

The Gorilla in the Room: Legalization/Decriminalization

Country	Legalization	Decriminalization	Notes
Argentina	No	Yes (Debating)	A law decriminalizing the possession of drugs for personal consumption is set to make its way through the legislature in 2012 . This has been in the works for over two years since the Supreme Court ruled it unconstitutional in 2009 to punish people for the personal use of drugs. Penalties for minor offenses such as possession, however, have remained high at between 1 and 6 years. President Kirchner stated in 2008 that it is the traffickers who should be persecuted, not people with an addiction, suggesting she may not be open to the idea of legalization.
Belize	No	Yes (Debating)	Minister of Police and Public Safety Doug Singh stated in January 2012 that his ministry is preparing a paper to examine the decriminalization of marijuana. He wants to look at removing harsh penalties for those caught with 5 to 7 grams of the drug. This is still in its infancy early stages and would need submitting to parliament.
Bolivia	No	No	Law 1008 from 1988 means that possession does not carry a prison sentence but forces users and those caught with a "minimum quantity" (which is undefined) into rehabilitation programs. Though seemingly similar to Brazil's 2006 law, it is not as progressive and incurs harsher penalties . Deputy Minister of Social Defense and Controlled Substances Felipe Caceres said that while the government is open to debate at the Summit, they

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			will likely remain in opposition to full decriminalization .
Brazil	No	Yes (Partial)	Brazil's 2006 law partially decriminalizes possession; users cannot be imprisoned but can be forced into treatment, educational programs or community service. Justice Minister Jose Eduardo Cardozo said in January 2011 that Brazil will explore the full decriminalization of some drugs but only after " deep " analysis.
Canada	No	No	"We're strongly opposed to the legalization of drugs," said Prime Minister Stephen Harper in November 2011 . Canada also enacted tough new laws in March 2012 against possession that will create mandatory minimum sentences.
Chile	Open to Debate	Yes (Partial)	Chile adopted Law 20.000 in 2007 that decriminalized the possession of drugs for individual use in the private sphere. If caught with drugs in a public area, the punishment can be a fine, community service or forced treatment. It is a grey area as to the legality of a group of people assembling in a private area to take drugs. This can incur a prison sentence if the judge deems the intent to be distribution or sharing. Chancellor Alfredo Moreno said Chile will support the debate on legalization but has not yet taken a position on the issue.

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Colombia	Would welcome legalization	Yes	Supreme Court ruled in August 2011 that possession for personal consumption should not be outlawed. President Santos' administration has since been preparing legislation to decriminalize possession , with a limit of 5 grams for marijuana, and one gram for cocaine and crack. With regards to legalization, Santos has stated on a number of occasions that Colombia would welcome the approach providing the whole world joined the initiative.
Costa Rica	Open to Debate	Open to Debate	President Laura Chinchilla recently stated that drug legalization needs "serious" debate , adding, "If we keep doing what we have been ... [we] could wind up like Mexico or Colombia." Her position has not been clearly stated as to whether she is for legalization or opposed to it. Last year she stated that she was opposed to the legalization of drugs as a way or stemming rising violence in Central America. Costa Rica has no laws decriminalizing the use or possession of drugs.
Ecuador	Open to Debate	Yes (Debating)	Chancellor Ricardo Patiño stated in March 2012 that the fight against narco-trafficking in Ecuador has been a resounding failure; therefore an alternative method must be sought. One of these alternatives could be decriminalization. Legislation was proposed late last year that would decriminalize possession of up to 10 grams of marijuana, 5 grams of cocaine and 100 milligrams of heroin. This is still being debated.

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El Salvador	No	No	President Mauricio Funes seemingly supported Otto Perez's call for debate on drug legalization, only to later clarify his position as being against the proposal . The possession, use and trafficking of drugs in the country is illegal.
Guatemala	Would welcome legalization	Would welcome decriminalization	Since taking office in January 2012, President Otto Perez has pushed himself to the forefront of the debate on decriminalization, saying regional dialogue on the issue is needed " as soon as possible ." He recently argued in an op-ed that the fight against drugs is based on the false premise that the market can be eradicated, therefore, an alternative approach of drug regulation is needed. Perez has propounded some loose policy proposals such as creating regulated trafficking corridors and a regional court for drug traffickers but said that the immediate aim is to foster open and constructive dialogue on drug regulation given the failures of the current approach.
Honduras	No	No	President Porfirio Lobo stated he recognizes the shortcomings of the current approach against drug trafficking but does not support legalization . Honduras currently has repressive drug laws.
Jamaica	No	No	Government officials last year set out to review the recommendations of a 2001 report by the National Commission for Ganja that called for decriminalization of small amounts of marijuana. No progress towards reforming the law, however, has been made and no position stated on

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			legalization prior to the Summit.
Mexico	Open to Debate	Yes	Mexico decriminalized the possession of small amounts of marijuana, heroin, cocaine, and synthetic drugs in 2009. Those caught are encouraged to seek treatment. If caught a third time, treatment becomes mandatory. Although President Felipe Calderon has said the issue of legalization needs " serious analysis ," he has not, as yet, come out and supported the proposal outright.
Nicaragua	No	No	President Daniel Ortega stated he will not support any proposals to decriminalize drugs.
Panama	No	No	Panamanian Foreign Minister Roberto Enriquez said in February 2012 that the country "absolutely [does] not agree with the decriminalization of drugs."
Paraguay	No	Yes	A 1988 drug law decriminalizes possession for personal consumption. This amounts to 10 grams of marijuana and 2 grams of cocaine or heroin. The head of Paraguay's anti-drug agency Senad has rejected any further moves to decriminalize or legalize drugs, saying it would create a public health problem the country is ill-equipped to deal with.

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Peru	No	Yes	A 2003 Peruvian law made possession non-punishable. The limits were set at 2 grams of cocaine, 8 grams of marijuana and 1 gram of opium gum. Law enforcement appears not to follow this, however. According to the Transnational Institute (TNI) , 60% of detentions on drug charges in Peru are related to use or possession. With regards to legalization, the head of the country's anti-drug agency Devida has stated that such a move would be "madness."
Saint Kitts and Nevis	No	No	Prime Minister Dr Denzil Douglas said last year that his government will never legalize, nor decriminalize, the use of marijuana . This suggests an equally hardline stance on high-grade narcotics such as cocaine and heroin.
USA	No	No	Stated that they will not oppose discussion of alternative approaches to the fight against drug trafficking at the Summit of the Americas but that the US will not alter its stance against legalization , believing that it would only create more problems.
Uruguay	Open to Debate	Yes	Uruguay's drug laws are some of the most liberal ; drug use or possession for personal use is not criminalized. It is at the judge's discretion to determine if the amount in question is for personal use or distribution. The head of the country's National Drugs Board (JND), an office tied to the presidency, said legalization needs debate , noting the inverse results of the so-called "war on drugs." In light of the country's

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			existing drug law framework, it would seem Uruguay would welcome legalization if it were a global initiative. However, no formal position has been stated.
Venezuela	No	Yes (Partial)	A 1993 law allows for possession of 2 grams of cocaine and 20 grams of marijuana without imprisonment. However, the offender is referred for treatment and can still be kept at a specialized center . According to AOL Noticias , while Chavez and his government have by and large steered clear of commenting on the issue, the president has at various public events declared his opposition to legalization.