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Marijuana Policy in Thailand and the Argument for Decriminalization

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Abstract

In Thailand, drug policy, including marijuana policy, has been extremely conservative. However, the drug problem remains unresolved. This paper aims to analyze the problems related to marijuana policy in Thailand and, to discuss possibility for alternative marijuana decriminalization policy. Statistical analysis and a documentary research method are employed in this research. The results show that the number of marijuana offenders incarcerated increased dramatically from 1,011 in 2006 to 4,531 in 2016, a 4.5-fold increase over one decade. In addition, the number of alleged marijuana offenders was 12,396 in 2016. Over the same decade, government spending on drug policies increased 3-fold to 10.68 billion baht in 2016. Moreover, in 2016, the total opportunity cost of drug prisoners was more than 15.34 billion baht. From the amounts shown, the current policy is costly and has been largely unsuccessful; therefore, marijuana decriminalization could be a sensible alternative for Thailand. The legal sanctions for growing, possessing, and using small amounts of marijuana should be reduced to noncriminal sanctions such as warnings, fines, and community service orders. In addition, investment in harm reduction and treatment services should be increased to support the work done by medical professionals and social workers.

Keywords**:** *Marijuana, decriminalization, policy, drugs, drug prisoners*

1. Introduction

In recent decades, drug policy in Thailand has generally been extremely conservative. Thai governments have emphasized suppression and severe punishment. Also, more than ten billion baht per annum are spent on drug suppression, prevention, and treatment. However, the drug problem in Thailand has not improved. The number of offenders Mincarcerated for drugs increased to 189,429 in 2016, as shown in Figure 1.

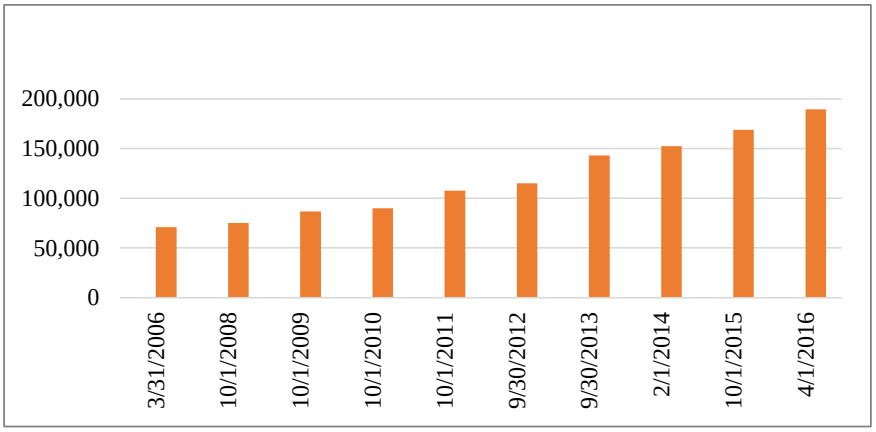

Figure 1 The number of drug offenders incarcerated for drugs from 2006-2016
Note. From the Department of Corrections, Ministry of Justice, Thailand.

In Thailand, marijuana has officially been an illicit drug since 1925 (Kanato et al., 2016, p. 63). Thai marijuana policy has been extremely conservative. The number of cases related to marijuana averaged 16,125 per year from 2009-2014, peaking at 18,955 cases in 2013 (Poothakool et al., 2015, p. 2).

At the global level, after several decades of the "War on Drugs," some countries have decriminalized illegal drugs. Recently, the number of countries implementing drug (including marijuana[1]) decriminalization policy has increased to around 25-30 (Rosmarin & Eastwood, 2012). Moreover, in a 2011 report on the "War on Drugs," the Global Commission on Drug Policy recommended adopting decriminalization policy and investing in harm reduction services.

In Thailand, several researchers have studied marijuana decriminalization. For example, Poothakool et al. (2015) proposed that Thailand should reduce the legal penalties for growing and possessing small amounts of marijuana to noncriminal sanctions due to the economic costs of marijuana criminalization policy, and the excess of criminal cases and prisoners the country must deal with. However, Kanato (2015) noted that Thailand was unlikely to decriminalize marijuana right now because Thai society perceived marijuana negatively.

2. Objectives

The objectives of this paper are as follows:

1) To analyze the problems associated with marijuana policy in Thailand, including the economic cost.
2) To discuss possibility for marijuana decriminalization policy in Thailand.

3. Materials and methods

This paper employs both documentary research approach and statistical analysis. The statistical data were mainly taken from the Department of Corrections, the Office of the Narcotics Control Board, and the Ministry of Justice.

4. Thai marijuana policy and its cost

The Thai government has been proactive in drug suppression. The number of prisoners incarcerated for drug offenses increased dramatically from 70,858 in 2006, to 189,429 in 2016. Moreover, the proportion of drug offenders to total prisoners has increased significantly from 57.70 percent in 2006, to 72.39 percent in 2016, as shown in Table 1. Most of the drug offenses committed were methamphetamine related. However, the number of prisoners incarcerated for marijuana offenses is small when compared with the total number of prisoners incarcerated for all drug-related offenses, as shown in Table 2.

Table 1 The number of prisoners classified by nature of offenses

Nature of Offenses	31/3/2006 (No.)	31/3/2006 (%)	1/4/2016(No.)	1/4/2016 (%)
Offences against property	26,150	21.29	26,636	10.18
Drug offences	70,858	57.70	189,429	72.39
Offences against life	10,822	8.81	13,441	5.14
Offences against the body	3,288	2.68	19,392	7.41
Others	11,691	9.52	12,789	4.89
Total	**122,809**	**100.00**	**261,687**	**100.00**

Note. From the Department of Corrections, Ministry of Justice, Thailand

Thai government policy on marijuana has emphasized suppression. The number of prisoners incarcerated for marijuana offenses increased dramatically from 1,011 in 2006, to 4,531 in 2016, a 4.5-fold increase over one decade, as shown in Table 2.

[1] Hall and Degenhardt (2009) reported that marijuana had been the most popularly used illicit drug by young people in rich countries for two decades, and had recently become more popular throughout the world. Medical research has suggested that regular use of marijuana during adolescence and adulthood could have adverse health effects.

Table 2 The number of prisoners incarcerated for marijuana offenses compared to other drugs

	31/3/2006 (No.)	31/3/2006 (%)	1/4/2016 (No.)	1/4/2016 (%)
Heroin	5,928	8.37	11,981	6.32
Marijuana	1,011	1.43	4,531	2.39
Methamphetamine	63,066	89.00	168,055	88.72
Others	853	1.20	4,862	2.57
Total	**70,858**	**100.00**	**189,429**	**100.00**

Note. From the Department of Corrections, Ministry of Justice, Thailand

Based on 2016 arrest statistics, the number of alleged marijuana offenders was 12,396, as shown in Table 3. Most of these offenders were in possession of marijuana (70.69 percent) or had consumed marijuana (12.96 percent). Some offenders possessed marijuana for sale (5.45 percent) or were caught selling marijuana (2.63 percent).

For marijuana production, the number of alleged offenders was 983 in 2016, accounting for 7.93 percent of all alleged marijuana offenders. Poothakool et al. (2015, p. 62) reported that most alleged offenders producing marijuana were growers who had 1-3 marijuana plants. From 2009-2014, the number of alleged offenders producing marijuana was 3,404. Among these offenders, 2,166 (about 64 percent) were growers who had 1-3 marijuana plants.

Table 3 The number of alleged offences related to marijuana

Charge	1/5/2016 (No.)	1/5/2016 (%)
Consumption	1,606	12.96
Possession	8,763	70.69
Possession for sale	676	5.45
Sale	326	2.63
Production	983	7.93
Export and Import	42	0.34
Total	**12,396**	**100**

Note. From the Office of the Narcotics Control Board, Ministry of Justice, Thailand

Over last decade, the Thai government has significantly increased spending on drug policy, as shown in Figure 2. The budget increased from 3,691.64 million baht in 2006, to 10,685.24 million baht in 2016, a 3-fold increase over one decade.

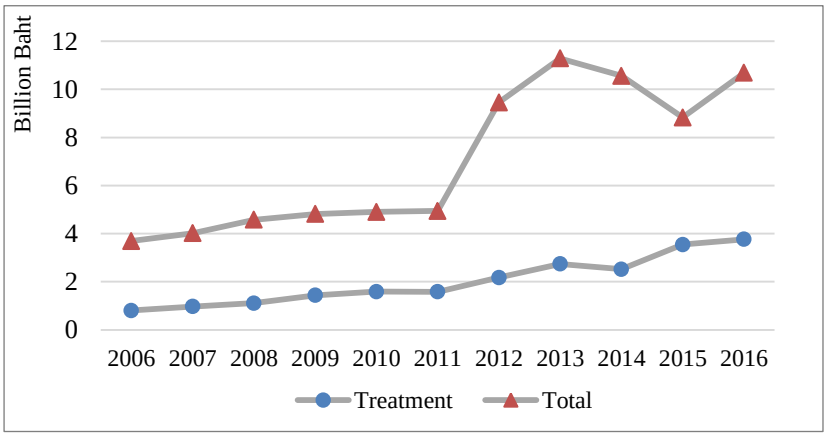

Figure 2 The Thai government budget for drug policy from 2002-2016
Note. From the Department of Corrections, Ministry of Justice, Thailand

For drug treatment, the government increased the budget significantly from 800.47 million baht in 2006, to 3,766.77 million baht in 2016, as shown in Table 4. Windle (2016) reported that Thailand had three options for drug treatment: community outpatient treatment, compulsory treatment centers (98 centers in 2010), and treatment in prisons. In 2010, 60 percent of drug patients were treated in compulsory treatment centers, 25 percent attended community outpatient treatment, and 15 percent were sent to prison.

Lertpanichpan (2013, p.101) pointed out that according to the Narcotics Act of 2522 (Article 94), drug users should be given the opportunity to use voluntary treatment services without getting criminal records. However, in practice, it is very difficult for users to receive voluntary treatment due to insufficiencies in the treatment services offered and the fear of arrest. Therefore, Article 94 of this act has not been effectively implemented.

Table 4 The Thai government budget for drug policy

	2006 (Mil. Baht)	2006 (%)	2016 (Mil. Baht)	2016 (%)
Drug Prevention	1,534.68	41.57	3,584.92	33.55
Drug Suppression	1,356.49	36.75	3,333.55	31.20
Drug Treatment	800.47	21.68	3,766.77	35.25
Total	**3,691.64**	**100.00**	**10,685.24**	**100.00**

Note. From the Department of Corrections, Ministry of Justice, Thailand

Regarding prisoners incarcerated for drugs offenses, there are at least two economic costs: government spending and opportunity cost[2], which is estimated from prisoners lost earnings as being at least equal to the minimum wage. The Department of Corrections (Ministry of Justice) reported in 2015 that the cost was 45,566.18 baht per prisoner per annum. This cost comprised of prison management (39,936.72 baht per prisoner per year), prisoner development (1,329.18 baht), and drug treatment (4,300.28 baht).

Based on the minimum wage, in 2016 of 300 baht per day and 270 working days per year, the opportunity cost was at least 81,000 baht per prisoner per year. For 189,429 drug prisoners in 2016, the total opportunity cost was 15.34 billion baht. The opportunity cost exceeds total government spending on drug policy (10.68 billion baht in 2016).

In summary, implementing drug policy in Thailand has been costly. Moreover, the policy has been unsuccessful.

5. Decriminalization: an alternative policy

Rosmarin and Eastwood (2012) stated that after 50 years of the "War on Drugs," global rates of drug use are still high. Some countries have decriminalized the possession and personal use of drugs to reduce government expenditure. In addition, some countries have increased investment in harm reduction services to reduce the destructive impact of drug use. Currently, around 25-30 countries such as Belgium, Portugal, Mexico, and Chile have adopted a decriminalization policy.

In the United States[3], in October 1973, Oregon began to have marijuana decriminalization. The offense of possession of less than 1 oz. of marijuana became only a civil violation, with a maximum penalty of a $ 100 fine. Within 5 years, ten other states had similar decriminalization. Single (1989), based on documentary research studies, concluded that the marijuana decriminalization of these states reduced the total cost of marijuana enforcement substantially without increasing the negative effect on health associated with use. In addition, the marijuana decriminalization had little impact on rates of use.

At this time, Thailand still maintains an extremely conservative drug policy. However, several individuals, groups, and organizations have suggested that Thailand should decriminalize drugs to some degree.

[2] Opportunity cost is defined as "whatever must be given up to obtain some item" (Mankiw, 2004, p.51)

[3] Recently, eight states have legalized both medical and recreational use of marijuana. In addition, twelve states have both medical marijuana and decriminalization laws.