

THE BECKLEY FOUNDATION'S
GLOBAL INITIATIVE FOR DRUG POLICY REFORM
LAUNCHED AT THE HOUSE OF LORDS, 17 – 18 NOVEMBER, 2011

Objectives

- To promote health-oriented drug policies according to scientific evidence.
- To provide a template to reform the UN Drug Conventions.

The Initiative is based on the awareness that:

- The War on Drugs has failed.
- Scientific evidence now shows that health-oriented drug policies are more cost-effective than criminalisation, and reduce overall harms.

The Initiative may be summarised as follows:

First: A Meeting of government leaders, policy makers and experts to debate the results of policy initiatives and future reforms. Members of *The Global Commission on Drug Policy* will attend the Meeting and present their Report. The Meeting will take place at the House of Lords on 17 and 18 November 2011.

Second: We have commissioned *Cost-benefit Analyses* of two possible policy changes: a) the control of cannabis through regulation and taxation and b) the de-criminalisation of heroin supplied to addicts through government-regulated treatment centres. This work is being undertaken by Professor Pudney (Institute for Social and Economic Research) and Lord Layard (London School of Economics).

Third: We have commissioned the preparation of *Rewriting the UN Drug Conventions*, which describes how amendments could be made to the UN Drug Control Conventions of 1961, 1971 and 1988, in order to allow signatory countries greater freedom to experiment with domestic policies best suited to their needs. The Report shows how amendments could be made to: (1) *explicitly allow signatory countries to decriminalise drug-use and possession of any, or all, controlled drugs;* (2) *allow a nation to create a legal, regulated domestic market in any drug, such as cannabis, while preserving current controls on international trade.* This work is being carried out by international drug policy analyst Professor Robin Room, together with a team of international lawyers.

Fourth: We have invited countries who have implemented more liberal approaches to drug control, to present their findings at the House of Lords Meeting. These will include Portugal, the Czech Republic, Switzerland and Spain.

Fifth: On the basis of the preparatory work and the discussions at the House of Lords Meeting, we will finalise the proposed new Convention and put it forward for endorsement.

Sixth: We are organising a major media campaign to inform the public about the benefits of an evidence-based approach to drug policy. This will coincide with the 50th anniversary of the 1961 UN Single Convention on Narcotic Drugs and with the *Beckley Foundation Meeting* at the House of Lords.

The new Convention will promote:

- *Evidence-based policy changes.* The Convention will be based on scientifically-derived knowledge, rather than ideology.
- *Differentiation* between different substances and patterns of use, e.g. it will reflect the fact that the health risks associated with heroin and cannabis are not the same; neither are those associated with different strains of cannabis, nor different patterns of use.
- *Harm Reduction.* The concept of zero tolerance will be replaced by the concept of liberty for social users of small quantities of drugs, and of treatment for addicted individuals.
- *Flexibility and cultural sensitivity.* Drug policies should take account of different cultural norms in societies around the world.
- *Human rights and proportionality.* Drug control regimes should be respectful of human rights, and where sanctions are appropriate these should be in proportion to the offence.

A number of countries have moved towards decriminalising personal use and possession of drugs, but many of these moves have been compromised by an effort to keep within the present Conventions. The compromises often involve retaining some lesser penalties or giving wide discretion to police, rather than a clear decriminalisation. Operating under a changed set of international conventions would eliminate these problems.

There are no precedents in the last half-century for a fully regulated non-medical market for the controlled substances. To reach this aim, it is clear that the conventions must either be changed or ignored. The draft revisions and new convention put forward by the Beckley Foundation offer concrete language for changing the conventions, either by amendment or by supersession by a new convention. They offer guideposts for the most likely paths of change in the current international system of drug control.

*Amanda Feilding, Countess of Wemyss - Director of the Beckley Foundation and
Commissioner of the Global Initiative for Drug Policy Reform*

*Baroness Meacher of Spitalfields - Chairman, All-Party Parliamentary Group on Drug Policy
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BACKGROUND

For nearly half a century it has been a crime to produce, distribute, possess or use a wide range of narcotic and psychotropic drugs. The global prohibition of drug-use derives from three UN Conventions, of 1961, 1971 and 1988. They were intended to reduce the supply of and demand for illicit drugs. Indeed, a UN slogan of 1998 declared: "A drug-free world, we can do it!".

In reality, we cannot. Despite governments pouring vast resources into the fight to control drug markets and drug-use, there has been a long-term pattern of increasing availability and use, particularly of those drugs that cause the most harm. This has created enormous health problems and soaring levels of crime and corruption throughout the world.

The trade in illegal drugs profits criminals, paramilitaries and terror groups by hundreds of billions of dollars each year. The drugs trade and related crime is threatening to destabilise entire nation states, including Afghanistan and Mexico. **A significant proportion of drug-related harms is caused directly by the policy of prohibition, rather than by the drugs themselves.**

There are signs that this is starting to be recognised within the UN. Dr. Antonio Maria Costa, the Executive Director of the United Nations Office on Drugs and Crime (until 7 August 2010), acknowledged that the Conventions have created a raft of unintended consequences, including:

- a huge criminal market
- a policy displacement from health to enforcement
- a geographical displacement (the balloon effect) – whereby enforcement in one area displaces the problem to another area.

Furthermore, on 2 March 2010 the UN Office on Drugs and Crime issued a discussion document *From Coercion to Cohesion: Treating Drug Dependence through Healthcare, not Punishment*. The document itself states: that "moving from a sanction-oriented approach to a health-oriented one is in agreement with a large body of scientific evidence", and that "drug dependence is a health disorder (a disease) that arises from the exposure to drugs of persons with these pre-existing psycho-biological vulnerabilities. Such an understanding of drug dependence suggests that punishment is not the appropriate response to persons who are dependent on drugs." Indeed, the original intention of the UN Conventions was to promote the improvement of "the health and welfare of mankind".

On taking office, the new Executive Director of the UNODC, Mr. Yuri Fedotov, stated that he will pursue the policy of his predecessor to promote a health-oriented approach to drug dependence.

The Special Rapporteur to the UN, Anand Grover, stated on 6 August 2010: “there is a need in the long term to consider alternatives to the current drug control system”.

Former President Fernando Henrique Cardoso of Brazil, chair of the *Global Commission on Drug Policy*, concluded that an end must be put to the “misguided and counter-productive war that makes the users, rather than the drug-lords, the primary victims”. The *Global Commission’s* recent Report also stated that “national governments must be enabled to exercise their freedom to experiment with responses more suited to their circumstances”.

RECENT LEGISLATIVE DEVELOPMENTS

Several countries have already moved away from a repressive zero-tolerance model of drug control towards a more evidence-based and humane policy. A typical first step has been to decriminalise acquisition, possession or cultivation for personal use. Some countries have removed all punishments, while others have removed criminal sanctions but have maintained administrative penalties and/or referral to treatment or education.

Evidence shows that the decriminalisation of drugs does not increase drug-use and indeed *reduces* the use of the most harmful substances. For example, in Portugal the number of heroin addicts dropped by nearly 50% after criminal penalties for personal drug-use were removed.