

REWRITING THE UN DRUG CONVENTIONS



A BECKLEY FOUNDATION REPORT BY PROF ROBIN ROOM AND SARAH MACKAY

This new report, commissioned by the Beckley Foundation, documents for the first time a detailed series of proposals for amending the international drug control conventions of 1961, 1971 and 1988. *Rewriting the UN Drug Conventions*, coming 50 years after the Single Convention on Narcotic Drugs was adopted, seeks to recapture the initiative shown by the international community when in 1961 they declared themselves “concerned with the health and welfare of mankind”. However, although passed for the noblest of humanitarian motives, the UN drug conventions have not achieved their stated aims, as is clearly shown by the latest UN figures on the prevalence of drug use, and the health and economic effects of misuse¹.

Scholars working with the Beckley Foundation have therefore drafted concrete proposals which offer precise and positive amendments to the present situation:

Option 1: a series of amendments to the three UN conventions which would preserve both the existing controls on international trade and the prohibition of domestic markets, but which would spell out unambiguously that the decision whether or not to criminalise non-commercial possession or use should be determined by individual nations.

Option 2: a series of amendments incorporating those in Option 1, but additionally making it a matter for national determination whether or not to establish a regulated domestic market for non-medical use.

There is considerable debate concerning what is legally permissible under the current criminalising approach: exactly how much “wriggle room” is available to national policy makers while maintaining the current conventions, and where exactly are the limits that cannot be crossed without violating them. Although some countries have decriminalised personal use and possession, many of these precedents are compromised by an effort to stay within the present conventions. The compromises often involve retaining some lesser penalties or giving wide discretion to police, and often the result has been “net-widening” rather than clear decriminalisation.

There are, however, no precedents in the past half-century for a fully regulated, non-medical market for controlled substances. This is an option that should be explored, and it is clear that the existing conventions must be altered if this aim is to be achieved. The amendments proposed by the Beckley Foundation in *Rewriting the UN Drug Conventions* offer concrete language for changing the conventions, either by deletion of the relevant clauses, or by rewriting them. This pioneering report offers guideposts for the most likely paths of change within the current situation.

The Beckley Foundation, an ECOSOC-accredited NGO, is the only organisation to combine rigorous scientific research into the effects of psychoactive substances with thorough policy analysis. The Foundation, founded and directed by Amanda Feilding, seeks to change global drugs policy to reflect a more rational, evidence-based approach, shifting the emphasis from criminalisation to cost-effective ways of improving health and reducing harms.

Rewriting the UN Drug Conventions will initially be published on the Beckley Foundation website in April 2012.

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1 World Drug Report 2011, United Nations Office on Drugs and Crime, 2011. http://www.unodc.org/documents/data-and-analysis/WDR2011/World_Drug_Report_2011_ebook.pdf.