying to unmask those who had no commitment towards the Member States or traditional cannabis farmers.
- With regard to the future, the group has jointly emphasised the importance of evolving and updating their public education program on cannabis, proposing to develop some guidelines. No specific action was proposed. The public education programme is to be multifaceted with simple, catchy, and convincing messages, including messages from the youth, doctors, scientists, agriculturalist, homemaker, teacher, Rastafari, grassroot etc.
- OECS-CARICOM Cannabis Industry Working Group: The intention to organise, either through CARICOM or other regional bodies, a meeting with the Working Group, Ministers of Health, Ministers of Agriculture, and the regulators was raised, pointing at the fruitful exchange that could be. With the intention of advancing the advancement of the cannabis industry, such seminar could be coordinated by universities in the region.

- Following the *Informal Dialogue*, the group agreed on the need to engage with regional organizations such as the Caribbean Rastafari Organization (CRO) to push the positive messages about cannabis. The group recognised the opportunity of collaboration with the CRO, being driven by common goals. It was suggested this Dialogue report could be submitted to CARICOM through CRO.
- The group agreed to assist the region in pushing the “green climate agenda” in relation to cannabis. The region would highlight that the Caribbean has a comparative advantage in countering climate change and can present the region as part of the solution. The region can grow cannabis in a sustainable manner, the advantages of growing cannabis in the region without high carbon footprints experienced elsewhere, as a consequence of indoor growing. The region should capitalize on its strong points as the ability to grow cannabis all year round as well as to grow high quality outdoor; this can be done by following adopted or adapted standards, some of which need to be developed. To contribute to positive change in the future in the region, more research on cannabis should be undertaken, with a view to have sound data and arguments to counter the prohibitionist law on cannabis.
- In order to do so, national and regional leaders are called to represent and advocate for the region’s needs, striving for coordinated delegations from the Caribbean to participate in international meetings, such as the UN Commission on Narcotic Drugs (CND) to be part of the global debates on cannabis.
- With the aim of making the process more participative, the group also proposes to engage with members of the local opposition groups in CARICOM Member States, noticing that so far only government policy makers have been invited. Saint Lucia was praised for including persons from the Official Opposition on its Cannabis Taskforce.

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