

GUEST CONTRIBUTOR

Experimenting with marijuana policy in Uruguay

By Frank Mora and Jose Miguel Cruz / June 25, 2015

In 2013, Uruguay became the first country in the world to legalize the possession, cultivation and distribution of marijuana. The bold move dramatically unlocked the discussion on drug policy reform in the Americas, away from a one-time consensus over a prohibitionist drug policy to new ways dealing with the hemisphere's "drug problem." But is it working in its purported objectives of reducing violence, illegality and health risks?



In the past year, we, from the Kimberly Green Latin American and Caribbean Center of Florida International University, along with Maria Fernanda Boidi of Insights Research & Consulting and Rosario Queirolo of *Universidad Católica del Uruguay*, have been studying the

impact of Uruguay's marijuana reform law. This project (the Latin American Marijuana Research Initiative—LAMRI) examined attitudes and behaviors of frequent marijuana users in Montevideo through interviews and surveys.

What we found raised even more questions and should lead governments to reconsider how they go about reforming drug policy.

Reform madness

People have equated the changes in Uruguay with those occurring in several U.S. states, most prominently in Colorado and Washington. It's not an apt comparison.

For one, Uruguay's decision to legalize marijuana production and distribution did not come about the same way it occurred in the U.S.: by popular demand. In Uruguay, the course of marijuana legalization has been a top-down process in which former President Jose "Pepe" Mujica and the Uruguayan Congress agreed, with scant public involvement and support, to pass a comprehensive regulatory bill on marijuana. In contrast, in the United States, state-level officials have been playing catch-up to demands and pressures from below, while the federal government remains on the sidelines uneasily monitoring the regulations and industries being created in Washington and Colorado.

This contrast should not be underestimated by policy-makers following the Uruguayan case. It highlights the fact that marijuana liberalization can be achieved even when there is no significant support to drug policy reform among the general public. The

AmericasBarometer and other surveys consistently show that in 2014 more than 60 percent of Uruguayans opposed the marijuana law. The government argued that legalization offered the best approach to confronting the growing challenges posed by increasing insecurity and health issues generated by the expansion of drug trafficking in the Southern Cone. The majority that disapproved was more indifferent than strongly opposed.

In Uruguay, the marijuana law gives a prominent regulatory role to state institutions in order to confront the potential health and security issues generated by marijuana consumption. It also attempts to avoid taxing most marijuana-related activities to reduce the incentives for illicit marijuana commercial activity. In contrast, in the U.S. legislation initiatives did not factor in public health or citizen security issues. The main driver is the market, although marijuana commercialization is heavily taxed. In Uruguay, the state is in control while in the United States people, and increasingly the market, lead the process.

The path taken by the Uruguayan government puts state institutions at the center of a liberalization enterprise. In part that was because, unlike the Washington and Colorado reforms, Uruguay's efforts were intended to contain organized crime and reduce potential or perceived sources of violence and insecurity. Though there was strong political leadership and high levels of coordination, there was not much study or debate of the potential secondary consequences such as on increased usage. This top-down process has proven to have its own complications.

Our study attempted to understand the consequences of Uruguay's

reform. In our year-long study we found not only an increase in consumption among recurrent users but also that about 40 percent stated they were not willing to follow the regulatory rules of the new law, such as registering as consumers. In other words, the state's effort to bring users out of the shadows and under the law has not yet worked as expected.

We also discovered that large segments of Uruguayan society fear that the new law will not necessarily reduce violent crime nor prevent public health issues associated with higher levels of consumption. Quite the opposite: most Uruguayans believe that with the law consumption and illicit trafficking will increase.

Despite the concerns expressed by observers and the Uruguayan public, the government of now-President Tabaré Vázquez seems to be moving forward with implementation of the law and, has become a potential model for other governments in the region to follow. To be sure, Uruguay is not the typical Latin American country. It has stronger institutions and a more robust tradition of political tolerance, making this new policy approach more likely to succeed than in, say, Guatemala, another country where political leaders have been outspoken about the need to reform prohibitionist policies but where institutions remain very weak.

Nevertheless, if other Latin American countries decide to pursue drug legalization policy programs, they would benefit from examining the Uruguayan and U.S. experiences (and correctly understanding how they differ). Those experiences point to the need to develop a hybrid model in which civil society is engaged and supportive, providing the legitimacy required to shape and sustain drug policy reform. By the

same token, determined political leadership is key to ensuring that the political and policy-making processes are focused both on obtaining support and reducing risks to the population. Any drug policy reform certainly needs strong engagement from civil society, but it also requires a state that is able to respond to its consequences.

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