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# REGULATION

## The Responsible Control of Drugs

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### 2018 REPORT PRESS KIT

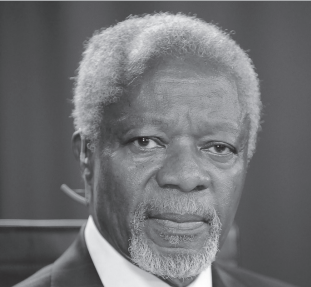
03 - Executive Summary

08 - Guiding Principles of Drug Policy Reform

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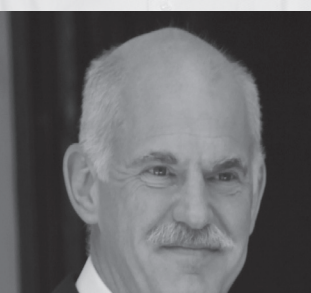
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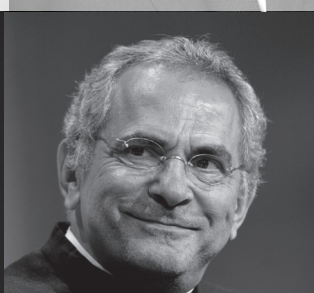
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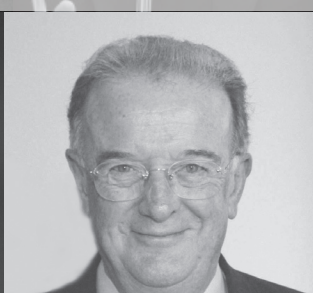
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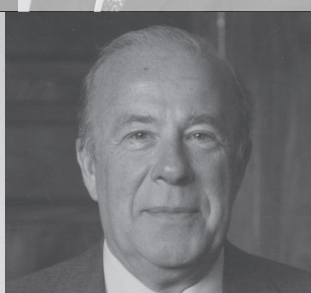
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**GLOBAL COMMISSION  
ON DRUG POLICY**



## EXECUTIVE SUMMARY AND RECOMMENDATIONS

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The legal regulation of drugs is rapidly moving from the theoretical to the practical domain. Regulation is a critical part of drug policy reform if the harms of prohibition and the illegal drug market are to be reduced but remains a particularly challenging element of the public and political debate. Progress requires engaging with legitimate public concerns about how regulation might be implemented and what its impacts will be, as well as political opposition and institutional inertia.

Regulation and management of risky products and behaviors is a key function of government authorities across the world. It is the norm in almost all areas of policy and law – except drug policy. Regulation addresses the reality of risk in our lives and our communities and is all around us: product safety regulations that require flame-retardant mattresses; food regulations that require “sell-by” dates on labels; regulation of which vehicles can be driven, how fast, and where, and so on.

This report addresses the reality that over 250 million people around the world are taking risks by consuming currently prohibited drugs.<sup>1</sup> Accepting this reality and putting in place an effective regulatory strategy to manage it is neither admitting defeat nor condoning drug use. It is part of a responsible, evidence-based approach that deals with the world as it is in contrast with ideologically driven and ultimately counterproductive attempts to create a “drug free world”.

The report identifies key questions that, in the Commission’s experience, have become particular stumbling blocks in the progress of the public dialogue on regulation. By engaging with these questions directly, the report aims to facilitate and encourage the debate, thus bringing this much needed reform nearer.

### 1. How Regulation can get Drugs Under Control

The first section considers the nature, scope and impact of a regulation approach. It seeks to challenge prevalent misunderstandings and misconceptions by providing a coherent account of what drug regulation can mean in a real-world context, drawing on existing regulatory theory and practice for already legal drugs and other risky products and behaviors. There is a particular focus on how to mitigate the risks of over-commercialization, learning lessons from past mistakes with alcohol, tobacco and prescription opioids.

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### Recommendation 1

#### CURRENTLY PROHIBITED DRUGS SHOULD BE REGULATED

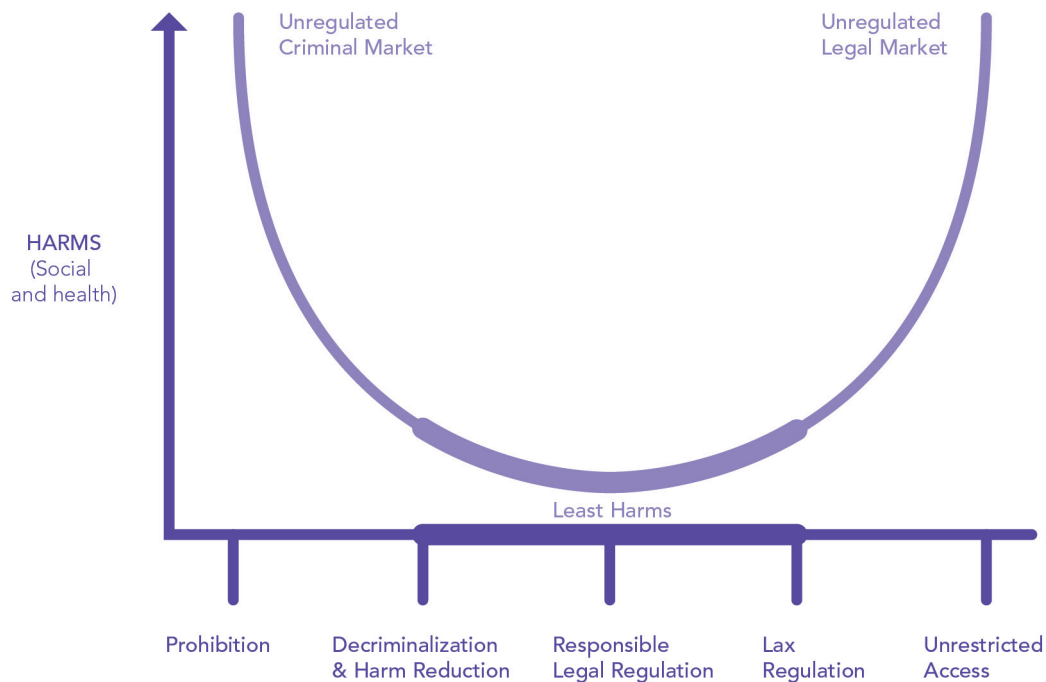
The process of legal regulation must be cautious, incremental and evidence-based, guided at all times by the principles of protecting and promoting human rights, public health, sustainable development, and peace and security. The development and implementation of regulation should engage key civil society expertise and communities most affected by punitive approaches, including people who use drugs, young people, and small-scale actors in the illegal market. Particular attention should be paid to the tensions between public health and commercial interests. Lessons learned from existing legal markets for potentially risky substances should be used to mitigate the threats of over-commercialization. Any regulation that is implemented must be accompanied by multidisciplinary scientific monitoring and evaluation, to assess its effectiveness and respond to any unforeseen negative impacts.

### Recommendation 2

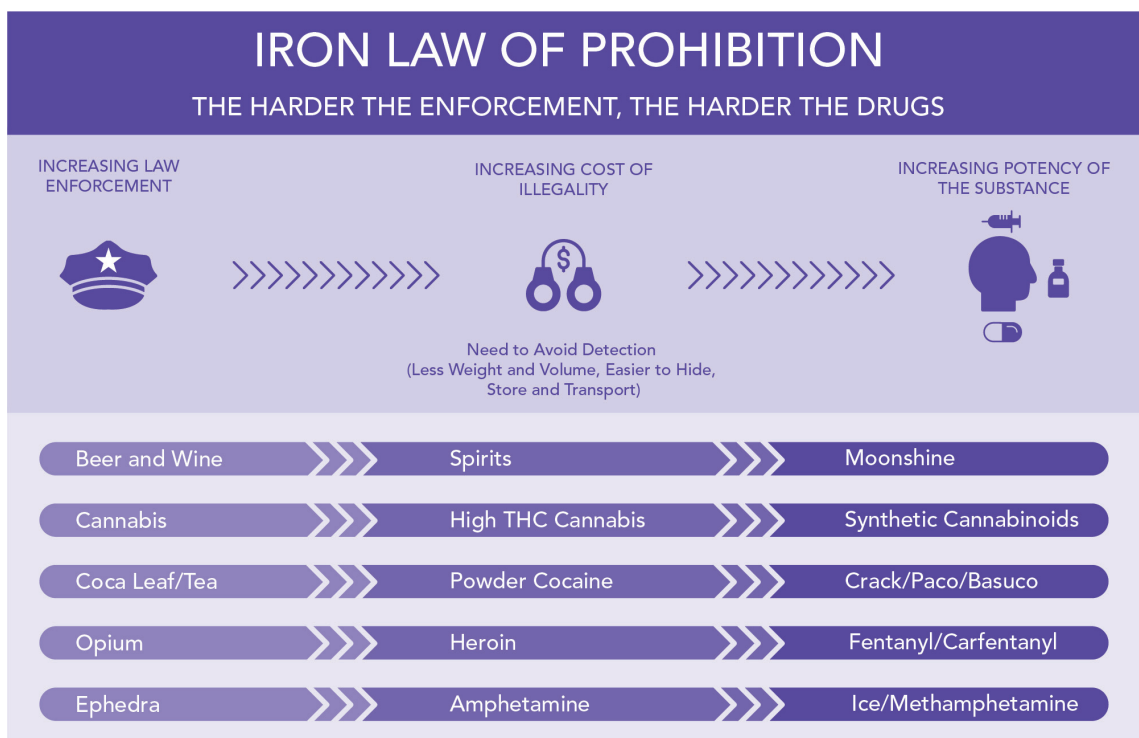
#### POLICYMAKERS SHOULD SEEK EVIDENCE ON THE LEGAL REGULATION OF DRUGS AND MUST OPEN PARTICIPATORY PRO- CESSES TO SHAPE REFORM

Political leaders, at all levels of government, have a responsibility to initiate wide-ranging and inclusive national debates on major societal issues, including the responsible legal regulation of currently illicit drugs. National and local governments have a duty to collect evidence that they can use to analyze and compare the social, economic, and environmental dimensions of prohibition and regulation. They must then provide this evidence to their constituents and open national participatory processes where evidence and options are discussed.

## REGULATION REDUCES HARM TO HEALTH AND SOCIETIES



## REGULATION CAN BALANCE THE AVAILABILITY OF DRUGS AGAINST THEIR RISKS



## 2. The Challenges of Implementing Regulation

The second section considers the implications of the transition to regulated markets, particularly for developing countries, or those with fragile institutions. This is an important but under-discussed dimension of the global debate – one that has historically been dominated by the viewpoints and interests of developed economies. The section also explores how the interests and welfare of the millions currently working in the illegal drug economy can be protected and promoted in a post-prohibition world.

## 3. Regulation can Disempower Organized Crime

Linking to the previous sections' focus on development, Section 3 considers the potential impact of regulation on organized crime. It addresses the question of other illegal activities, since even if organized crime groups have illegal drug markets taken away from them by regulation they will simply redirect their criminal energies to other forms of crime. How can the opportunities to confront organized crime that regulation presents be maximized, and how do they fit into the wider sustainable development agenda?

### Recommendation 3

#### STATES SHOULD CONSIDER EXPERIMENTING WITH THE INCREMENTAL REGULATION OF LOWER-POTENCY DRUGS

Each country must identify pathways to regulation that are suited to its particular context and constraints, and its institutional, social and cultural frameworks. Low- and middle-income economies or fragile institutions must not be considered obstacles to exploring regulation. By reducing the corrosive impacts of the illegal trade, the regulation of drug markets can foster development and create space for the strengthening of institutions. Priority for legal regulation could be given to substances with the highest prevalence of use in a national context; to plant-based drugs such as cannabis, coca leaf or opium; or to other substances that have some form of historic or traditional use, or are part of a cultural heritage.

### Recommendation 4

#### POLICYMAKERS MUST NOT LEAVE BEHIND PEOPLE AND COMMUNITIES NOT AFFECTED BY PROHIBITION WHEN LEGALLY REGULATING DRUG MARKETS

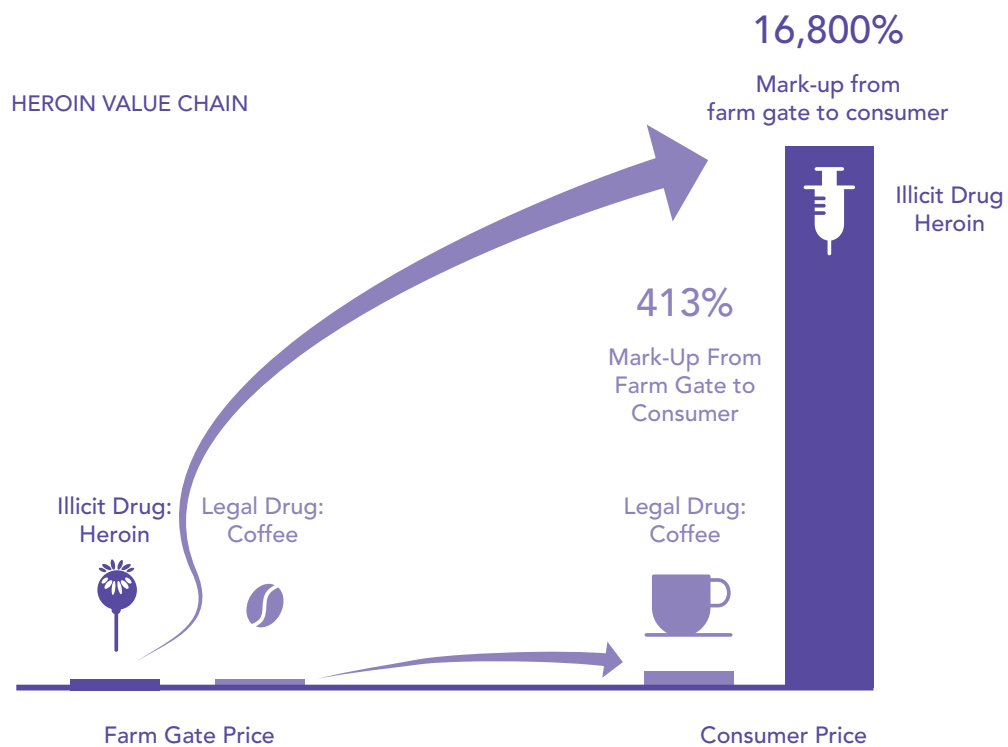
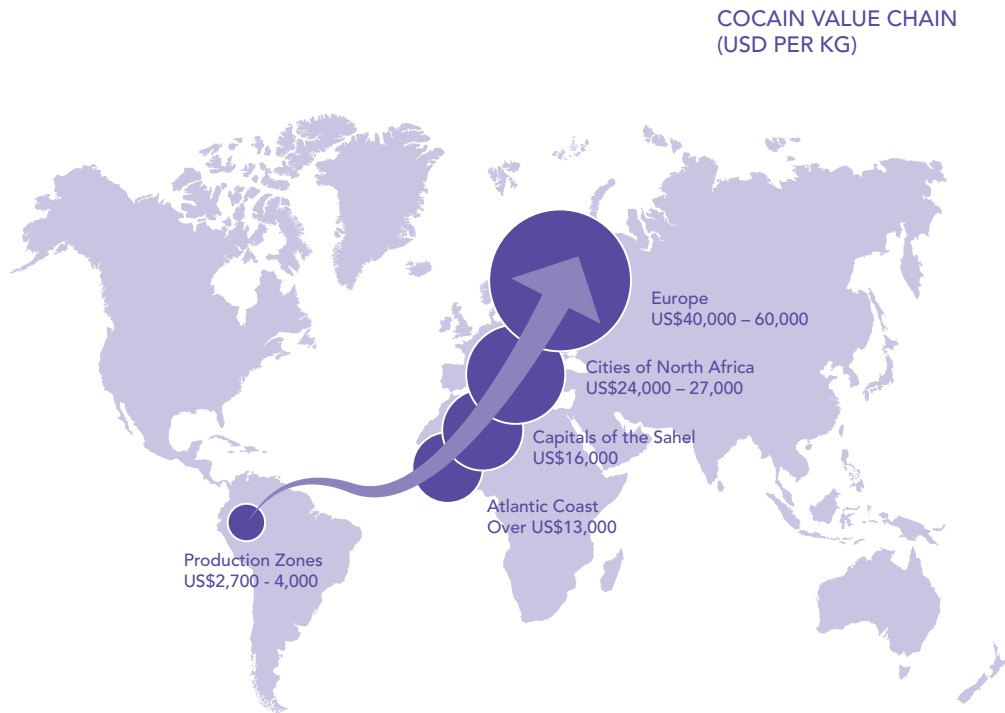
In any transition towards the regulated production, trade and distribution of drugs, priority must be given to the interests of individuals and communities pushed into non-violent illegal activities by poverty, marginalization or lack of opportunities, and to those who were most harmed by punitive drug-enforcement efforts.

### Recommendation 5

#### STATES MUST MAXIMIZE THE DEVELOPMENT OPPORTUNITIES OFFERED BY REGULATION OF DRUG MARKETS. THIS REQUIRES REDEPLOYING RESOURCES TO MITIGATE ANTICIPATED CHANGES IN ORGANIZED CRIME ACTIVITY

Governments must deploy institutional mechanisms against money laundering, corruption and transnational crime as part of wider efforts to strengthen rule of law, reform law-enforcement practices, and build institutional capacity. Criminal organizations are already active in illegal activities other than drug trafficking, thus the potential displacement of organized crime from drugs to other forms of criminality should not be overstated. Regulation holds the promise of substantially undermining the power and influence of organized crime, as well as liberating resources to counter its root causes and other forms of criminality.

## VALUE CHAIN OF COCAINE AND HEROIN



#### 4. Modernizing the International Drug Control System

The final section considers the options for modernizing the antiquated and dysfunctional international drug control system – specifically the three UN drug control treaties and related institutions that have formalized the prohibitionist model within international policy and law for the past 60 years. The tensions between member states’ desire to explore regulation and their treaty commitments to maintain prohibition have become a flashpoint between increasingly polarized positions. How to cut this Gordian knot, and plot a path to more a relevant, flexible drug control framework that is genuinely fit to meet the realities of the modern world?

##### **Recommendation 6**

**UN MEMBER STATES SHOULD URGENTLY CONSIDER THE DIFFERENT OPTIONS FOR MODERNIZING THE INTERNATIONAL DRUG CONTROL REGIME, IN ORDER TO MEET THE NEEDS OF EVERYONE WITH A STAKE IN DRUG POLICY**

Member States, civil society and the scientific community should begin formal and informal dialogues in key multilateral forums to plot a pathway to reforms and bring the world closer to the goal of the drug conventions of protecting the “health and welfare of human-kind”. If the international drug control framework is to be efficient, it must move away from the current repressive paradigm and better reflect the emerging focus on health, human rights and sustainable development. Crucially, reforms must introduce the possibility for member states to regulate drugs. Until this happens, reform-minded member states should consider options that allow domestic and international progress on this issue, while respecting the core tenets of the UN charter and remaining mindful that dialogue and collective action constitute the most productive approach.

##### **Recommendation 7**

**THE UN SECRETARY-GENERAL SHOULD TAKE THE LEAD ON REFORMING THE GOVERNANCE OF THE INTERNATIONAL DRUG CONTROL REGIME**

Such a reform should aim at using existing international mechanisms more effectively to protect human rights and public health, promote sustainable development, and prevent corruption, money laundering and organized crime.

## PRINCIPLES FOR REFORMING DRUG POLICIES

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1

Drug policies must be based on solid scientific evidence. The primary measure of success should be the reduction of harm to the health, security and welfare of individuals and society.

2

Drug policies must be based on respect for human rights and public health. The criminalization, stigmatization and marginalization of people who use drugs and those involved in the lower levels of cultivation, production and distribution needs to end, and people with problematic drug use need to be treated as patients, not criminals.

3

The development and implementation of drug policies should be a globally shared responsibility, but also needs to take into consideration diverse political, social and cultural realities, and allow experiments to legally regulate drugs at the national level. Policies should respect the basic rights of people affected by production, trafficking and consumption.

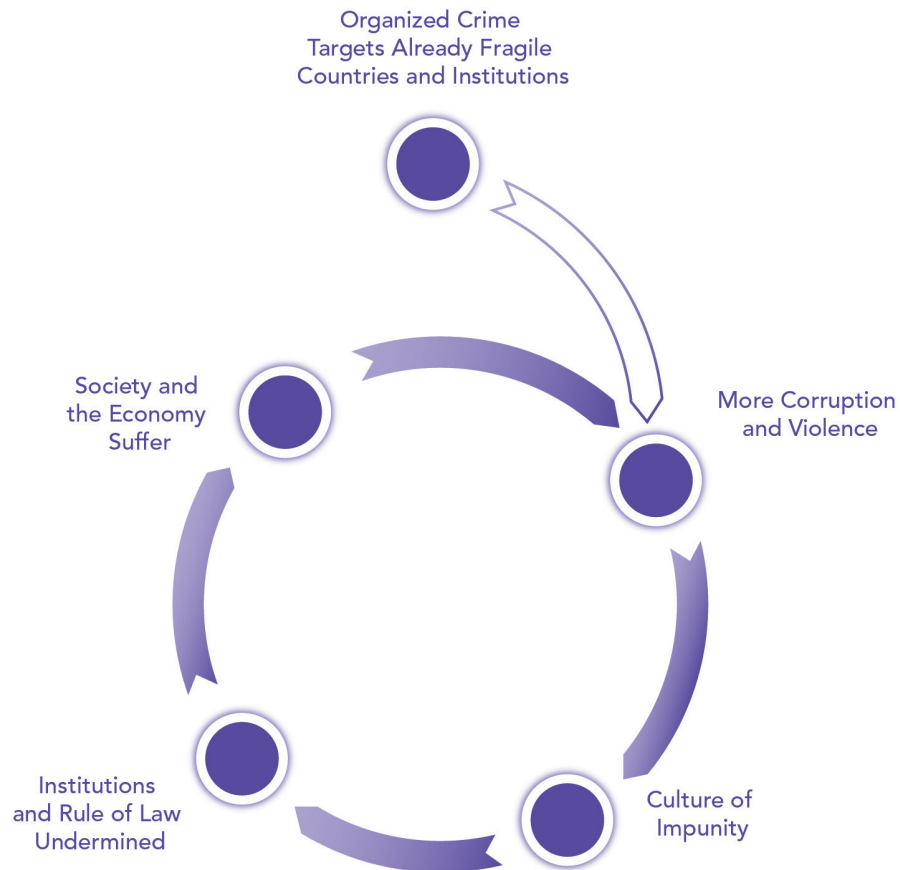
4

Drug policies must be pursued in a comprehensive manner, involving people who use drugs, families, schools, public health specialists, development practitioners and civil society leaders, in partnership with law enforcement agencies and other relevant governmental bodies.

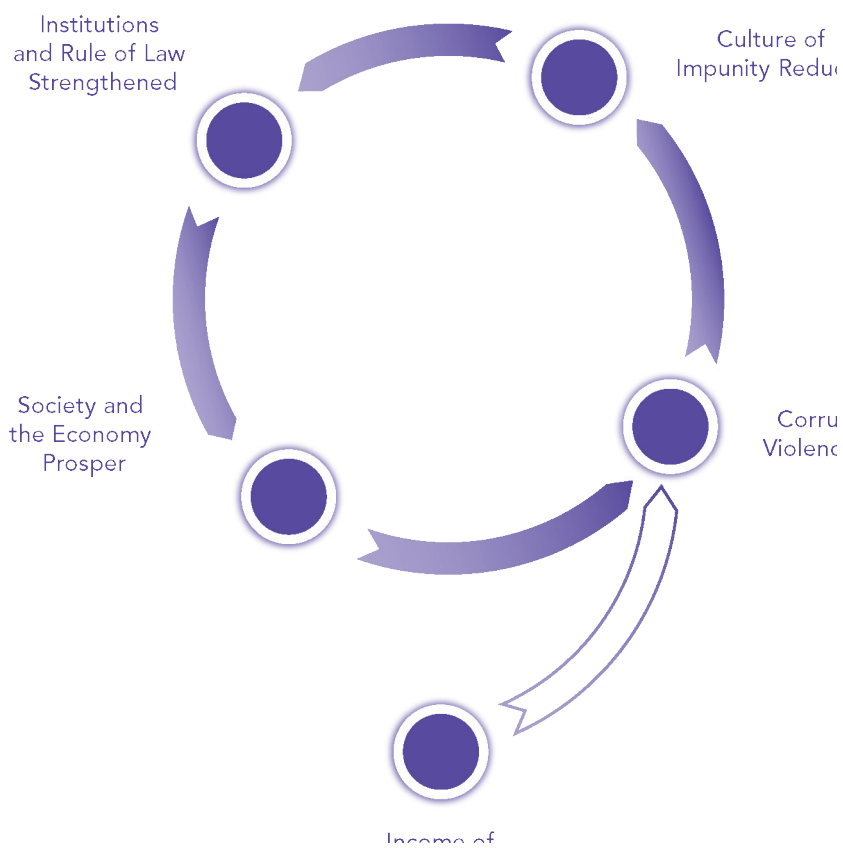
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## THE VICIOUS CYCLE OF PROHIBITION



## THE VIRTUOUS CYCLE OF LEGALLY REGULATED DRUG MARKETS



## ABOUT THE GLOBAL COMMISSION ON DRUG POLICY

The Global Commission on Drug Policy was established in 2011 by political leaders, cultural figures, and globally influential personalities from the financial and business sectors. The Commission currently comprises 22 members, including 12 former Heads of States or Government and two Nobel Peace Prize laureates. Its mission is to promote evidence-based drug policy reforms at international, national and regional levels. These reforms must promote public health, social integration and safety goals, with a strict regard for human rights.

The Global Commission on Drug Policy has issued seven reports, beginning in 2011 with [War on Drugs](#), which details the extent of the failure and damage of five decades of prohibition and punitive measures. In 2014, [Taking Control: Pathways to Drug Policies that Work](#) emphasized public health approaches, alternatives to incarceration, and decriminalization, as well as calling for the legal regulation of psychoactive substances. In 2016, [Advancing Drug Policy Reform: a new approach to decriminalization](#) examined in more depth the benefits of decriminalization and calls for an end to all civil and criminal penalties for drug consumption and possession for personal use. The Global Commission's 2017 report, [The World Drug PERCEPTION Problem – Countering prejudices about people who use drugs](#), analyzed the most common perceptions and fears surrounding drugs, contrasting them with available evidence on drugs and the people who use them.

Three other reports by the Global Commission on Drug Policy are more focused on how prohibitive drug control negatively impacts public health issues: HIV/AIDS ([How the Criminalization of Drug Use Fuels the Global Pandemic](#), 2012), Hepatitis C ([The Hidden Hepatitis C Epidemic](#), 2013) and creates barriers for access to essential medicines for pain and palliative care in countries around the world where they are desperately needed ([The Global Crisis of Avoidable Pain](#), 2015).

In October 2017, the Global Commission released a [Position Paper on the Opioid Crisis in North America](#), offering recommendations on how to mitigate the unprecedented overdose epidemic in the US and Canada. In September 2018, the Global Commission published a second position paper on Drug Policy and the Sustainable Development Agenda.

