

A Social Equity Approach for Cooperative and Environmentally Sustainable Practices within Maltese Cannabis Associations

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Background

The historical reform enacted by the Maltese government in through 2021 Act No. LXVI establishing the Authority on the Responsible Use of Cannabis and advancing various laws relating to certain cannabis activities, has been heralded by many international experts as a positive development [Rolles 2021]. Most importantly the reform affirmed that **a person does not forfeit its human rights** by using a mind-altering substance or engage in other risky behaviour. On the contrary, by prioritising a human rights approach to drug policy, domestic legislation is now closer in alignment with international human rights norms, and better equipped to promote the health and welfare of mankind. (UNDP, 2020)

Strong provisions to safeguard public health, human rights, personal freedoms and autonomy, are the cornerstone of such a reform. This approach has been done whilst taking due considerations for:

(a) The wrongdoings and structural abuses of the past.

(b) The need to frame drug policy within broader human rights considerations, including a strong Harm Reduction approach.

(c) the importance of keeping in full view injustices and discrimination still faced by people who consume cannabis in Malta.



Harm Reduction and Social Equity

A Harm Reduction approach is one which respects and promotes the well-being, dignity, voice, and rights of people who use drugs. This is done without coercion, in full respect of autonomous decision-making skills (irrespective of levels of use) and in recognition that people who use drugs, in this case cannabis, are the most important actors in matters linked to their community and well-being. (HRI, 2021)

*“Nothing about us,
without us!”*

Although harm reduction has been originally linked to the provision of primary health services, such as clean injecting material for people who use heroin, or in this case tested cannabis for adulterants, a broader understanding, thus including considerations for the **legal, environmental, and social aspect of drug use**, is more conducive to promoting the well-being of society. Therefore, harm

reduction should not solely be viewed within narrow health parameters, but rather recognised also as a tool to promote social justice and reconciliation between the ‘us, cannabis users’ and ‘them, non-cannabis users’ (HRI, 2021).

The establishment of a legal framework partially decriminalising the consumption, possession and cultivation of cannabis is the foundational legal instrument which aims to promote a more just society, and in part redress decades long criminal measures which directly or indirectly contributed to negatively affecting the well-being of people who consume cannabis.

The trauma of being handcuffed, detained, and threatened with long prison sentences, not to mention lost job opportunities and broken family ties, have long been documented as elements contributing to grave psychological and social consequences, and increased human rights violations for people who use drugs, in this case cannabis (UNODC, 2019)(GCDP, 2018)(GCDP, 2021).

Furthermore, policy founded on a criminal approach and law enforcement crackdowns, targeting certain racial and social groups, have been identified as one of the most subtle, yet most damaging and vicious barrier faced by people who use drugs. This approach is ultimately perpetuating a human rights

risk environment for all and negatively impinging on the promotion of harmony within society (LSE, 2014)(GCDP, 2020).

Social equity, cooperation and environmental sustainability are key to complement legislative efforts placing the well-being of human beings at the helm of any policy or regulatory framework. A business model championing a free market philosophy of might (money) is right, and multiplying economic and social injustices, has no place in a human rights-based approach to cannabis.



Why Social Equity and Not Merely Equality?

Some might argue that legal developments have now secured an equal level playing field between all cannabis consumers in Malta. It may be assumed that all people have equal access to benefit from these changes, whereby policy is treating every citizen as equal. Nonetheless, similar assertions ignore wider and broader social structures directly or indirectly influencing policy outcomes. On the contrary, in a social equity framework, ideas of **fairness, equity** (as opposed to equality) **and justness**, work together to create a stronger set of values to guide policy, and ultimately promote positive social change.

Social equity acknowledges, and respects personal differences, capabilities and needs. In fact, policy focused on a social equity approach, does not look at differences as obstacles, but rather as realities of every social space. Instead of shutting people out, social equity opens possibilities, and **harnesses diversity** to create a more just, inclusive, and equitable society.

The establishment of not-for-profit Cannabis Associations rests on the core principles of adopting a social equity approach, whereby through fairness,

equity and justness, people who use and cultivate cannabis are provided with different tools to partake in the new model regulating the communal use of cannabis.

Furthermore, people forming a Cannabis Association and/or involved in the communal aspect of cultivating cannabis should be of Maltese nationality, and/or EU and other 3rd country nationals that have been living and working in Malta for more than 10 years consecutively.

By adopting a flexible and accessible approach to regulate Cannabis Associations, the Authority for the Responsible use of Cannabis is best positioned to promote a social equity approach to the licensing, monitoring, and running of Cannabis Associations. Through open channels of communication between the Authority and Associations, but also a continued focus on social equity, the **cooperative aspect of a shared approach to cannabis**, all stakeholders hold the key to collaborate with each other and ensure *no one is left behind*.

Why a Cooperative, a Comunal and a Shared Principle Approach?

People who use cannabis have been cooperating in an informal approach for decades. From helping each other out to source and share good quality cannabis, to imparting tips what to do when experiencing unwanted effects. From shared warnings that law enforcement agents are raiding streets and neighbourhoods, to shared tears for friends incarcerated for a non-violent crime. This has been the reality faced by thousands of young and old, living in a somewhat parallel existence, or double life. This cooperative approach provided users with a safety net and an important hub where to exchange information and seek help when needed.

The act of sharing cannabis (via smoking or via other means) and of meeting in a group of friends to share a common interest, is a strong harm reduction tool, and one which favours a collective and a community, as opposed an individualistic approach to the use of mind-altering substances. As has been attested by various experts in the field of health and well-being, the act of consuming in a group and

of sharing a set of norms, act as protective factors against the development of problematic use or other unwanted behaviour. The **‘safe space’ environment** is therefore not limited to the physical parameters of where cannabis is being consumed, but is also directly linked to other third variables, such as the role of the community and friends to promote responsible practices (Belackova et al., 2015).



What is the Role of a Cannabis Association?

Cannabis Associations on a not-for-profit basis are best positioned to

- (i) Adopt a flexible, inclusive and hybrid^[1] approach
 - (ii) Impart within its members, particularly within its employees Harm Reduction education and practices.
 - (iii) Provide a safe space for cannabis consumers where to consume and share best practices linked to the consumption and growing of cannabis.
 - (iv) Give space to the cannabis growers and farming community to share expertise and knowledge on anything related to cannabis cultivation, including genetics, environmental sustainability, and considerations for the multiple and future uses of hemp.
 - (v) Ensure people forming and joining an Association are already cannabis consumers and have a true interest and passion for Cannabis.
- (ENCOD, 2020).

[1] A hybrid system, thus allowing different configurations for cultivation and sharing practices, including the possibility to operate in a virtual space and within private residencies.

How to Achieve This?

A FLEXIBLE, INCLUSIVE AND HYBRID APPROACH

Cannabis Associations on a not-for-profit basis have been identified as the best place to provide a safe environment where cannabis consumers can meet, share together a common interest and sustain friendly relationships even beyond the confines of the Association. To ensure Associations are capable of providing such a space, it is important to promote a flexible and transparent approach, thus keeping in view the different needs of different types of Associations, and different not-for-profit models (Decorte, et al., 2016).

The possibility of a flexible, inclusive and hybrid approach, thus allowing the establishment of an Association also in a virtual space, as opposed to a strict physical space, would further ensure an encompassing approach. This might be particularly important to promote accessibility and a social equity approach for small scale Associations catering for a very limited number of members (for example under 50 members) and not opting to offer cannabis on

a daily basis. Similar Cannabis Associations might opt for a shared and communal growing approach, whereby each member would agree to cultivate up to 4 cannabis plants at home and then share within the Association the whole yield or part of it, as agreed between members. Therefore, distribution might not happen daily, but rather on designated days and in ad hoc places agreed by and accessible only to registered members.

Through a virtual space the Association would also be contributing to reduce impact on an already overly built country and transport emissions from members travelling back and forth to the Association to obtain cannabis.

Flexibility of how Associations operate (e.g. opening times, when/where/how cannabis is distributed/stored) should ensure an inclusive approach, thus giving every organisation the possibility to adapt operations according to agreed terms between members, and the needs of that particular community. Flexibility will prove to be decisive in the collective efforts to destabilise the monopoly of the illicit market and encourage more people to trust the cannabis reform, and switch to a legal framework.

AN EDUCATED FRAMEWORK FOR ASSOCIATIONS

The novel approach shifting people who consume cannabis from the illicit to the licit world requires a holistic educational framework, and therefore one which is designed for different working positions within the Association, and addresses cannabis from multiple angles. Training needs to include considerations for aspects related to health and social matters (addressing both benefits and risks), and sustainable and organic cultivation practices.

- A** Health aspects related to cannabis consumption → reduction of risks (e.g. advice on method of consumption and interactions with other substances or medicine), better understanding of both the benefits and risks associated with cannabis consumption. Information should include guidance how to address a health emergency (e.g. How to handle a person experiencing paranoia or fainting etc) and ways to promote a health and safety environment for people who consume cannabis.
- B** Social aspects related to cannabis consumption → consuming cannabis as a group should be facilitated and encouraged to ensure consumers are not isolated when consuming cannabis and can instead feel part of the community. These

measures all act as protective factors against the potential development of problematic substance use, or accidental use of synthetic cannabis. By ensuring a safe, affordable, and welcoming social space, Associations would be in practice transposing the unregulated social aspect of shared cannabis consumption, already spread across the islands, within the perimeters (physical or virtual) of a members-only-club. Furthermore, it would also act as a safety net and networking hub where to share experiences, but also to seek advice if experiencing unwanted effects or health problems. Together with a social equity approach to vet who will be granted a license, thus ensuring all members have already been consuming cannabis and share knowledge and passion about the cannabis plant, the social aspect is imperative to further strengthen the role of the Association as a unique harm reduction hub. **There is certainly no space for people who are not cannabis consumers or growers.**

Furthermore, proper monitoring of workers within the Associations and training to ensure all stakeholders continue to harbour a safe space attitude and environment are key to promote a holistic and responsible approach.

- C** Sustainable cultivation and organic practices → ensure small and larger scale cannabis growers are equipped with the necessary knowledge, and tools to adopt cultivation practices which respect the environment, adhere to the UN Sustainable

Development Goals 2030, and are considerate of the unique ecological characteristics of the Maltese Islands and fragile natural resources. An organic approach within the cannabis community, placing the well-being of nature and customers at the core of cultivation practices, could also act as a catalyst and a multiplier effect across other cultivating communities, such as that of olives and grapevines.



PROVIDE A SAFE SPACE FOR CANNABIS CONSUMERS

Anonymity and safeguarding **privacy** are two essential ingredients which will determine the success of persuading consumers to switch from the illicit to the legal world. Data protection is of paramount importance and every Association needs to ensure a strong system to maintain the highest level of confidentiality.

Anonymity should be coupled with **Accessibility**, and therefore considerations for potential bureaucratic hurdles stifling quick and transparent registration for members, including de-registration when wishing to change membership, should be considered in equal measure with anonymity. **Pricing** is here too an important determinant acting both as a pull or push factor for consumers. Therefore, the Authority should ensure pricing levels are set within the Association and in agreement with growers and members, thus further promoting a holistic harm reduction approach. Studies have shown that pricing, together with availability, are key factors influencing consumer choices oscillating from the illicit to the licit world (Decorte et al., 2016).

Availability of different strains, further denting into the monopoly of the illicit market, together with

peer-led reviews on taste, composition and expected effects produced by different strains, provide members with a complete guide to cannabis consumption.

Together with education and harm reduction policies, these three components constitute core elements of a not-for-profit model, placing the well-being of people who use cannabis at the helm of policy, and strengthening Knowledge over the unknown.

A safe space is also realised through the proper labelling of products, particularly THC and CBD levels. Sporadic and random testing for adulterants, pesticides, and heavy metals, and packaging requirements to distribute cannabis, should be made available at affordable pricing, taking due considerations of the not-for-profit model regulating Associations.



Cannabis Growers and the Farming Community

Local cannabis growers, obliged to operate in hiding for the past 50 years, have been in reality providing a service to the community. Those with a true interest and passion for cannabis, have been investing heavily on personal training and equipment to ensure their product is of excellent quality.

These people are not criminals, they are experts in botany and horticulture. They should be protected against corporate captures by emerging cannabis businesses, and, or other structural forces such as bureaucracy and overregulation.

The role of social equity, together with the core principles of the UN SDGs 2030, can find best expression in facilitating the creation of a well-connected, environmentally conscious, and socially driven cannabis growers and farming community. The latter, a breed in slow decline and constantly attacked by various forces (14% of agricultural holdings decreased between 2010-2020), could be invited to join

the discussion about cannabis, explore opportunities whilst sharing expertise, and most importantly, learn about cultivating the cannabis plant, including industrial hemp, from those that have been doing it for decades.

Hemp has been a staple traditional food and widely used fibre source for centuries. It is only in the mid-20th Century, following the strict interpretation of the UN Drug Control Conventions of 1961 and 1971, that hemp starts to be criminalised and swiftly eradicated. There are multiple benefits linked with hemp. Apart from the immediate products realised through hemp production, such as paper, clothes, and buildings, hemp is also greatly beneficial to promote a sustainable approach. Hemp promotes soil regeneration, enhances biodiversity and captures carbon emissions, calculated at 1.6 tonnes of CO₂ absorption per tonne of hemp. Therefore, a broader discussion about the multiple opportunities presented through the establishment of a socially, and environmentally conscious hemp industry, would further contribute to encourage young local farmers to tap into this niche opportunity (EIHA, 2022).

Together with the not-for-profit aspect of Associations and the regulatory role of the Authority, cannabis growers and the farming community have the potential to promote a positive and a whole of society approach to cannabis reform. Therefore, it is

imperative the Authority respects the **voice, rights and expertise** of cannabis growers, and together with Associations, identify potential barriers, explore different solutions, and discuss new areas for social development. Local cannabis growers and the farming community should be provided with the necessary tools to ensure their knowledge and expertise is recognised, valued, respected and preserved within the cannabis community, and the broader Maltese society.



MEASURES WHICH WORK	MEASURES DEEMED TO FAIL
Flexible, hybrid and transparent approach	Overly bureaucratic approach, incurring financial burden inexistent in the illicit market and automatically barring certain groups and individuals
Fairness, equity, justness	Equality, without taking into consideration the negative consequences caused by the war on drugs and ancillary problems faced by many, particularly those hailing from difficult neighbourhoods.
Open dialogue with all stakeholders, particularly with those mostly affected by the changes (cannabis users and growers), including strong measures to protect privacy	Closed door policy with unjustified delays, lack of communication via official website and breach of personal data with 3rd parties (e.g. Police, Insurance companies)
Holistic Harm Reduction Approach	Unbalanced focus on health matters, without due consideration for social, environmental and legal aspects

CONTINUED →

MEASURES WHICH WORK

Promote human rights for all, taking due consideration for the UN SDGs 2030

Promote an inclusive environment, one based on mutual respect and trust, whilst ensure all those involved are of Maltese nationality or have been working in Malta for more than 10 years, are already cannabis consumers and have at heart the well-being of the community.

MEASURES DEEMED TO FAIL

Emphasis on regulatory aspect overshadowing elements linked with privacy and personal freedoms.

Erect walls of division between the Authority, Associations and Members, further polarising positions, whilst giving licensing to people with no link or interest to promote the well-being of the cannabis community.

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Endorsements



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