

Towards revision of the UN drug control conventions

The logic and dilemmas of Like-Minded Groups

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Recent years have seen a growing unwillingness among increasing numbers of States parties to fully adhere to a strictly prohibitionist reading of the UN drug control conventions; the 1961 Single Convention on Narcotic Drugs (as amended by the 1972 Protocol), the 1971 Convention on Psychotropic Substances; and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.² Such behaviour has been driven by a belief that non-punitive and pragmatic health oriented domestic policy approaches that are in line with fundamental human rights standards better address the complexities surrounding illicit drug use than the zero-tolerance approach privileged by the present international treaties; treaties that for the most part were negotiated and adopted in an era when both the illicit market and understanding of its operation bore little resemblance to those of today.

Since this stance runs counter to the rigid interpretative positions held by some parts of the UN drug control apparatus, and many other States Parties, tensions within the international treaty system, or what has usefully been called the global drug prohibition regime,³ are currently pronounced. Witness, for example, the critical statements and positions of the International Narcotics Control Board (INCB or Board), the ‘independent and quasi-judicial control organ for the implementation of the treaties’.⁴ What can be called ‘soft defecting’

KEY POINTS

- Despite interpretative tensions around some policy approaches, inherent flexibility within the UN drug control conventions allows members of the drug control regime some policy space at the national level.
- Should they wish to do so, however, states already pushing at the limits of the regime would only be able to expand further national policy space via an alteration in their relationship to the UN drug control conventions and the prohibitive norm at the regime’s core.
- Mindful of the political and procedural dynamics of the regime, the formation and operation of a group, or groups, of like-minded nations appear to be the most logical and promising approach for some form of treaty revision.
- The varied nature of dissatisfaction with the prohibitive ethos of the regime combines with the character of drug policy to generate dilemmas for the like-minded group approach.
- Within the current environment it is plausible to suggest groupings around traditional and religious uses, cannabis regulation, technical issues and system-wide coherence.
- The centenary of the regime is an opportune moment to consider some form of treaty revision and the formation of like-minded groups to that end.

states, those choosing to deviate from the prohibitive ethos of the conventions whilst remaining within what they deem to be the confines of their treaty commitments,⁵ are regularly criticized by the Board for engagement, in some cases at a subnational level, with a range of tolerant policy approaches.

Prominent among these are harm reduction interventions aiming to reduce the link between injecting drug use and HIV/AIDS (particularly drug consumption rooms/safe injection facilities), medical marijuana schemes and the ‘decriminalization’ of drug possession for personal use.⁶ Despite the positions of the Board, the detailed and robust legal justifications put forward by many states demonstrate that the policy choices are defensible within the boundaries of the existing treaty framework. Moreover, they are further justified, and in some cases required, by national constitutional guarantees and concurrent obligations in international law. That national constitutional principles should operate as the locus for determining the appropriateness of certain policies (such as the criminalisation of personal possession of illicit substances) is specifically written into the drug control conventions.⁷

Although revealing their considerable flexibility, the process of soft defection also inevitably highlights the limited plasticity of the conventions – they can only bend so far.⁸ The very act of justifying the legality of various policy options relative to the treaty framework emphasises an inescapable fact. Should they wish to do so, states already pushing at the limits of the regime would only be able to expand further national policy space, particularly in relation to production and supply, via an alteration in their relationship to the conventions and the prohibitive norm at the regime’s core. Within such a context, growing and much needed attention is being devoted to the legal technicalities of treaty revision.

There remains, however, a deficiency of analysis and discussion of the political and

geopolitical practicalities of moving beyond the prohibitive confines of the current treaty framework. This discussion paper aims to go some way to fill this space.

Mindful of the recent experiences of the Plurinational State of Bolivia in the first formal challenge to the prohibitive norm at the heart of the regime, it focuses specifically on the possible benefits and dilemmas of the formation and operation of a like-minded group (LMG), or groups, of revisionist nations.

The paper suggests that, while substantive changes in the structure of international regimes in general is not uncommon, the varied nature of dissatisfaction with different aspects of the current drug control regime, the relatively few States parties openly expressing such dissatisfaction, and the character of drug policy itself combine to make the issue more problematic than it might be in other areas of multilateral cooperation. As will be discussed, the history of the issue area and the current mechanisms of regime compliance point to the use of an LMG approach to expand domestic policy freedom via some form of treaty revision. Yet, the inter-related issues of specific and often shifting national interest are likely to make such a process complex and multifaceted.

THE LOGIC OF LIKE-MINDEDNESS

Like-minded groups have been a constant feature in the life of the global drug prohibition regime, particularly in the contemporary era since 1961. Indeed, while the operation of the UN system is ostensibly based upon the engagement of individual member states, like-mindedness and the creation of credible coalitions are at the very core of the multilateral negotiation process. Within the field of drug policy, observers of sessions of the Commission on Narcotic Drugs (CND) will be familiar to a greater or lesser extent with the activities of each of the five official UN regional groups: the Africa Group, the Group of Latin American and Caribbean Countries (GRULAC),

the Asian Group, the Eastern European Group, and the Western European and Others Group (WEOG). Reflecting a UN wide practice, some of these regional groups make statements within the plenary session of the Commission and, in order to exert influence, often seek to define and voice a common position on specific issues and resolutions debated within the CND. Bearing in mind the complexity of many specific issues and the variety of policies adopted among nations within a regional group, this is – unsurprisingly – not always possible. In these cases a loose form of like-mindedness around specific issues, usually resolutions, often manifests itself in groups comprising countries from various regional groups. These affiliations also sometimes come together as a ‘group of friends.’ Such an entity may work as ‘friends of the chair’ of one of the CND committees in an attempt to help resolve difficult issues during a particular Commission session. Alternatively, they may develop in a very informal fashion at any point in the year in order to clarify states’ working relationships with the UN drug control apparatus. For example, in 2007 a ‘group of friends’ formed to discuss the operation of the INCB.

The complexities of both inter and intra group dynamics is amplified by the involvement of other important coordinated sets of nations that straddle the five geographically defined UN groups. Among these is the G-8⁹, the G-77 and China – the largest intergovernmental organization of developing states in the UN¹⁰ – the Organization of the American States and the European Union (EU). In the case of the EU, for example, it is far more influential than the official geographical ‘WEOG’ grouping.

While regional groupings or ad hoc like-minded groups of nations are a permanent fixture of the annual CND sessions, the significance of collective action has typically increased when the international community has come together to construct new legal instruments, particularly when they have been binding in nature. For in-

stance, the deliberations for both the 1961 and 1971 conventions were characterized by the activities of clearly defined blocs seeking the best outcomes in line with their national interests. Due to the focus of the proposed treaties, ‘narcotics’ and ‘psychotropics’ respectively, then the ‘groupings’ defined themselves in terms of drug producing versus drug manufacturing states.¹¹ At its centenary, it is also fitting to recall that the first binding multilateral treaty on drugs signed at The Hague in 1912 was the final product of the endeavours of a relatively small group of states. As we shall see, recent events suggest that, as with the formation and operation of the regime, LMGs will also play an important role within any attempts to revise substantially the control framework that has developed over the past 100 years.

As in many other issue areas, States parties wishing to deviate further from the regime’s prohibitive norm than its current flexibility will permit are unlikely to consider withdrawal by simply disregarding all, or even specific parts of, the instruments. This has a great deal to do with the ongoing utility to be found within the regime; for instance, for many states the regime allows the effective regulation of the licit trade in pharmaceuticals. In addition, there would be high potential costs incurred, in terms of both reputational and more substantive geopolitical consequences, in any radical departure from treaty obligations, an important point to which we will return. Accordingly, most Parties, as members of an international community of UN states with respect for international law, are likely to seek an alteration of their commitments to the regime by working according to the options contained within the conventions and international legal practices more widely.

On this point, it should be recalled that in its first edition of the *World Drug Report* the United Nations International Drug Control Programme (UNDCP) acknowledged that the conventions were far from

immutable, noting that ‘Laws – and even the international Conventions – are not written in stone; they can be changed when the democratic will of nations so wishes it.’¹² As with many international instruments, the conventions contain sections relating to reservations, denunciation, modification (in this case changes in the scope of control) and amendment (that is to say, the alteration of articles). Even within treaty regimes where such specific provisions are omitted, these options are still available. Yet these well known technical possibilities, and the somewhat simplistic statement by UNDCP, belie the daunting and inhibiting nexus of politics and procedure that does much to insulate the drug control regime from substantive change.¹³

Treaty revision: Beyond the hypothetical

Until recently the potential of such a nexus to frustrate any revisionist endeavour was largely hypothetical, inasmuch as it existed only as a possible contributing factor behind a lack of concerted challenge to the normative architecture of the current treaty framework. This is clearly no longer the case. The recent travails of officials in La Paz to balance Bolivia’s obligations under the regime with its constitutional and other international legal commitments on coca chewing have revealed the reality of this constrictive combination. Bolivia’s attempts to amend, or ‘change’, even a narrow and, on the surface at least, far from wide ranging treaty article were easily thwarted. As discussed in detail elsewhere, with Bolivian authorities wishing to utilize the available mechanisms within the Single Convention, efforts to amend the transitional clauses relating to the traditional use of coca within article 49 of the Convention were blocked by objections from eighteen states.¹⁴

Perhaps unsurprisingly, playing a prominent role among them was one of the staunchest supporters of the current regime, the USA. This spoiling process, which was quite legitimate in procedural

terms, was underpinned by a collective belief among these nations that even a minor change to the drug control treaties would undermine the entire international drug control system.¹⁵

It is also likely that, due to circumstances within some US states, federal officials in Washington viewed Bolivia’s intentions with more concern than was the case within the capitals of other opposing nations. Success in amending the Single Convention would have arguably provided a useful precedent for campaigners working for the creation of a regulated market for recreational cannabis in states like California. As a result of such opposition, Bolivian authorities were forced to pursue an alternative route involving denunciation of the Single Convention with re-accession and a reservation on article 49. This process remains ongoing and among other things has been labelled by the INCB, ‘a threat to the international drug control system.’¹⁶ While this position is open to debate, as the first instance of any Party to the treaties attempting to formally alter its position relative to the prohibitive focus of the regime, the experiences of Bolivia do offer some insights into any future moves to challenge the conventions, particularly in relation to the creation and operation of both revisionist and status quo oriented LMGs.

As the diplomatic manoeuvrings around La Paz’s efforts demonstrate, despite a fractured consensus on international drug control, there remains considerable support for the existing shape of the regime. This was also evident at the High Level Segment (HLS) of the 2009 CND. Then, many national delegations, including those from influential regime members like the USA and the increasingly important Russian Federation, displayed displeasure when, having failed to gain consensus on the insertion of even a footnote in the document, twenty-six states added an Interpretative Statement on harm reduction to the Political Declaration.¹⁷ Importantly, rather than a challenge to the conventions, the

Statement itself represented only a formal justification of the use of the flexibility within them. Yet, both instances in their different ways reveal the ongoing logic of like-mindedness.

With the aim of sustaining the treaties in their current form, a grouping of US-convened like-minded states calling itself 'The Friends of the Conventions' worked efficiently to block Bolivia's initial endeavours to amend the Single Convention. Paradoxically, this was the case even though the efforts of La Paz are in reality an attempt to uphold the integrity of the regime by ensuring that actual practice within its borders, that is to say the tradition of coca chewing over two decades after it was supposed to have been eliminated, is in line with its obligations under the Single Convention. Conversely, in Vienna a rapidly formed LMG gave collective weight to a systemically significant position on harm reduction that otherwise would have been impossible. Moreover, it is possible to argue that Bolivia's moves for an amendment of article 49 might have been more successful had officials worked to form a coalition of states proactively wishing to achieve the same goal. As it was, despite the submission to the UN of supportive letters by Spain, Costa Rica, Venezuela, Ecuador and Uruguay,¹⁸ and general support for traditional and cultural practices from international organizations like the Union of South American Nations and the Southern Common Market (MERCOSUR),¹⁹ the attempted amendment remained the unilateral action of a single state.

The utility of LMGs is further enhanced when one considers any moves towards a more substantial revision of the current treaty framework; that is to say, a change of the normative focus of the regime that has the scope to impact more than a limited number of its members. As the regime theorist Oran Young has pointed out, 'International regimes, like other social institutions are commonly products of the behaviour of large numbers of individuals

or groups. While any given regime will reflect the behaviour of all those participating in it, individual actors typically are unable to exercise much influence on their own over the character of the regime'.²⁰

Such observations take on more significance when, as part of a group or bloc of nations, a 'critical' or hegemonic state, like the USA, remains capable of and willing to lead in the defence of the regime's existing normative focus. Beyond the possibility of generating a degree of political traction unlikely for an individual nation, a 'safety in numbers' approach consequently offers protective benefits since some states are better placed than others to 'take the heat' for what will certainly be regarded by the INCB and, crucially, many regime members, as unwelcome behaviour. This is particularly important when the costs, both reputational and economic, of such action may go beyond the realm of multinational drug policy and enter other issue areas such as trade and commerce.²¹ Furthermore, the potential for a group of like-minded states to alter any aspect of the resultant framework increases when we look at their role in the recent development of regimes in other issue areas. Of particular interest are those concerning landmines and the punishment of the most serious crimes of international concern.

The processes in these cases are different inasmuch as they involved the creation of new regimes rather than the alteration of an existing and well-established regime that retains the full backing of the USA. Nonetheless, the development and brisk ratification of the Ottawa Treaty banning landmines in 1999 and the Rome Treaty establishing the International Criminal Court in 1998 owed much to the endeavours of coalitions of like-minded states. A similar dynamic can be seen in a number of other issue areas including the construction of the small arms and light weapons regime and the campaign to end the use of child soldiers. Progress in all these fields of international concern has particular sali-

ence to this discussion since it demonstrates how the creation of such non-hegemonic regimes has often involved second-tier states working together to achieve their goals without US support, and in some case in the face of strident US opposition.²²

THE DILEMMAS OF LIKE-MINDEDNESS

Although these cases involved the creation of new regimes, largely encouraging instances of changes to well-established and widely adhered-to multilateral frameworks also exist. That is not to say, however, that such a process is straightforward. Examples from other issue areas, such as the regime on international trade originally established by the General Agreement on Tariffs and Trade in 1947, simultaneously demonstrate the potential for change, or reform, of a treaty based framework, as well as the interstate disputes, tensions and multi-year discussions that often go with it. To quote Young again, ‘Given the extent and severity of conflicts of interest in the international community, it is fair to assume that the convergence of expectations around new institutional arrangements will often be slow in coming.’²³ In this vein, useful lessons can undoubtedly be drawn from these and other examples of change. But the political dynamics found within the realm of international drug policy arguably generate additional complications in relation to LMGs.

Divergent interests

As the often contested and protracted nature of debate around the revision of a variety of regimes suggests, even where there is almost universal agreement on the need for some sort of reform, there is seldom a unanimously accepted vision of exactly what a recalibrated regime should look like. Governed by specific national interest, regime members must negotiate the details within a set of defined goals. For a number of reasons this dynamic is clearly not applicable in respect to the global drug prohibition regime.

First, many regime members, including geopolitically significant states, remain fully content with, and are clearly willing to defend, the current contours of the regime. As discussed above, this fact points to the formation and operation of an LMG as a countervailing force with the ability to generate substantive change in the face of inertia. Secondly, however, while this is the case, it is currently difficult to identify a single point of reform, or set of goals, around which states might coalesce. Indeed, although the political scientist Julia Buxton is correct to assert, ‘It is essential that the international community confronts the crisis of the current drug control model’,²⁴ the notion of ‘crisis’ is not automatically uniform across states. This is clearly a major dilemma for any moves to harness effectively like-mindedness. Put simply, how is it possible to create a like-minded group of states without a clearly unifying issue of concern?

Mindful of the increasingly obvious weaknesses and tensions within the current system, a range of convincing rationales for treaty reform can be constructed around a number of different, and to a certain extent interconnected, themes. For instance, revision could be based on the need to address technical and scientific inconsistencies within the regime.²⁵ The regime could, among other things, also be challenged and new policies instituted on grounds of its poor performance, including the now well documented and manifold counterproductive impacts.²⁶ As in all areas of foreign policy, the chosen policy area or theme, whether it be these or others, will be dependent upon the specific national interests of individual states and the costs, or perceived costs, that any action may generate.²⁷ Within the realm of international drug control this political reality has the potential to generate an unusually complex policy environment. And we have had a glimpse of this over the past three years or so.

For instance, the formation of what might be called the Interpretative Statement

twenty-six (IS-26) at the HLS in 2009, was revealing since the group comprised only a fraction of the number of regime members actively engaged with various harm reduction interventions domestically. In the case of needle-syringe programmes, the grouping represented only about one third of the number of states pursuing this health-oriented practice. While perhaps to some extent a result of a frantic negotiating environment, such a vertical disconnect between behaviour at the national level and that at the CND represented a pragmatic calculation of costs. Although not challenging the normative fabric of the regime, only twenty-six states felt the issue important enough upon which to expend political capital and shatter the long fragile patina of consensus that had existed in the CND.

More recently, driven by a very specific set of national concerns, Bolivia was willing to openly challenge the prohibitionist ethos of the regime on the issue of the traditional uses of the coca leaf and incur any associated costs, particularly opprobrium from Washington. Yet, in this case, a group of states, including ten European members of the IS-26 that only months before Bolivia had joined in making a stand on harm reduction, blocked amendment of article 49. For these nations, maintaining good relations with the USA and, having achieved some success in terms of clarifying their own positions on harm reduction, a policy of not rocking the paradigmatic boat now took precedence.

In this context, it was perhaps no coincidence that the anti-amendment group also included all the other members of the G-8; a grouping of the most powerful nations of the world that has historically been able to define and defend 'red lines' for multilateral negotiations on a number of issues. Such experience suggests that any future formation of a credible LMG, one working towards the freedom to operate a regulated cannabis market for example, should not automatically expect support from other dissatisfied groups or individual states,

such as those more concerned with the tension between the drug control regime and human rights standards, for instance.

Problems of sequencing

Further complexity arises from the issue of sequencing. While, as Young suggests, the generation of like-mindedness can be a protracted affair across a variety of regimes, the construction of any meaningful LMG with the goal of revising the UN drug control conventions is likely to be more prolonged and fluid than in other issue areas. The significant divergence of views among members of the global drug prohibition regime suggests that any formal change to the regime will come about in an incremental fashion rather than via a Kuhnian-like paradigm shift. This, as we shall see, has much to do with the somewhat unique nature of drug policy itself.

Approaches to domestic drug policy, and hence attitudes towards the current international control framework, are prone to change. National policies, to use the terminology of drug policy analysts Robert MacCoun and Peter Reuter, undergo both relaxations and tightenings.²⁸ What is more, these processes occur at different rates depending upon specific national circumstances. Indeed, while recent years witnessed a clearly identifiable growth of pragmatic national policies, every soft defecting state has moved to 'relax' legislation or practice at its own pace. Both knowledge transfer and example-setting have played a role in influencing the direction of policy. Nevertheless, policy shifts have been triggered predominantly by unique national, even local, circumstances. As Simon Lenton's work on bridging the gap between research and policy ably demonstrates, change in drug policy is a complex process involving many variables. Lenton's adaptation of the political scientist John Kingdon's classic multiple streams model shows how only when the 'Problem', 'Policy', and crucially 'Politics', streams coincide with an infrequent window of opportunity will the

conditions be ripe for a change in policy.²⁹ As Kingdon and others point out, policy changes can be regarded as rare punctuations in long periods of equilibrium where little happens. To be sure, within the area of domestic drug policy, 'The combination of high uncertainty about the outcome of a change, the partial irreversibility of any bad outcomes, and a pervasive tendency for decision makers to favor the status quo... pose steep barriers' to change.³⁰ In terms of tightenings, local circumstances also determine the timing of policy shifts; although these tend to take place with greater speed. For instance, the political utility of being seen as 'tough on drugs' has resulted in the roll-back of liberal approaches to cannabis possession in a number of states as administrations, or even individuals within governmental posts with a drug policy remit, have altered. A case in point is the re-reclassification of cannabis in the UK in 2008.

Such a situation has the potential to cause complications in not only the initial creation of a coalition of states working against or without the cooperation of a hegemonic state like the USA, but also – crucially - its subsequent maintenance during what, bearing in mind the diverging perspectives on the issue within the international community, would no doubt be a lengthy period of activity. The creation of any effective LMG is dependent on the willingness of a sufficient number of national administrations to expend diplomatic energy in the pursuit of the desired outcome within the international arena. Within the field of UN drug policy reform, achieving a critical mass of nations will be entirely dependent on the state of national drug policy among potential group members. In other words, the construction of a group of like-minded nations will only take place when an adequate collection of states have *all* reached a point where decision makers feel that, conscious of the potential costs of such a move, the only way to better address the drug issue within their own borders is to alter aspects of the international drug control

treaties. Reaching a necessary commonality of position and hence of interest across a group of nations is likely to be both prolonged and unpredictable.

Possible paths forward

Within the context of the preceding discussion, it is currently plausible to suggest the formation of a number of LMGs around either a specific issue or a cluster of related issues. The groups' interest and incentive for engagement may relate to both ongoing tensions relative to specific aspects of the regime, including those relating to other areas of international law, as well as emerging areas of shared concern. Consequently, to paraphrase a former US Secretary of State for Defence, the mission will define the composition of the coalition. Further, as will become clear, the groups would not be mutually exclusive. This means that, depending upon how an issue were to be framed, some groups may possess the potential to cooperate or merge; a point explored further below.

The utility, importance, and indeed, the desire, of Member States to operate within their international legal obligations should again be noted. Where LMGs, whatever their specific concerns, are underpinned by international legal arguments, this would serve to strengthen their arguments and legitimacy and defend against accusations of 'undermining' the rule of law.

The possible LMGs can be presented as follows:

- ***Traditional and religious uses group*** - As La Paz continues to work towards altering its position on coca within the Single Convention, it may be able attract the backing of other Andean states within GRULAC where coca use is commonplace yet still considered by the regime to be illicit. Additional support might also come from other states, for instance those within the Asian Group, seeking the legitimization of traditional and religious uses of other plants

within their own borders,³¹ as well as those supporting the principle of this revisionist impulse. Any grouping along these lines would represent a coalescence around an emerging shift among some ‘non-Western’ states away from the Western conception of ‘drug abuse’ so clearly in the ascendancy when the conventions, particularly the Single Convention, were drafted. Mindful of an array of concurrent international legal obligations, the efforts of such a group would also find a strong basis in international law. As the human rights analyst Damon Barrett has shown specifically in relation to Bolivia’s ongoing endeavours, the alteration of the state’s position on coca chewing within the Single Convention has the effect of harmonizing its obligations to nine other international instruments, including those pertaining to indigenous, human and cultural rights.³² Similar cases for such legal ‘harmonization’ could be put forward for other states within the group.

• **Cannabis regulation group** – While a significant number of states have long engaged in soft defection from the regime in relation to tolerant policies on the personal possession, cultivation and use of cannabis, there has in recent years been growing debate within political circles on the benefits of regulated cannabis markets. This has been driven by a number of factors including the continuing illegality of supply, the associated and often violent involvement of criminal elements and the use of finite criminal justice resources. Within this context, an LMG may form around the issue and, mindful of recent statements coming out of the region, might include Latin American states as well as some nations from Europe and other parts of the world. It is important to note, however, that the *initiation* of such a group is unlikely to come from the GRULAC or any member of that regional grouping. Although a number of high level statements from individual nations, or on occasion a group of states, have called for a ‘rethink’ on global drug policy, including serious

engagement with the idea of a regulated market, it is clear that they regard the responsibility for initiating any change of regime to lie with traditional consumer states such as the USA.³³ Although it is more debatable than in the case of the previous LMG, the aims of a Cannabis Regulation Group could also find support in the precepts of broader international law, including human rights provisions relating to privacy, religious freedom and cultural practice contained in the International covenant on Civil and Political Rights. As Barrett notes ‘Few human rights...are absolute and may be lawfully restricted...this poses an incisive question for the drug control system. Many rights are restricted by drug control laws and policies, this is clear. The test for when these restrictions are permissible, however, does not lie in drug control legislation or policies. It lies in human rights law. Broadly, any restriction on human rights must be prescribed by law, in pursuit of a legitimate aim, foreseeable, and proportionate to the aim pursued...If a law or policy cannot achieve or has not achieved its aim over a considerable length of time, then can the restrictions on human rights that stem from that law or policy ever be proportionate and therefore permissible?’³⁴ Barrett is of the view that this test has yet to be ‘fully applied’ to drug prohibition, even in cases where the opportunity has arisen.³⁵

• **Technical Group** – As a product of piecemeal development, superseded scientific knowledge and political power-plays at plenipotentiary conferences, the current regime contains within it a host of inconsistencies relating to the scheduling of substances across the three treaties. The INCB itself drew attention to this issue in 1995. Then, in a supplement to the annual report for 1994, it noted in relation to the treaties that, ‘some technical adjustments are necessary in order to update some of their provisions. Some provisions of the 1961 and 1971 Conventions should be harmonized, some shortcomings should be eliminated

and procedures should be simplified.’³⁶ More recently, a group of respected European scientists looked at the issue and came to more forthright conclusions. In 2009 they noted that ‘the discrepancies between scheduling and current scientific knowledge is insurmountable unless the parameters [are] completely changed. The scheduling of controlled substances at the UN level is so rife with tensions and inconsistencies that it has almost reached the point, if it has not already, where the system is unworkable, obsolete, and counter-productive.’³⁷ With this in mind, a group of states might be willing to come together with a view to correcting a range of scheduling anomalies, including those relating to THC, coca and even cannabis itself. Further impetus may come from the realization that many of the current scheduling decisions have not been reviewed for many years, if at all. For instance, while included among the substances for control in the 1912 Hague Convention, the scheduling of both cocaine and opium have never been reviewed by the League of Nations or the WHO’s Expert Committee on Drug Dependence. Furthermore, since its inclusion in the 1925 International Opium Convention, cannabis has only been reviewed once. This was in 1965, the same year that the coca leaf was last looked at.³⁸ As well as looking backwards at past decisions, such an LMG may also consider the emerging issue of novel psychoactive substances and how these may relate, or otherwise, to the international control framework. International legal support may also come into play here, if in a rather specific way. As noted above, restrictions on certain rights are permissible. But if such decisions are taken arbitrarily (a well-worn consideration in legal analysis), their legitimacy is called into question. As such, technical discussion can feed into analyses of the interconnections and possible conflicts between the drug control and human right legal regimes.

- ***System-wide coherence group*** - With a growing awareness of the complex and

cross-cutting nature of drug policy has come an appreciation of the systemic tensions that exist between the international drug control regime and other areas of the UN’s activities. Consequently, concern for UN system-wide coherence may be sufficient to lead to the formation of an LMG on the issue. Such an approach would be complementary not only to the spirit of the broader UN ‘Delivering as One’ agenda,³⁹ but also the more recent ‘One-UN’ approach championed by the UNODC in relation to its work on transnational organized crime and drug trafficking.⁴⁰ Such a group might work to resolve tensions relating to a range of issues including human rights, access to essential medicines, and HIV/AIDS. Mindful of these concerns, this group would probably work to clarify further the place of harm reduction relative to the treaty framework (i.e. in hard law) and could use the IS-26 as a foundation. A System-wide coherence group could draw on a wide array of international treaties and customary international law to place the drug conventions in legal context. The bedrock of such discussion could, indeed, be the Charter of the United Nations, with the LMG aiming to reconcile the drug control regime with the overarching aims of the UN – peace and security, development and human rights.⁴¹

While there is a degree of overlap within these potential groups, the route for treaty revision (denunciation, modification or amendment) taken by them, or indeed by other revisionist LMGs, is likely to be driven by a combination of group issue and group composition. This reality throws up an almost infinite and most definitely daunting array of possible options.

For example, a cannabis regulation group might in one scenario use a different approach to that of a system-wide coherence group. While of course hypothetical, the likelihood that the former would be relatively modest in size and generate considerable opposition suggests that it would pur-

sue a route to adjust the group members' individual relationship with the Single Convention rather than a more universally impactful revision of the entire treaty via modification or amendment. Consequently, the route currently being pursued by Bolivia in respect to coca, that is to say denunciation with re-accession and a reservation, might be a promising, if potentially problematic, one to follow.⁴² Conversely, a system-wide coherence group aiming to recalibrate and reconcile the regime to mesh with other parts of the UN system on the issue of human rights, may, for example, generate enough support to pursue an amendment to the treaty. Indeed, the human rights issue may be one that could encourage coalescence and limit opposition.

However, in another scenario, an effective and strategically shrewd development of a cannabis regulation group, might generate enough support for, or critically *limit resistance towards*, treaty amendment. This would be more likely if the LMG contained a credible mix of nations, including one or more 'critical states', which could withstand or pacify opposition from other sections of the international community. In terms of process, it is worth pointing out that although strengthening the prohibitive credentials of the regime, the 1972 Protocol *Amending* the Single Convention is the final product of numerous amendment proposals from the US with support from other states including the UK.⁴³ In this respect, the use of denunciation may also be appropriate, but here as a trigger for treaty revision. By merely making moves to leave the confines of the regime, an LMG might be able to generate a critical mass sufficient to compel states favouring the status quo to engage with the process. Moreover, prohibition-oriented states, as well as those parts of the UN apparatus resistant to change, might be more open to treaty modification or amendment if it was felt that such a concession would prevent the collapse of the control system. By Lawrence Helfer's analysis 'withdrawing

from an agreement (*or threatening to withdraw*) can give a denouncing state additional voice...by increasing its *leverage to reshape the treaty*...' (Emphasis added).⁴⁴

Under such circumstances, subsequent changes may be an acceptable cost to nations favouring the dominant architecture of the existing regime. Such a scenario is possible since it is generally agreed that denunciation of any treaty can lead to its demise. This would be possible in relation to the drug control treaties due to the nature of the issue and a reliance on widespread transnational adherence. Indeed, a sufficiently weighty 'denouncers' group may be able not only to withstand pressure from prohibition-oriented states, but also to apply significant pressure itself. Moreover, regular meetings between like-minded countries outside the formal setting of CND sessions may, over time, also create sufficient momentum to elicit a change in outlook within the Commission itself. And although driven by the specific goal of the group, circumventing the Commission in Vienna through engagement with other UN bodies elsewhere, such as the Human Rights Council in Geneva or the UN Permanent Forum on Indigenous Peoples in New York, may generate additional pressure for substantive change. Again, linking such efforts to the international treaties (and declarations) upon which those forums are based is important. While certain to be an even more lengthy process, in the long run such a route might be preferable to any specific revision via denunciation with re-accession and reservation since it could create more general flexibility within the regime as a whole, as opposed to a somewhat limited one time fix. It would seem that, conscious of both a wide range of national, even local, imperatives and, as noted several times above, a range of concurrent obligations relating to other treaties, the most productive result of any revisionist endeavour would be the creation of a more flexible and accommodating treaty framework. On this point, it is worth recall-

ing the prescient words of the Minister of Justice of the Netherlands when addressing the 1988 International Conference on Drug Abuse and Trafficking in Vienna. Then, the former Minister of Justice of the Netherlands, Frits Korthals Altes urged, ‘international cooperation is indispensable. However, an attempt to reach an internationalization of drug policies in the sense of a single, non-differentiated approach is bound to be counterproductive for many countries...’⁴⁵

Commonalities

As this limited discussion demonstrates, even having identified only four possible groups of like-minded nations, there are numerous variations on how each might move to generate some form of treaty revision within their area of concern.⁴⁶ Although this is the case, a number of common and interrelated issues merit mention.

First, as alluded to above, these, or indeed any other revisionist LMGs, are unlikely to be mutually exclusive. Consequently, it might be possible, for example, for a cannabis regulation group to align itself with a technical group on the grounds that the drug was deemed to be misclassified within the Single Convention. In framing cannabis reform in such technical terms, there would be potential to both depoliticise the debate and expand the size of the LMG working for treaty revision on the issue.

Secondly, and closely related to this point, it seems clear that as in other issue areas the success of any like-minded group would not only be dependent upon its size, scope and geopolitical muscle, but also the legal rigour of its revisionist case. Any attempt to revise the drug control regime that ran counter to the principles of international law would lack legitimacy and immediately undermine the potential of the LMG to achieve its goals. Furthermore, aware of the issue of sequencing discussed above, in order to maximize the chances of success, revisionist states consequently must also be prepared to engage in a degree of reciproc-

ity. In this way support for any treaty revision that may not ostensibly appear to be within the national interest of a state may in fact be exactly that, since it would generate support in relation to more immediate issues of concern.⁴⁷ Ironically, this was precisely the *quid pro quo* that the Bolivian delegation in Vienna was hoping for when it joined the Interpretative Statement group in 2009.

Third, and crucially, the chosen mechanisms for revision must not be selected within a legal ‘drug policy vacuum’. The costs and benefits of any options pursued would need to be carefully weighed up in relation to the potentially damaging precedents that success, or even the process itself, may set in both related and discrete issue areas, such as those relating to human rights and biological diversity.⁴⁸ Such a dilemma is not unique to the global drug prohibition regime since it is widely accepted that, ‘...deliberate efforts to modify or reform international regimes can easily produce disruptive consequences neither foreseen nor intended by those promoting specific changes, so that there is always some risk that ventures in social engineering will do more harm than good’.⁴⁹ For this reason, states should be wary of seeking to expand policy space *solely* in terms of national sovereignty and/or a diminution of the importance of international law.

And finally, as alluded to above, it is not essential that an LMG be convened initially in relation to a specific aspect of treaty revision. Rather than seeking to construct a rigid revisionist grouping, a potentially more productive first step may be an informal meeting of states to discuss the legal tensions that they perceive. For instance, this might involve a group of nations coming together to produce a coordinated response to any unwarranted criticism of national policies within the INCB’s statements and publications.⁵⁰ From an event, or series of events, along these lines a more organic process of LMG formation might be initiated. Further,

much like the development of a hailstone, any resultant energy from the creation of even a small core group may encourage others to join and over time enhance its critical mass to the point where a concerted effort for treaty revision might begin.

CONCLUSIONS

At the centenary of the international drug control system and barely past the fiftieth anniversary of the modern regime based upon the Single Convention, we are clearly faced with a complex picture. Many states Parties to the treaties find themselves dissatisfied with particular aspects of the regime and, as such, are engaging in soft defection from the prohibitive norm at its heart: a process that explicitly highlights that there are limits to the latitude within the current treaty system and that expanding domestic policy space will require some form of treaty revision. Examples from other issue areas demonstrate that even well-established regimes are capable of change and that within the realm of international drug policy, as elsewhere, like-minded groups are likely to have a central role to play.

That said, while there is certainly a logic to the process, harnessing like-mindedness in relation to revision of the drug control treaties presents an unusually complex set of dilemmas. This owes much to the diversity and shifting views on what aspects of the regime are worthy of revisionist investment. Learning from not only the experiences of other regimes but also, crucially, the ongoing tribulations of Bolivia in its attempt to adjust its position relative to the Single Convention with regard to the coca leaf, the challenge then is to chart a politically realistic route, or, in the first instance at least, routes through the choppy revisionist waters ahead. As Daniel Dupras of the Canadian Parliament's Law and Government Division observed in 1998, 'Laws evolve to reflect changes in the society that adopts them. International standards will evolve as the international

community evolves, but time and effort must go into the process.'⁵¹

Mindful of the increasingly obvious weaknesses within and tensions around the regime in its current form, surely it is time for member states to devote the necessary time and effort required to recalibrate the treaty system to one fit for the realities of the twenty-first century.

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NOTES

1. Senior Lecturer, Department of Political and Cultural Studies, College of Arts and Humanities, Swansea University, UK.
2. Single Convention on Narcotic Drugs, 1954, March 30, 1961, 520 U.N.T.S. 204; Protocol Amending the Single Convention on Narcotic Drugs, 25 March 1972, T.I.A.S. No 8118, 976 UNTS 3; Convention on Psychotropic Substances, 1971 32 U.S.T. 543, T.I.A.S. 9725, 1019 U.N.T.S. 175; Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, U.N. Doc. E/CONF.82/15 (1988), reprinted in 28 I.L.M. 493.
3. P. Andreas and E. Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations*, (New York: Oxford University Press), 2006, p. 38
4. description of the Board on its own website www.incb.org
5. D. Bewley-Taylor, 'The 2009 Commission on Narcotic Drugs and its high level segment: More cracks in the Vienna consensus', *Drugs and Alcohol Today*, 9 (2), 7-11 and *International Drug Control: Consensus Fractured* (Cambridge University Press, Forthcoming April 2012)
6. See for example International Drug Policy Consortium, *The International Narcotics Control*

- Board: *Current Tensions and Options for Reform, Briefing Paper 7*, (London: IDPC, 2008)
http://www.idpc.net/sites/default/files/library/IDPC_BP_07_INCB_TensionsAndOptions_EN.pdf
7. See article 3 (2) of the 1988 Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances
8. See D. Bewley-Taylor and M. Jelsma, *The UN Drug Control Conventions: The Limits of Latitude*, Transnational Institute, Series on Legislative Reform of Drug Polices nr.18, March 2012.
9. The G-8 is an important forum for the world's most powerful economies (Canada, France, Germany, Italy, Japan, the United Kingdom, the United States of America and the Russian Federation. The EU is also represented but cannot host meetings or hold the chair of Group summits). It is currently being superseded, however, since members agreed in 2008 that the G-8 would be replaced by the G-20 (South Africa, Canada, Mexico, the United States of America, Argentina, Brazil, China, Japan, South Korea, India, Indonesia, Saudi Arabia, the Russian Federation, Turkey, France, Germany, Italy, the United Kingdom, Australia and the European Union).
10. With its origins in protecting the trade and development interests of so-called Southern states, the G-77 and China is more of an interest based than regional grouping. For further discussion see Thomas G. Weiss, *What's Wrong with the United Nations and How to Fix it*, Polity 2008, pp. 49-71. Relative to other issues UN activities in Vienna the G-77 and China group currently has a limited engagement with drug policy. However, like other groups it also attempts to define coherent policy positions on key issues. For example, in the lead up to the HLS in 2009, the G-77 actively sought to develop a common position to be held at the meetings of the Expert Working Groups
11. See W. B. McAllister, 'Conflicts of Interest in the International Drug Control System,' in W. O. Walker III (Ed), *Drug Control Policy: Essays in Historical & Comparative perspective*, (Pennsylvania State University Press, 1992), pp. 143-166 and *Drug Diplomacy in the Twentieth Century: An International History* (London & New York: Routledge, 2000), pp. 204-11.
12. United Nations International Drug Control Programme, *World Drug Report*, (Oxford University Press, 1997,) p. 199
13. D. R. Bewley-Taylor, 'Challenging the UN Drug Control Conventions: Problems and Possibilities,' *International Journal of Drug Policy*, 14, 2 (2003), 171-179
14. For full details, including objections that were withdrawn, see TNI Drug Law Reform in Latin America, *Objections and support for Bolivia's coca amendment*,
[http://www.druglawreform.info/index.php?option=com_flexicontent&view=items&cid=96:unscheduling-](http://www.druglawreform.info/index.php?option=com_flexicontent&view=items&cid=96:unscheduling-the-coca-leaf&id=1184:objections-and-support-for-bolivias-coca-amendment&Itemid=33)
- the-coca-leaf&id=1184:objections-and-support-for-bolivias-coca-amendment&Itemid=33
15. M. Jelsma, *Lifting the Ban on coca chewing: Bolivia's proposal to amend the 1961 Single Convention*, (Transnational Institute, Series on Legislative Reform of Drug Policies, No. 11, March 2011, p.5
<http://www.idpc.net/sites/default/files/library/lifting-the-ban-on-coca.pdf> and IDPC Advocacy Note, *Bolivia's legal reconciliation with the UN Single Convention on Narcotic Drugs*, (IDPC: London, 2011), p. 3
http://www.idpc.net/sites/default/files/library/IDPC_advocacy_note-Bolivia_withdraws_from_1961_Convention_0.pdf
16. See United Nations Information Service, 'International Narcotics Control Board regrets Bolivia's denunciation of the Single Convention On Narcotic Drugs', 5 July 2011
http://www.incb.org/documents/UNIS_Press_release/UNIS_Press_release_1114_050711.pdf
17. UNODC, *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, High-level segment Commission on Narcotic Drugs, Vienna 11-12 March 2009 (New York: United Nations, 2009)
<http://www.unodc.org/documents/commissions/CND-Uploads/CND-52-RelatedFiles/V0984963-English.pdf> Also see International Drug Policy Consortium, *The 2009 Commission on Narcotic Drugs and its High Level Segment; Report of Proceedings* (London: IDPC, 2009)
<http://www.idpc.net/publications/idpc-proceedings-document-on-2009-cnd-high-level-segment>
18. See TNI Drug Law Reform in Latin America, *Objections and support for Bolivia's coca amendment*, op. cit.
19. Aide-Memoire on the Bolivian Proposal to Amend Article 49 of the Single Convention on Narcotic Drugs, p. 2
http://www.druglawreform.info/index.php?option=com_flexicontent&view=items&cid=96&id=989&Itemid=%2033
20. O. R. Young, 'Regime Dynamics: The Rise and Fall of International Regimes,' in S. D. Krasner, (ed.), *International Regimes*, (Ithaca & London: Cornell University Press, 1983), p. 96
21. See P. Andreas, 'When Policies Collide: Market Reform, Market Prohibition, and the Narcotization of the Mexican Economy' in H. R. Friman and P. Andreas (eds.), *The Illicit Global Economy and State Power* (Lanham, Boulder: Rowman and Littlefield Publishers, 1999), pp. 127-8 and D. Bewley-Taylor, *The United States and International Drug Control, 1909-1997*, (London & New York: Continuum, 2001) pp. 171-4
22. See D. Snidal, 'The Limits of Hegemonic Stability Theory', *International Organization*, 39, 4 (1985) 579-614 and S. Brem and K. Stiles, *Cooperating*

Without America: Theories and Case Studies of Non-Hegemonic Regimes, (London & New York: Routledge, 2009)

23. Young, 'Regime Dynamics', op. cit., 96

24. J. Buxton, *The Political Economy of Narcotics: Production, Consumption and Global Markets*, (London-New York: Zed Books, 2006), p. 211

25. For details on these inconsistencies see D. Bewley-Taylor and M. Jelsma, 'Regime Change: Re-visiting the 1961 Single Convention on Narcotic Drugs,' *International Journal of Drug Policy*, Vol. 23, Issue 1, 2012, 78-80 and D. Bewley-Taylor *International Drug Control: Consensus Fractured* (Cambridge University Press, Forthcoming April 2012), pp. 283-290

26. See UN, Commission on Narcotic Drugs, Fifty-First Session, *Making Drug Control 'Fit for Purpose': Building on the UNGASS Decade*, Report by the Executive Director of the United Nations Office on Drugs and Crime as a Contribution to the Review of the Twentieth Special Session of the General Assembly, E/CN.7/2008/CRP.17, 7 March 2008 and R. Room and P. Reuter, 'How well do international conventions protect public health?' *The Lancet*, Vol. 379, 2012 84-91

27. While it is beyond the scope of this paper, it is important to note that framing the debate is also important in terms of securing domestic support for the significant revision of national drug policies and hence efforts to revise the multilateral drug control framework.

28. R. MacCoun and P. Reuter, *Drug War Heresies: Learning from Other Vices, Times & Places* (Cambridge University Press, 2001), p. 308

29. S. Lenton, 'Beyond Modelling and Evidence: Bridging the Gap Between Drug Policy Research and Drug Policy Practice', Paper presented at International Society for the Study of Drug Policy Annual Conference, Oslo, March 2007, www.issdp.org/conferences/oslo2007/Simon_Lenton.pdf

30. MacCoun and Reuter, *Drug War Heresies*, p. 373

31. See for example M. Charles, D. Bewley-Taylor and A. Neidpath, *Drug Policy in India: Compounding Harm?* (Beckley, Oxon.; Beckley Foundation Drug Policy Programme, Briefing Paper 10, 2005) http://www.beckleyfoundation.org/pdf/BriefingPaper_10.pdf

32. These are the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic and Cultural Rights, the 1965 International Convention on the Elimination of Racial Discrimination, the 2007 UN Declaration on the Rights of Indigenous People, ILO Convention 169 – 1989 Indigenous and Tribal Peoples Convention, the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, the 1992 Convention on Biological Diversity and the 1988

Convention on the Illicit Traffic in Narcotic Drugs and Psychoactive Substances. See D. Barrett, *Backgrounder: Bolivia's concurrent drug control and other legal commitments*, (International Centre on Human Rights and Drug Policy, 2011)

http://www.druglawreform.info/images/stories/documents/international_legal_commitments.pdf

33. See for example Jamie Doward, 'Colombian President calls for a global rethink on drugs: Juan Manuel Santos stresses vital role of Britain, America and the EU to "take away violent profit of traffickers,' *The Guardian*, 12 November 2011

<http://www.guardian.co.uk/world/2011/nov/13/colombia-juan-santos-call-to-legalise-drugs/print> and the so-called Tuxtla Declaration of December 2011. Here high level elected officials, including presidents, from 12 Latin American states noted 'that a considerable reduction in the demand for illicit drugs would be most desirable, but if that is not possible, as shown by recent evidence, then the authorities in consuming countries should explore all possible alternatives to eliminate the exorbitant profits gained by criminals, including regulatory or market options directed to this end...' See

<http://www.mexidata.info/id3211.html> and

<http://saladeprensa.sre.gob.mx/index.php/es/comunicados/912-sre>

34. D. Barrett 'Security, development and human rights: Legal normative and policy challenges to the international drug control system' *International Journal of Drug Policy*, 21 (2010) 140-144

35. For example Prince v South Africa Communication No. 1474/2006 CCPR/C/91/D/1474/2006, 14 November 2007. Contrast the dissenting judgment of Ngcobo J with that of the majority during the same case's hearing in the South African Constitutional Court. When Ngcobo J applied the test to cannabis prohibition applied to religious minorities he found against the government. When the majority side-stepped the issue it found against the claimant. Prince v President of the Law Society of the Cape of Good Hope (CCT36/00) [2002] ZACC 1; 2002 (2) SA 794; 2002 (3) BCLR 231 (25 January 2002)

36. INCB, *Effectiveness of the International Drug Control Treaties: Supplement to the Report of the International Narcotics Control Board for 1994* (New York, United Nations, 1995), p. 9.

37. G. Horwood, *TNI Expert Seminar on the Classification of Controlled Substances* (Amsterdam: Transnational Institute, 2010) p. 9

<http://www.tni.org/files/100304Final%20Expert%20Seminar%20Report.pdf>

38. See E. Danenberg, L. Sorge, W. Wieniawski, S. Elliot, L. Amato, W.K. Scholten, 'Modernizing methodology for the WHO assessment of substances for the international drug control conventions', unpublished paper.

39. UN, *Delivering as One: Report of the Secretary-General's High-Level Panel*, (New York, United

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<http://www.un.org/events/panel/resources/pdfs/HLP-SWC-FinalReport.pdf>

40. See 'Member states express strong support for 'One-UN' approach by UNODC and other partners on transnational organized crime and drug trafficking' 8 February 2012,
<http://www.unodc.org/unodc/en/frontpage/2012/February/member-states-express-strong-support-for-one-un-approach-by-unodc-and-other-partners-on-transnational-organized-crime-and-drug-trafficking.html?ref=fs1>

41. See D. Barrett, *Background: Bolivia's concurrent drug control and other legal commitments*, op. cit and D. Bewley-Taylor, 'Emerging Policy Contradictions between the United Nations Drug Control System and the Core Values of the United Nations,' *The International Journal of Drug Policy*, Volume 16, Issue 6, December 2005, 423-431

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43. M. Jelsma, *Lifting the Ban on coca chewing: Bolivia's proposal to amend the 1961 Single Convention*, (Transnational Institute, Series on Legislative Reform of Drug Policies, No. 11, March 2011, p.5

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46. On this also see S. Rolles, *After the War on Drugs: Blueprint for Regulation*, (Bristol, UK: Transform Drug Policy Foundation, 2009), pp. 165-191

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48. D. R. Bewley-Taylor, *International Drug Control: Consensus Fractured*, op. cit., pp. 312-13

49. Young, 'Regime Dynamics,' op. cit., 97

50. D. Bewley-Taylor, 'Emerging Policy Contradictions between the United Nations Drug Control System and the Core Values of the United Nations', *International Journal of Drug Policy*, 16, 6 (2005), 427

51. Daniel Dupras, *Canada's International Obligations Under the Leading International Conventions on the Control of Narcotic Drugs*, 1998
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Evaluation and Prospects of International Drug Control

The year 2011 marked the 50th anniversary of the 1961 Single Convention on Narcotic Drugs and 2012 the 100th anniversary of the The International Opium Convention signed in The Hague in 1912. The international drug control framework that has developed since then is based on a restrictive interpretation of the UN drug conventions is often a barrier to innovative and effective drug policies. Objective and open debate is hampered by polarized ideological positions of a 'war on drugs' versus legalization. This dichotomy obscures the fact that much experience has been gained regarding more innovative and less repressive approaches.

This joint project led by the Transnational Institute (TNI) and the International Drug Policy Consortium (IDPC) aims to generate discussion and support effective and humane approaches through a series of expert seminars, informal dialogues and specific briefings on the future of the UN drug control conventions, legislative issues and alternative control measures. The project aims to promote an evidence-based and best practice approach to policy making in the field of drugs resulting in more humane and effective policies.



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