

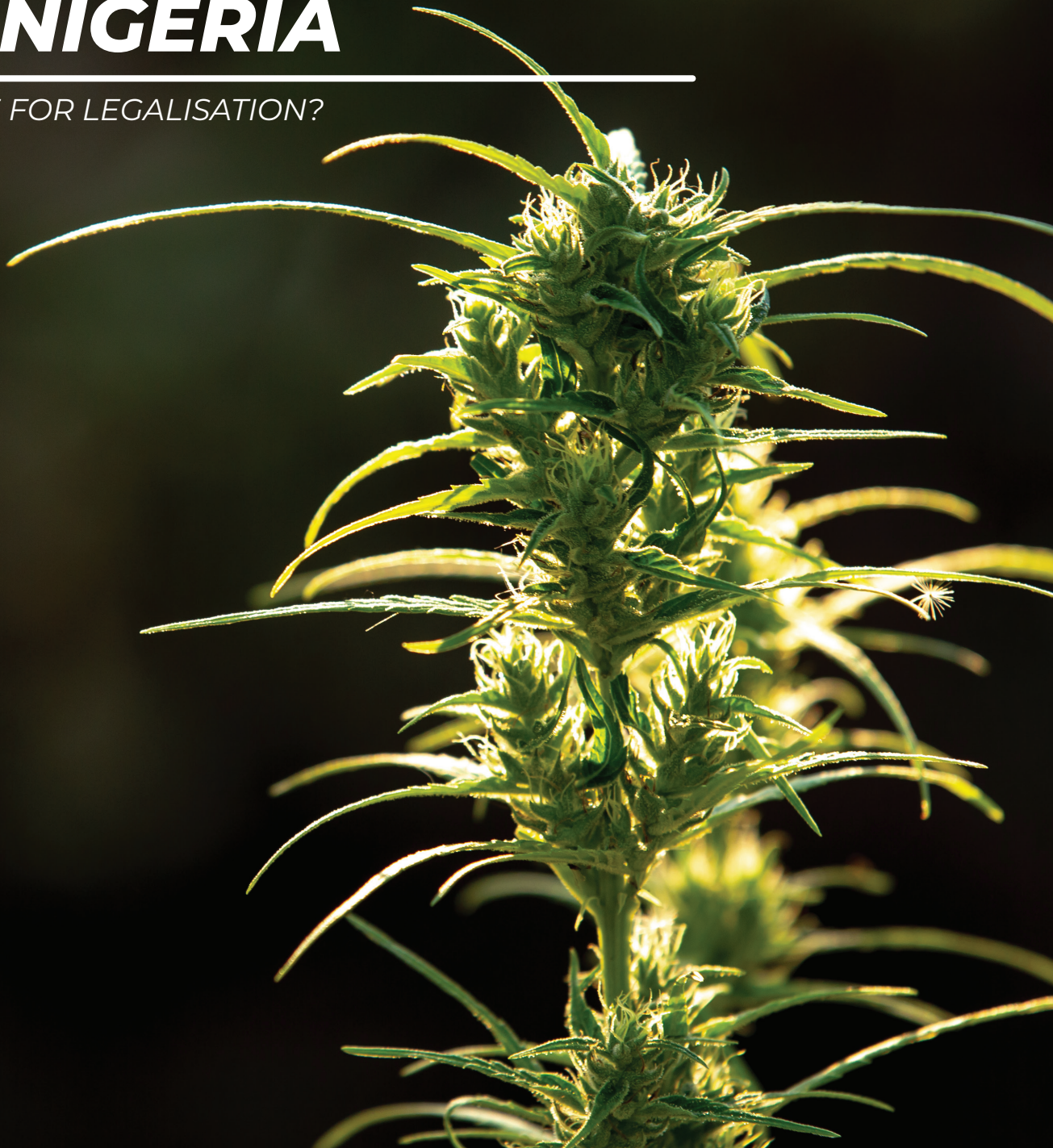


Jackson, Etti & Edu

JEE Sector Thought Leadership Series

CANNABIS AND THE LAW IN NIGERIA

– A CASE FOR LEGALISATION?



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The Outlawed Medication

Ganja, Igbo, Weed, Morrocco, Indian hemp, Marijuana; they all refer to arguably the most commonly available naturally occurring psychoactive drug there is in the world. Its psychoactive abilities stem from the fact that it contains active chemical substances that can change brain functions and result in alterations in perception, mood, consciousness, cognition and behaviour. Cannabis is widely used as a recreational drug and sometimes, even for 'spiritual' purposes. More recently, its extraordinary medicinal capabilities are more openly acknowledged, resulting in decriminalisation in some countries.

The Cannabis Culture In Pop Culture...

The late Afrobeat legend, Fela Anikulapo-Kuti rubber-stamped cannabis as 'the high of choice' for the poor, marginalised and disenfranchised in the country, with his public smoking of gigantic wraps and his Afrika Shrine in the suburbs of Ojuelegba, Lagos being a known centre for public smoking of the drug. Fela was not alone in this pseudo-legalisation; the reggae revolution of the 90s also gave credence to its status on the streets. With Bob Marley's dominance of this genre of music in the 60s and 70s, the 90s saw a lot of reggae artistes rise to prominence and dominance of the music scene in Nigeria – the late



Ras Kimono, Orits Wiliki and Evi Edna Ogholi, to mention a few. Reggae is closely associated with Rastafarianism as a religion and cannabis is very much at the centre of its observances and even regarded as a sacrament¹. Dancehall and ragga which are closely related to reggae, all have their roots in the Caribbean and are also closely associated with the smoking of cannabis. They also helped make its use prevalent in Nigeria when they were music of choice for young people in their heydays.

In addition, even if hip-hop and rap music never really endorsed cannabis as its sidekick, a number of its leading lights in the 90s did associate with it.

¹Points, The Use of Marijuana in the Rastafari Religion, accessible online at <https://pointsadhsblog.wordpress.com/2015/06/11/the-use-of-marijuana-in-the-rastafari-religion/>



On the Streets...

The smoking of cannabis can also be seen, especially by youths, as status and social acceptance symbol. It is very common place for young people, especially males, to challenge one another to smoking cannabis. But this must not be taken to suggest that the smoking of cannabis is restricted to youths. A United Nations Office on Drugs and Crime (UNODC) report puts Nigeria as a country, with one of the highest figures of prevalence of cannabis usage amongst the 15-64 age bracket². This is very telling of the culture of usage in Nigeria. You are likely to find a seller at virtually every street corner, with ubiquitous little corner stores stocking them like they do sugar, salt and cigarettes.

Social media is also rife with videos of people using the cannabis leaves in place of vegetables in their meals; jokes of absurd behaviour following the use of weed, are also frequent in various media in Nigeria.

² United Nations Office on Drugs and Crime (UNODC), World Report 2018, accessible online at https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_1_EXSUM.pdf

Cannabis & Health

There are a plethora of medicinal benefits attributed to cannabis. It is however primarily, used for pain control – chronic pain – the kind of pain for which opioids are prescribed³. It is also said to be a tremendous muscle relaxant and with the ability to lessen the tremors from Parkinson's disease. It can also be used to manage nausea and weight loss, as well as treat glaucoma. Research is also underway to establish its ability to treat post-traumatic stress disorder (PTSD)⁴ – if clinical trials successfully confirm the promising signs from tests; it will be a big boost for the nagging problem of PTSD.

Cannabis has over 400 chemical components with the compounds *cannabidiol* (CBD) and *delta-9-tetrahydrocannabinol* (*d-9-THC*) as its two main active components. CBD has next to zero intoxicating abilities and is the active agent that brings about the healing capabilities of cannabis. D-9-THC or THC for short, on the other hand, is the chemical that causes the high in cannabis. It is this chemical substance that has been linked with the psychotic illnesses associated with cannabis and in some cases, albeit rarely, full blown psychotic illness in the form of schizophrenia or bipolar disorder.

³ Patriot Care, Can Cannabis Medicines Replace Opioids for Pain Relief?, accessible online at <https://patriotcare.org/cannabis-medicines-opioids/>

⁴ Healio Psychiatric Annals, First FDA-approved study of cannabis for PTSD in veterans underway, accessible online via <https://www.healio.com/psychiatry/ptsd/news/online/%7Bac35ff1a-3729-416e-bdfa-f0a6d68d5f43%7D/first-fda-approved-study-of-cannabis-for-ptsd-in-veterans-underway>

For example, although the California Medical Association (CMA) gave recommendations⁵ on the use of medical cannabis, it also mentions various health risks associated with its use:

- **Cognitive Effects:** In the long term, loss of the ability to learn and remember new information; in the short term, intoxication, causes impairments of memory, sense of time, sensory perception, attention span, problem solving, verbal fluency, reaction time, and psychomotor control.
- **Addiction:** 9% of adult cannabis users are found to become addicted and this percentage goes up with users who started before the age of 18.
- **Psychiatric Conditions:** cannabis use can result in transient mood, anxiety and schizophrenia.
- **Obstructive Lung Disease:** increased risk of chronic obstructive pulmonary disease (COPD).
- **Reproductive Risks:** its use during pregnancy is associated with developmental delay and behavioural problems in the foetus.
- **Adolescents and Young Adults:** are more vulnerable to the toxic effects of cannabis on the brain, at increased risk of addiction, at risk of developing mental illness, and at risk of performing more poorly at school and work.

The American Cancer Society (ACS) in a position paper⁶ concluded that cannabis delivers to the body, similar cancer-causing substances as tobacco smoke. It however alludes to the fact that cannabis can treat patients suffering from pain in ways that traditional medicine cannot. They also agree that cannabis has the potential to treat those suffering from pain, nausea, vomiting, poor appetite, and AIDS.

The real question becomes balancing the benefits it has medically and the effects its ready availability will have on those who will abuse it. This is more critical in a society like ours where regulation of the availability of drugs over the counter is still a big challenge, despite the good work NAFDAC has done over the years.

There is also the issue of unintended consequences of the use of the drug for medicinal purposes. They include stigmatisation and the very real possibility of widespread acceptance and use of it and other illegal drugs like cocaine. This could also lead to the heightened calls for the legalisation of cannabis for recreational purposes.

⁵Medical Board of California's Guidelines for the Recommendation of Cannabis for Medical Purposes – accessible online via https://www.mbc.ca.gov/Publications/guidelines_cannabis_recommendation.pdf

American Cancer Society, Marijuana and Cancer, accessible online via <https://www.cancer.org/treatment/treatments-and-side-effects/complementary-and-alternative-medicine/marijuana-and-cancer.html>



In Recreational Use...

Apart from the argument for the legalisation of cannabis for medical and medicinal purposes, there is the argument that its possession and use for recreational purposes should be decriminalised. As would be seen, some countries have passed legislation that decriminalises possession up to certain amounts and allows recreational use and cultivation up to certain amounts too.

Notwithstanding, there remain ethical questions to its widespread use. At the core of this ethical debate is the question: Is it morally wrong to be high? I am certain that we will agree that we might not have a winner in that debate.

If we are to go by the fact that it impairs cognitive abilities, then it might be morally wrong to ingest anything that impairs our sense of judgment in any way. In this same breadth, there will be others who argue that it improves their creativity when they smoke it. Afrobeat legend and son of Fela Anikulapo-Kuti, Femi Kuti, was quoted to have said that smoking cannabis did improve his creativity and song writing abilities.

There is also the question of the physiological harm you can do to your body by taking in cannabis, as we have seen from the medical problems that are associated with its use – medically or recreationally. Then there is the issue of being our brother's keeper. The recreational use of cannabis might be good for an individual but bad for his immediate neighbour and even worse for children around his neighbourhood. Should he not, for the common good, give up his own rights and pleasure? I know of a housing estate where this debate has come up especially as regards the health of children and laws have been passed to prohibit the smoking of cannabis within the estate. Proponents of the recreational use of cannabis will however argue that as it is with tobacco, where designated smoking areas have been provided in public places, that such should be included alongside the bill that will be promulgated for the decriminalisation of the recreational use of cannabis.

Legality and Enforcement...

One of the greatest problems in policing the illegal use of cannabis is the enforcement of the laws governing its illegality. This in itself has been one of the big drivers for the calls for its legalisation across many countries of the world. Most of the proponents of the legalisation of its use for both medical and recreational purposes have stated that its criminalisation has not stopped its increasingly widespread use but instead, has helped deny people of its 'wonder working powers', as a drug, especially in treating chronic pain as earlier mentioned.

Locally...

In Nigeria, as with most other African countries, cultivation, recreational and medical use of cannabis is illegal. It is also a criminal offence to be found in possession of the plant in most of these countries as it is generally regarded as an illegal drug⁷. However, given its prevalence and relative overt use and sale, it is clear that the enforcement of the laws have been wanting. This lack of proper enforcement and its continued criminalisation in Nigeria and other parts of the

world has led to calls for its legalisation especially as regards its medical and then also, recreational benefits.

Cannabis around the World

The cultivation and use of cannabis whether for medical or recreational purposes is still illegal in most countries of the world. As earlier mentioned, there are a few countries that have had to decriminalise its



possession and allow its use for medical purposes; and even fewer for recreational purposes. Argentina, Australia, Canada, Chile, Colombia, Croatia, Cyprus (for cancer patients), Czech Republic, Denmark, Estonia (with a special permit), Finland (under license), Georgia, Germany (with prescription), Greece, Israel, Italy, Jamaica, Luxembourg, Macedonia, Malta, Netherlands, Norway (with prescription), Peru, Poland, Portugal, San Marino, South Africa, Sri Lanka, Switzerland, Thailand, United State of America (in some states and territories), Uruguay and Zimbabwe have legalised its use for medicinal purposes while Austria, Belgium, France, Mexico (with THC less than 1%), New Zealand, Romania (with THC less than 0.2%), Slovenia, Spain,

⁷Section 5 of the Nigerian Indian Hemp Act, punishable by a term of 4 years imprisonment

Turkey, United Kingdom, have some form of legislation permitting the use of cannabis-derived drugs.

A number of countries have either legalised or decriminalised its use for recreational purposes and much fewer allow its cultivation.

Argentina, Australia, Belgium, Belize (up to 10 grams), Bolivia (up to 50 grams), Brazil (small quantities), Canada, Chile, Colombia (up to 22 grams), Costa Rica, Croatia, Czech Republic (up to 10 grams), Ecuador (up to 10 grams), Estonia, Georgia, India (illegal federally but allowed in a few states), Italy, Jamaica, Luxembourg, Malta (up to 3.5 grams), Moldova, Netherlands (illegal but decriminalised for up to 5 grams), Paraguay (up to 10 grams), Peru, Portugal, Russia (up to 6 grams), Slovenia, South Africa, Sri Lanka (only through Ayurvedic shops), Switzerland, Thailand (if THC is less than 1%), Ukraine (up to 6 grams), United State of America (in some states and territories) and Uruguay have decriminalised or legalised it in some form or another.

Australia (for medical purposes), Austria (for medical purposes), Belgium (just for one plant), Brazil (educational measures for small amounts), Canada, Chile, Colombia (up to 20 plants for personal use), Costa Rica, Czech Republic (up to 5 plants), Denmark (licensed), Finland (for medical use only), Georgia (for personal use), Germany



(permission required), Greece (for medicinal use), India (illegal federally but allowed in a few states), Israel (for medicinal providers), Jamaica, Lesotho (with approval), Mexico, Netherlands (up to 5 plants), Portugal, Russia (up to 20 plants), Slovenia (with necessary permits), South Africa (for personal consumption), South Africa, Sri Lanka (under purveyor of the government), Thailand (in some areas or with THC under 1% for medical purposes), Turkey (for medical purposes), Ukraine (up to 10 plants), United Kingdom (with Home Office license), United States (illegal federally but permitted in some states), Uruguay (for up to 6 plants), Zambia (if licensed), allow cultivation of the plant.

CONCLUSION

I believe there is a strong case for the legalisation of the use of cannabis for medical and medicinal purposes, but it will require further research to be carefully carried out and side effects it might have on patients to be clearly spelt out. Children below 18 should be completely exempted from being administered cannabis or cannabis-based drugs, while adults will be tested properly before such drugs are prescribed for and administered to them. Should such a law be passed, the National Agency for Food and Drugs Administration and Control (NAFDAC) should be adequately equipped for the enforcement of the regulation of the plant/drug's cultivation, production, distribution and sale. Their officials as well as those of other law enforcement agencies should be properly trained and equipped for this.

As for its recreational use, it will remain up in the air for a while especially as our deeply religious and still conservative leaning society might not yet be liberal enough to allow its decriminalisation in that regard. Also, with the recent codeine and tramadol crises and devastation it brought on parents and the actual victims of the scourge, it will even be a tougher sell to convince law makers to move grounds there. Also, with the push back on the pressure from western governments by African

leaders as regards following them on controversial legislation as we have seen with the calls for legalisation of same-sex relationships and marriages, we will be most certain that it will be some time before we get there in this discourse of Cannabis and the Law.

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