From the Code Noir to GACP/GMP: Cannabis and the New Colonial Economy

The Caribbean is dismantling prohibition. The harder task is ensuring that legal cannabis does not reproduce an older economic order in which the South grows the commodity while standards, capital, certification and value are controlled elsewhere.

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In May 2026, France's National Assembly adopted at first reading a bill providing for the repeal of the Code Noir, the 1685 edict that helped organise slavery in France's American colonies. The measure is not yet final and remains in the parliamentary process. One detail of the debate, however, is revealing. The text uses the language of abrogation. An amendment proposed replacing that word with annulment. The distinction is not merely semantic. Abrogation removes a rule from the legal order. Nullity goes further by challenging its legal validity at the root. France used that stronger logic after the fall of the Vichy regime, including for measures that established or applied discrimination based on Jewish status. The amendment on the Code Noir was withdrawn, and the text retained the language of abrogation. [1][2][3]

There is no moral or legal equivalence between the Code Noir and modern cannabis standards such as Good Agricultural and Collection Practice or Good Manufacturing Practice. GACP and GMP are quality systems. The Code Noir belonged to a legal order of slavery. Nor is there a direct legal genealogy connecting them. The comparison is narrower and more useful. A society can remove a rule without necessarily dismantling the economic structures and relationships of power that developed around it.

That question matters for cannabis reform. Caribbean governments are gradually removing prohibition, creating regulators and writing the rules of legal markets. But ending criminalisation does not decide who will own the industry that replaces it, who will define quality, who will finance compliance or where the highest-value parts of the value chain will sit. The plant can become legal while its value chain remains externally controlled. That is the new colonial question.

CARICOM saw the danger before the legal market matured

The Caribbean did not enter cannabis reform with a blank page. Colonial and later international drug-control systems had already defined cannabis primarily as a matter for police, customs and criminal courts. By independence, governments were inheriting institutions designed to suppress cannabis rather than to understand it as agriculture, medicine, research, tourism, intellectual property or industrial policy.

That history is why the 2018 report of the CARICOM Regional Commission on Marijuana, Waiting to Exhale: Safeguarding our Future through Responsible Socio-Legal Policy on Marijuana, remains so important. The Commission did not merely argue that prohibition had produced social and criminal-justice harms. It also warned about the political economy that could follow reform. [4]

CARICOM called for small farmers and local communities to be included in the emerging industry. It warned against excessive concentration in large or foreign enterprises, urged the protection of indigenous cannabis

resources and intellectual property, and cautioned against building another economy dependent primarily on exporting raw material. The historical comparison was explicit. The Caribbean had already produced sugar, bananas, cocoa and other commodities while much of the higher-value processing, finance, branding and market access occurred elsewhere. Cannabis could repeat the same pattern. [4]

The Commission was not arguing against foreign investment. It recognised the capital, technology, research capability and market access that international companies could bring. Its warning concerned the structure of the bargain. If local farmers were marginalised, local genetics appropriated, profits repatriated and high-value transformation located abroad, legalisation could generate activity without generating sovereignty. Eight years later, that warning looks less like theory and more like a development test.

From prohibition to the compliance border

Cannabis reform removes the criminal barrier to participation. It does not remove the commercial one. For governments looking toward international medical cannabis markets, the new vocabulary is GACP, GMP, analytical testing, quality management systems, traceability, audits, Qualified Persons, import authorisations and batch certification.

These requirements exist for legitimate reasons. The European Medicines Agency's revised GACP guideline, effective since August 2025, addresses the growing, collection and primary processing of herbal substances intended for medicinal use. European pharmaceutical rules likewise require systems designed to ensure consistent manufacturing and patient safety. Contaminated medicine is not sovereign medicine. [5]

The mistake is therefore not adopting high standards. The mistake is treating those standards as economically neutral. They are not. Every technical requirement has a cost, and those costs are much easier to absorb in jurisdictions that already possess pharmaceutical infrastructure, accredited laboratories, experienced regulators, specialist personnel and cheap capital.

For medicinal products imported into the European Economic Area from third countries, market access can involve GMP evidence, manufacturing and import authorisations, Qualified Person certification and, depending on the applicable arrangements, retesting after importation. The EU maintains GMP mutual-recognition arrangements with a limited group of developed markets. Caribbean states are not part of that network. [6]

This does not make Caribbean export impossible. It changes the economics of achieving it. A cultivation cost per gram says very little about the real cost of placing a compliant product in a foreign medical market. Testing, validation, specialist staff, audits, documentation, working capital, failed batches and importer requirements all sit between the farm and the patient.

UN Trade and Development quantified the broader problem in May 2026. Non-tariff measures such as technical regulations, health requirements, certification and administrative procedures now impose higher export costs than tariffs for 88 percent of countries. Developing countries and smaller exporters face particularly heavy burdens because they have less financial and technical capacity to absorb compliance costs. UNCTAD also estimates that regulatory convergence can materially reduce those costs. [7]

Cannabis intensifies this problem because it can simultaneously be an agricultural product, a controlled substance and a medicine. The farmer may therefore become legal without becoming competitive. The criminal border disappears. A compliance border takes its place.

The export-first consultancy trap

This is where governments in emerging cannabis jurisdictions need to become much more sceptical about the development model being sold to them. The formula is familiar: legalise cultivation, issue licences, attract international investors, obtain GACP, build or contract GMP capacity, secure buyers in Europe and export.

On a presentation, the numbers can be spectacular. A consultant takes available hectares, estimates yield, multiplies it by an international price per gram and produces a multimillion-dollar opportunity. What is often missing is everything between the hectare and the foreign patient: certification, testing, security, quality personnel, validation, rejected batches, working capital, import requirements, buyer qualification, distribution margins, price compression and regulatory change in the destination market.

There is also a basic control problem. A Caribbean government cannot determine German reimbursement policy. It cannot guarantee that an importer will still want the same product two years later. It cannot prevent Colombia, Portugal, Lesotho or another producer from offering a lower price. It cannot control a foreign regulator's next rule change. An export-first national strategy therefore asks the country to organise its industry around demand it does not govern.

The problem is not that every consultant from Europe or North America is dishonest. Many are competent. The deeper problem is incentive and perspective. Consultants tend to sell the market logic they know. A German market-access specialist understands Germany. A Canadian operator understands Canada. A pharmaceutical consultant understands pharmaceutical supply chains. A greenhouse company understands how to build a compliant greenhouse.

Each can deliver exactly what was contracted and still leave the government with the wrong national strategy. The study is delivered. The legislation is drafted. The facility is designed. The certification roadmap is completed. Every invoice is paid. Five years later, there may still be no sustainable domestic market.

That is why the real consultancy trap is not always fraud. Sometimes it is a technically plausible solution to the wrong development question. The consultant asks how the country can produce something acceptable to a market the consultant understands. The government should ask what cannabis economy will create the greatest durable value, capability and bargaining power for its own population.

An export contract is not industrial policy. A GACP certificate is not an industry. A GMP facility does not constitute development merely because it is physically located in a developing country. Governments should demand evidence: Who is the buyer? What volume is contracted? At what specification and price? Who pays when a batch fails? What happens if international prices fall by 30 percent? How many domestic operators can actually afford the proposed system? What remains in the country if the buyer disappears? Most importantly, what proportion of final value stays locally?

A development strategy should survive without the consultant who designed it. If it cannot, technical assistance has become dependency.

Regulation is market design

The alternative is not to reject international standards. It is to recognise that regulation is also industrial policy. A rule can be perfectly reasonable in one market and economically destructive in another.

Consider three ordinary examples. A security system designed for a multimillion-dollar Canadian facility may cost more than a small Dominican cultivator can reasonably absorb. A seed-to-sale tracking platform may be useful for regulators, but if its pricing and operational requirements were designed around large operators, it can make a micro-licence commercially meaningless. The same is true of licence fees: an amount that barely registers on the balance sheet of an international company may prevent a local farmer or entrepreneur from entering the legal market at all.

The point is not that security, traceability or licensing fees are unnecessary. It is that regulation is never economically neutral. The rules do not simply determine whether cannabis is legal. They also determine who can afford to participate in legality.

Some Caribbean frameworks already acknowledge this. Jamaica requires companies applying for cannabis licences to demonstrate substantial Jamaican ownership and control, defined by the Cannabis Licensing Authority as 51 percent or more. In April 2026, Jamaica also launched special permit programmes designed to lower barriers for traditional growers and community groups. The Special Community Permit carries no permit fee, while the Cultivator's Transitional Special Permit gives small-scale farmers a two-year pathway to build capacity and move into the standard licensing system. [8][9]

Saint Vincent and the Grenadines made a similar choice in a different form. Its Medicinal Cannabis Industry Act created a traditional cultivator's licence reserved to citizens, while also allowing the Authority to require standards suited to specified markets, including GMP, GPP, Fair Trade, GlobalGAP and other recognised frameworks. The significance is not that every Caribbean country should copy Saint Vincent. It is that international compliance and local inclusion can be pursued at the same time. [10]

Dominica remains at an earlier stage. The Government established its National Cannabis Advisory Committee in April 2025 with a 12 to 18 month mandate to assess health, legal, economic and social implications and help shape a policy framework reflecting national priorities. I have had the opportunity to participate in advisory and drafting work around that emerging framework. [11]

The central drafting lesson is simple. The difficult part is rarely finding precedent. There is too much precedent. The difficult part is deciding what not to copy. A rule that works in Ontario may fail in Dominica. A technologically sophisticated system may be regulatory overkill for a small market. A formally equal fee may create radically unequal access. Good regulation must therefore be judged not only by whether each clause can be defended, but by the market those clauses produce together.

Build the market you control first

For small Caribbean and Global South jurisdictions, the development sequence should start closer to home. The first priority should be a functioning domestic market within whatever uses the country chooses to authorise. That does not require every state to legalise adult use. Some will prioritise medical cannabis, research, industrial hemp, sacramental use, wellness or other controlled pathways. Those are national political choices.

The strategic principle is that legal reform should first build domestic capability. If medical cannabis is authorised, can patients actually access safe products? Are doctors trained? Can pharmacists participate? Can local laboratories test products? Can universities conduct research? Can local farmers legally supply the system? Can processors develop products for a real customer base? Can banks and insurers begin to understand the sector?

A domestic medical programme is therefore more than a source of sales. It is an institutional training ground. Regulators learn where rules fail. Laboratories develop competence. Clinicians learn where cannabis-based medicines may or may not be useful. Entrepreneurs test products and business models. Farmers learn compliance in an environment where a rejected shipment does not threaten the entire national strategy.

This changes the relationship with international markets. A country with no functioning local industry approaches the foreign buyer as a supplier seeking access. A country with experienced regulators, laboratories, clinicians, brands, processors and customers approaches the same negotiation with leverage.

Tourism can reverse the trade relationship

For the Caribbean, the second layer is unusually powerful because the region already possesses an international demand-delivery system: tourism. Cannabis tourism is often reduced to cannabis-friendly accommodation, dispensaries, consumption spaces or retreats. That misses the deeper economic point. Tourism reverses the direction of trade.

Traditional export sends the product to the foreign consumer. The product crosses a border, enters another jurisdiction's regulatory framework, moves through another company's distribution chain and reaches a customer relationship controlled largely elsewhere. Tourism brings the consumer to the producing jurisdiction instead.

This matters because the Caribbean already has airports, accommodation, restaurants, transportation, farms, wellness businesses, tour operators and international destination brands. A regulated cannabis visitor can spend on far more than cannabis. Accommodation, food, local transport, nature, agricultural experiences, wellness, education, events and cultural activities can all surround the legal product. The economic unit is no longer a gram. It is the destination.

Jamaica has already articulated this opportunity. Government officials have publicly linked the country's established tourism position with medical cannabis tourism and have discussed visitors as potential participants in the regulated cannabis market. [12][13]

For a small jurisdiction, the sovereignty advantage is obvious. A government cannot dictate the rules of the German medical market. It has much more authority over transactions occurring inside its own territory. It can determine who receives licences, how local ownership works, how traditional farmers participate, what visitors may legally access, where consumption may occur, which health safeguards apply and how taxes and community benefits are structured.

Instead of exporting the cannabis to the international customer, the jurisdiction can import part of the international customer base into the cannabis economy.

Authenticity only matters if local people own it

Tourism, however, is not sovereign simply because the visitor arrives on Caribbean soil. The region already knows that tourism can produce large revenues while substantial value leaks out through foreign-owned hotels, international booking platforms, imported goods and repatriated profits. Cannabis tourism could reproduce exactly the same structure.

A foreign-owned cannabis resort selling externally controlled products, wrapped in Caribbean imagery while local farmers remain outside the legal market, is not sovereignty. It is extraction occurring on Caribbean soil.

Local communities therefore cannot be treated as decoration around the tourism product. They have to sit inside ownership and value creation. Local cultivators should be able to supply the legal economy. Local drivers, restaurants, guesthouses, chefs, wellness practitioners, guides, artists, herbalists and cultural organisations should be able to capture visitor spending directly. Traditional growers and communities that carried cannabis culture through prohibition should have lawful pathways to participate in the legal experience where national law permits it.

This is also a question of commercial authenticity. A visitor does not need Dominica, Jamaica or Saint Vincent to imitate Amsterdam, Toronto or California. Those products already exist. The competitive advantage of the Caribbean is precisely what cannot be reproduced elsewhere: landscape, biodiversity, local food, music, traditional plant knowledge, agricultural history, community and a distinct interpretation of wellness.

Authenticity is therefore not a marketing aesthetic. It is an ownership question. Who tells the story? Who controls the experience? Who receives the money? If Caribbean identity is what attracts the visitor, Caribbean people must remain at the centre of the economy built around it. UN Tourism has made a similar point in its work on Indigenous tourism in Latin America and the Caribbean, linking authentic visitor experiences with community control, local producers and economic empowerment. [17]

Ital and the right to define quality

The same question applies to the product itself. Who gets to define quality? International compliance will remain essential wherever it is legally required. If a target medicinal market requires GACP, producers should meet GACP. If a manufacturing step requires GMP, it should meet GMP. Sovereignty does not mean asking patients to accept lower safety standards.

But safety and quality are not identical concepts. Wine, coffee, tea, cocoa, cheese and spirits derive value not only from conformity with safety rules but from origin, reputation, geography, production method and accumulated local knowledge. WIPO's geographical-indication framework recognises exactly this relationship. It allows products whose qualities, reputation or characteristics are linked to origin to be distinguished and protected, and it notes that traditional processes and knowledge can form part of origin-linked standards. [14]

Cannabis should develop the same sophistication. A Caribbean quality framework could ask questions that GACP and GMP were never designed to answer. Where was the plant grown? Who cultivated it? Which genetics were used? Can its origin be verified? What agricultural practices were followed? Was production environmentally responsible? Was processing performed locally? Did traditional cultivators participate? How much of the product's value remained in the producing territory?

These questions do not compete with pharmaceutical standards. They create another layer of value. One system can establish eligibility for a regulated supply chain. The other can explain why a particular product, place and community deserve recognition and potentially a premium.

This is part of the thinking behind an early initiative that the International Society of Cannabis and several partners are exploring around an Ital quality framework. The concept must be handled carefully. Ital is not simply a convenient Caribbean-sounding brand. It comes from Rastafari and is associated with a broader philosophy of natural living, food, purity, local sourcing and the relationship between health, community and environment.

A credible Ital framework therefore cannot become a decorative sticker. Traditional cultivators and Rastafari voices should have a meaningful role in defining it. Scientists would need to separate measurable criteria from symbolism. Regulators would need to understand how the framework interacts with mandatory law. Verification would need enough independence to make the claim trustworthy.

Potential criteria could include verified origin, traceability, cultivation practices, permitted and prohibited inputs, environmental stewardship, testing, local processing, community participation and perhaps indicators of domestic value retention. Depending on jurisdiction and final design, legal protection could eventually involve certification marks, collective marks, geographical indications or other mechanisms recognised in intellectual-property law. [14]

The strategic principle matters more than the eventual label. The Global South should not spend the next twenty years becoming only a more efficient standard taker. It should also become a standard maker. That does not mean GACP versus Ital. It means GACP or GMP where required, with credible local origin, cultural and sustainability standards layered on top. International compliance provides access. Local standards can provide identity, differentiation and bargaining power.

Cannabis reform can reopen the health-system debate

There is another opportunity that should be approached with discipline. Cannabis reform can force governments to reconsider how medicine, agriculture, wellness and prevention fit together.

This is not an argument that cannabis itself is a general preventive medicine. It is not. The medical evidence supports specific therapeutic uses and also requires serious attention to risks. The opportunity lies in the system built around reform.

Medical cannabis consultations often involve chronic pain, sleep, mental health, ageing and quality-of-life questions. Those encounters can sit inside a broader primary-care model that pays more attention to nutrition, physical activity, sleep, mental health, tobacco and alcohol use, screening and early intervention rather than waiting until preventable chronic disease becomes expensive to treat.

WHO identifies unhealthy diet and physical inactivity among the major modifiable risk factors for noncommunicable diseases. Its 2026 healthy-diet guidance emphasises a diverse diet built around minimally processed and unprocessed foods, while its NCD guidance stresses prevention, screening and primary care. [15] [16]

For Caribbean states, this creates an economic as well as health-policy question. A system that invests more seriously in prevention can connect healthcare with local food systems, agriculture, wellness businesses and public education. The goal is not to replace evidence-based medicine with lifestyle branding. It is to stop treating medicine, nutrition and prevention as unrelated policy silos.

This is where an Ital framework could eventually become larger than cannabis. If developed responsibly, the same conversation about how a plant is grown can open a wider discussion about local food, soil, minimally processed products, movement, stress, sleep and the relationship between land and health. Cannabis reform can therefore become one catalyst for a more preventive health culture without pretending that cannabis itself prevents chronic disease.

Regional capacity is stronger than duplicated weakness

Small Caribbean states should also avoid confusing sovereignty with complete national self-sufficiency. Every island does not need to build every expensive component of the cannabis ecosystem independently. Accredited laboratory capacity, specialised inspectors, pharmaceutical-quality expertise and advanced training are costly, and small markets may not generate enough volume to sustain several parallel systems.

Regional cooperation can therefore increase sovereignty. Shared laboratory infrastructure, common testing methodologies, regional inspector training, common scientific databases, coordinated genetics research and mutual recognition where legally possible could reduce cost while improving quality. UNCTAD's estimate that regulatory convergence can reduce non-tariff-measure costs gives this strategy a direct economic rationale. [7]

A region of small states negotiating individually with multinational technology providers, foreign laboratories, importers and external regulators has limited leverage. A region that develops common capability can negotiate differently. Sovereignty does not always mean doing everything alone. Sometimes it means building enough collective capacity that nobody else can dictate the terms.

Export should be the result of development, not its substitute

None of this is an argument against cannabis exports. The Caribbean should export when the economics are real. African and other Global South producers should do the same. The question is sequence.

A more robust model begins with a functioning domestic market and institutions. It then uses tourism and services to bring foreign purchasing power into a market the jurisdiction controls. It develops laboratories, research, processing, formulations, genetics, brands, intellectual property and human capital. It creates credible local and regional standards of origin and quality. Only then does export become a central growth layer, once the buyer, specification, margins and compliance burden have been verified.

This order changes bargaining power. A producer with no domestic customer depends on the export buyer. A country whose entire strategy relies on one foreign importer is exposed to decisions it cannot control. A jurisdiction with domestic patients, visitor demand, local brands, scientific capability, processing, protected origin and multiple routes to market has options.

Sovereignty is not isolation. It is the ability to negotiate, diversify and, when necessary, say no.

What kind of economy are we legalising?

The Caribbean does not need another plantation economy with better paperwork. The objective should not be to exclude foreign capital, but to ensure that foreign capital builds domestic capability. It should not be to reject international quality standards, but to prevent those standards from becoming the entirety of national industrial policy. It should not be to reject exports, but to avoid building an industry that collapses when one foreign buyer changes strategy.

Nor should cannabis tourism become another layer of cultural extraction. If Caribbean authenticity is part of the value proposition, the people whose agriculture, history, culture and knowledge create that authenticity must remain at the centre of ownership and value creation. A label such as Ital only matters if it protects that relationship rather than commercialising it from the outside.

Cannabis reform may even provide a broader policy opening. It can force governments to think again about the relationship between health, food, agriculture, medicine and prevention. That opportunity is larger than the plant itself.

The strategic sequence for many Caribbean and Global South jurisdictions should therefore be clear: build the domestic market first; use tourism as a controlled form of international demand with local communities and businesses at the centre; build scientific, regulatory and processing capability; develop local and regional definitions of quality alongside international compliance; protect origin, genetics, culture and intellectual property; then export selectively when the economics survive serious scrutiny.

The question is no longer simply whether cannabis can be legalised. It is what political economy will become legal with it. Who owns the farms? Who receives the licences? Who finances compliance? Who owns the laboratories? Who defines quality? Who protects the genetics? Who captures the tourism spend? Who controls the patient relationship? Who owns the data and intellectual property? Who controls access to export markets? And when the final dollar, euro or pound is paid, where does the value remain?

The goal is not to keep Caribbean cannabis outside the global market. It is to make sure that when it enters that market, it does so from a position of capability rather than dependence.

Legalisation is not sovereignty. Sovereignty is what we build after the plant becomes legal.

References and source notes

Sources are provided for editorial verification. The article paraphrases these materials except where statutory terminology is identified.

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