



Republic of Namibia

MINISTERIAL STATEMENT

ON

THE LEGALIZATION OF CANNABIS (MARIJUANA)

**Hon. Sakeus E. T. Shanghala, MP
MINISTER OF JUSTICE**

**July 11, 2019
National Assembly
Tintenpalast
Windhoek**

– To Be Checked Against Delivery –

Mister Speaker,

Namibia is not ready to manage the legalization of *Cannabis* or *Marijuana*, terminology which I will use interchangeably in this presentation.*

In terms of Schedule 1 of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971) the dealing in, use or possession of *Cannabis* (Dagga) and the whole plant or any portion or product thereof is prohibited. Any person found in contravention thereof is subject to a fine not exceeding R30 000.00 or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment. By Rand we read Namibia Dollar. This legislation is administered by both the Minister of Justice and the Minister of Health and Social Services.

From a quick search on the High Court website, one finds 71 results on *Cannabis* related cases. All 71 cases involve recreational use and not medicinal use. To indicate how seriously the Courts take the matter, I refer to one case decided on 20 September 2016. The accused was found to be in possession of only 16 grams of *Cannabis* valued at N\$ 480.00 and he was sentenced to 5 years imprisonment!¹ *Cannabis* is a serious offence in Namibia, because Namibia is not able to deal with the devastating effects of the drug on our people. Deducing from an analysis of the facts in the cases I was able to review, it is apparent that the drug is sold in lower income areas with households that are already struggling.

Mister Speaker,

This is my argument against the legalization of cannabis at this stage:

Firstly,

* This is the position of the Government of the Republic of Namibia at present.

¹ *Lungisa v S* (CA 37/2017) [2018] NAHCNLD 39 (19 April 2018).

1. Commercially available drugs are subject to rigorous clinical trials to evaluate safety and efficacy. To date, there has been only one randomized, double-blind, placebo- and active-controlled trial evaluating the efficacy of smoked *Marijuana*.
2. Of course, components of *Marijuana*, do have potential therapeutic effects to alleviate onerous symptoms of diseases such as cancer. This is true.
3. However, there are sufficient legal and efficacious medicines that do what cannabis is purported to do. There has never been a need from the medical fraternity to substitute those medicines with cannabis. Any argument in favour of cannabis on medical ground is defective and must be rejected.
4. What is also true, is that components of *Marijuana* also have unfavorable side effects, and it is these side effects that justify that the legalization in these conditions is premature.
5. Unlike any other prescription drug used for medical purposes, *Marijuana* is not subject to central regulatory oversight. It is often grown in backyards. The crude *Marijuana* plant and its products may be contaminated with fungus or mold. This is especially problematic for immune-compromised patients, including those with HIV/AIDS or cancer.

Secondly,

6. A compelling argument, based on the negative health effects, in both adolescents and adults, can be made to abort the direction society is moving with regards to the legalization of recreational *Marijuana*.

7. *Marijuana* is addictive, it is known to cause schizophrenia and other psychotic disorders. It has detrimental effects on cognition and can impair any ability to drive or work.² In some cases, reported side effects include anxiety, short-term memory recall issues and hallucinations.
8. Apparently, when coming down from the high, users may feel depressed or extremely tired. While *Marijuana* use produces a mellow experience for some, it can heighten agitation, anxiety, insomnia and irritability in others.

Finally,

9. The intoxicating chemical in marijuana is called *Tetra-hydra-canna-binol*, or THC. The average THC content of *Marijuana* has soared from less than 1 percent in 1972, to 3 to 4 percent in the 1990s, to nearly 13 percent in 2010. Today, some retail *Marijuana* has 30 percent THC or more. The increased potency makes it difficult to determine the short- and long-term effects of *Marijuana*.³

Mister Speaker,

Until recently, all use of marijuana, in our neighbouring country, South Africa, was totally illegal. But in 2017, a judge in the Western Cape’s High Court ruled that South Africa’s ban of the personal and private use of marijuana was an infringement on the country’s “constitutional right to privacy”. One year later, South Africa’s Constitutional Court – the

² Wilkinson S.T, *More Reasons States Should Not Legalize Marijuana: Medical and Recreational Marijuana: Commentary and Review of the Literature* (Missouri Medical Journal, 2013) 110(6) 524-528 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6179811/>> accessed 08 July 2019.

³ Cox L, ‘Marijuana: Effects of Weed o Brain and Body’ (Live Science, 2017) <<https://www.livescience.com/24558-marijuana-effects.html>> accessed 08 July 2019.

highest court in the country—agreed with the Western Cape High Court’s ruling.⁴ This confirmed that the personal use of cannabis, in the context of a private home, is now legal. I pause to emphasize, that it is only personal use, a term very narrowly defined, which is now legal in South Africa.⁵

Countries like Uruguay and Canada have recently legalized the use of recreational *Marijuana*. Uruguay took three and a half years to pass the law, because they wanted to do it carefully and step by step. The government regulates the strength of the *Cannabis*; the quantity each person may purchase at a pharmacy, as well as the price. Such intense regulation takes time.⁶

The main reasons for legislation in Canada were to promote further research on the drug and the effect it has on adults, and to curb the USD 6 Billion drug trade the illegal sale of *Cannabis* was fueling. Namibia does not have such a drug trade and is not trying to promote research on the use of *Cannabis*.

The legal purchasing age is 19 as case studies continually prove the highly negative impact *Cannabis* has on adolescents.

⁴ Thompson A, *Culture Trip* ‘What to know about South Africa’s Marijuana Legislation’ 2018

<<https://theculturetrip.com/africa/south-africa/articles/what-to-know-about-south-africas-marijuana-legalisation/>> accessed on 11 July 2019.

⁵ *Minister of Justice and Constitutional Development and Others v Prince; National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton and Others* [2018] ZACC 30.

⁶ Maybin S ‘Uruguay: The world’s marijuana pioneer’ (BBC News, 2019)
<<https://www.bbc.com/news/business-47785648> > accessed 08 July 2019.

Cannabis use during adolescence was associated, in a major study, with a six-fold increase in future ecstasy consumption.⁷ One must keep in mind that the industry tends to push the limits when there is profit to be made.

Instead of focusing on the legalization of *Marijuana*, I recommend that we first solve our ever-growing alcohol abuse problem. If we are able to manage one of the most devastating legal drugs in the world- alcohol- then only we will be ready to manage the effects of legalized *Marijuana*. As it is, we do not have sufficient alcohol rehabilitation centers and countrywide there are only 19 registered psychiatrists! We hardly have enough psychiatrists to handle even criminal psychiatric evaluations, how are we going to deal with an explosion of psychotic prone symptoms in society? We hardly even talk of mental health issues. We are in denial about depression. Imagine the explosion of depression cases flowing from the use of *Marijuana* if legalized.

If there are those who want to have *Marijuana* or extracts of such registered as medicine under section 17 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), let them apply to the Namibia Medicines Regulatory Council, directing such to the Registrar of Medicines. There is no harm in that. The Medicines and Related Substances Control Act, 2003 is administered by the Minister of Health and Social Services.

Therefore, as I indicated before, Namibia is not ready to manage the legalization of *Cannabis* or *Marijuana*.

End.

⁷Webster P 'Debate over recreational cannabis use legalisation in Canada' (Lancet, 2018) 391 <www.thelancet.com/series/Canada > accessed 08 July 2019.