



***Cannabis policy reforms:
a history and global overview of models of
decriminalisation and regulation***

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Frankfurt Symposium on Cannabis

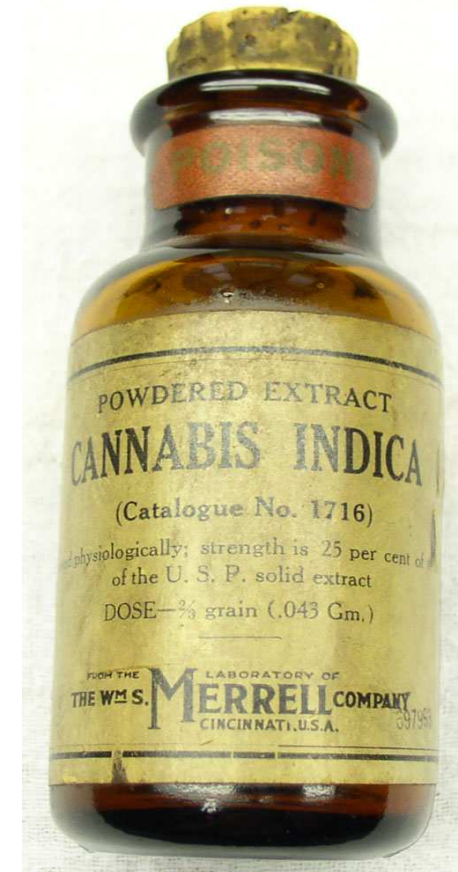
17 November 2014

Presentation overview

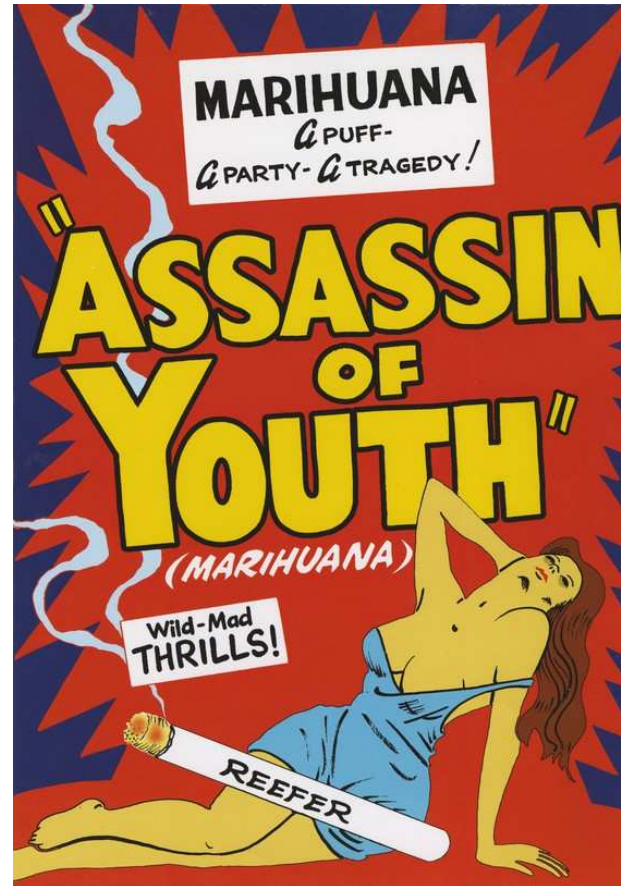
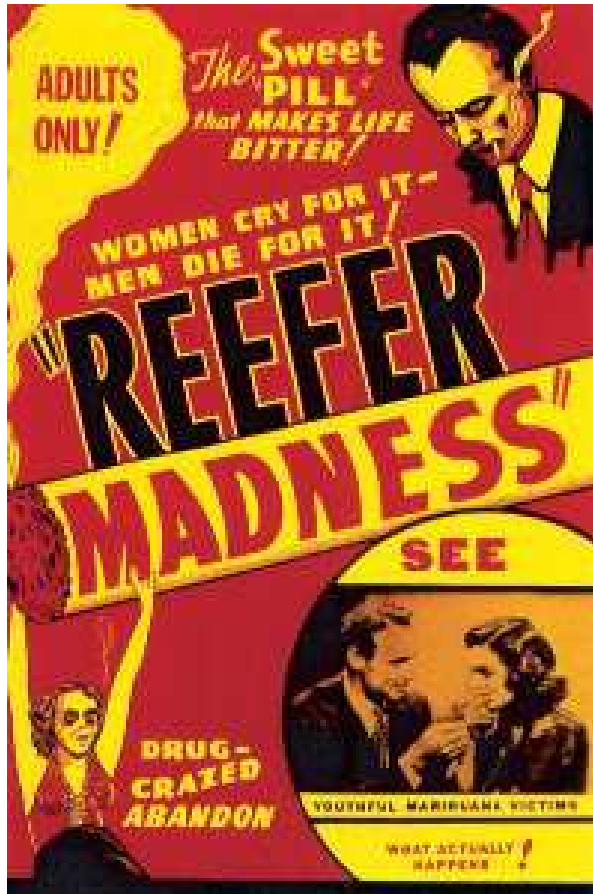
- *Dubious entry of cannabis into the UN conventions*
- *Cannabis policy practices: soft defections, cracks and breaches*
- *Regulation breakthroughs in Uruguay & U.S.*
- *Treaty flexibility and options for reform*
- *What next?*

Regulating international trade

- **1925 Geneva Convention:**
cannabis placed under control; import certificate and export authorisation
- **1931 Limitation Convention:**
estimates and requirements system
- **Traditional use in the South**
- **Medical preparations in the North**
- **Prohibition alcohol U.S. (1920-1933)**



Reefer Madness (1936)



Towards prohibition

- **1936 Trafficking Convention:**

U.S. pushes for punitive global framework but only 13 countries sign up and World War II prevents implementation

- **Harry Anslinger (Congressional Testimony 1937):**

Most marijuana smokers are Negroes, Hispanics, jazz musicians, and entertainers. Their satanic music is driven by marijuana, and marijuana smoking by white women makes them want to seek sexual relations with Negroes, entertainers, and others. It is a drug that causes insanity, criminality, and death – the most violence-causing drug in the history of mankind.

- **U.S. Federal Marijuana Tax Act (1937)**

1952 WHO Expert Committee

Pablo Osvaldo Wolff, head of the WHO "Addiction Producing Drugs Section" and secretary of the Expert Committee (1949-1954)

- Marijuana “changes thousands of persons into nothing more than human scum” and “should be suppressed at any cost”
- It is a “weed of the brutal crime and of the burning hell”, an “exterminating demon which is now attacking our country”
- Conclusion Expert Committee without a review report: “no justification for medical use”



1961 Single Convention

- Incorporates key features of the 1925 and 1931 conventions
- Introduces obligations to impose penal sanctions similar to 1936
- Extends controls to cannabis cultivation
- Requires the abolition of 'quasi-medical', traditional and religious uses
- Decides to place cannabis in schedules I and IV

WHO recommendation?

- Wolff presents a working paper for the WHO Secretariat on "The Physical and Mental Effects of Cannabis" (1955)
- Conclusion: "not only is marijuana smoking per se a danger but [...] its use eventually leads the smoker to turn to intravenous heroin injections"
- After 1961 scheduling decision, WHO only once discussed it again in 1965 repeating the position taken in 1952
- WHO Expert Committee never undertook a proper review of cannabis or made any recommendation for its scheduling
- June 2014 ECDD meeting Geneva: discussion paper

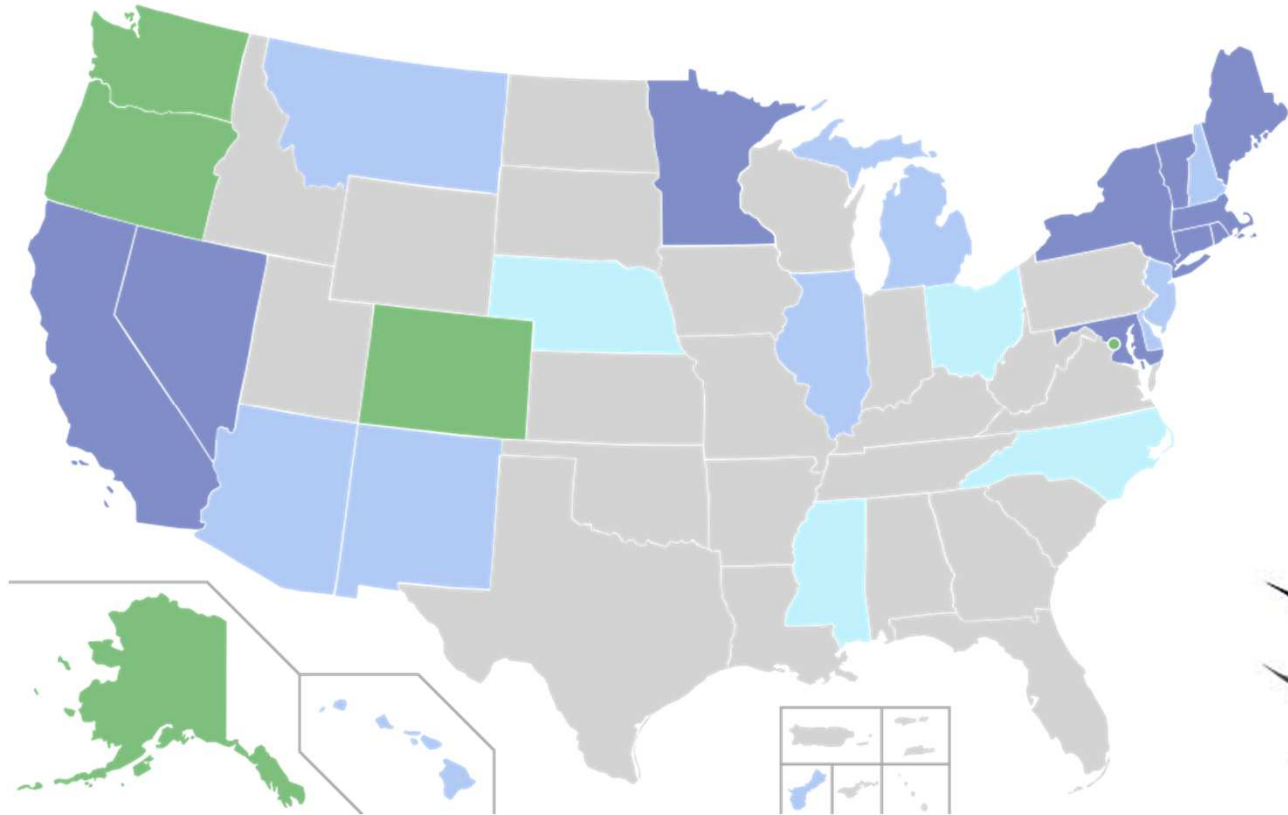
Post-1961 traditional use



- India, Nepal, Pakistan: transitional reservation
- *“use of cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes”* as well as the production and trade for that purpose until December 1989, 25 years after the Single Convention came into force
- Cultivation, plants and precursors left out of the 1971 Convention; traditional and religious use accepted in 1971

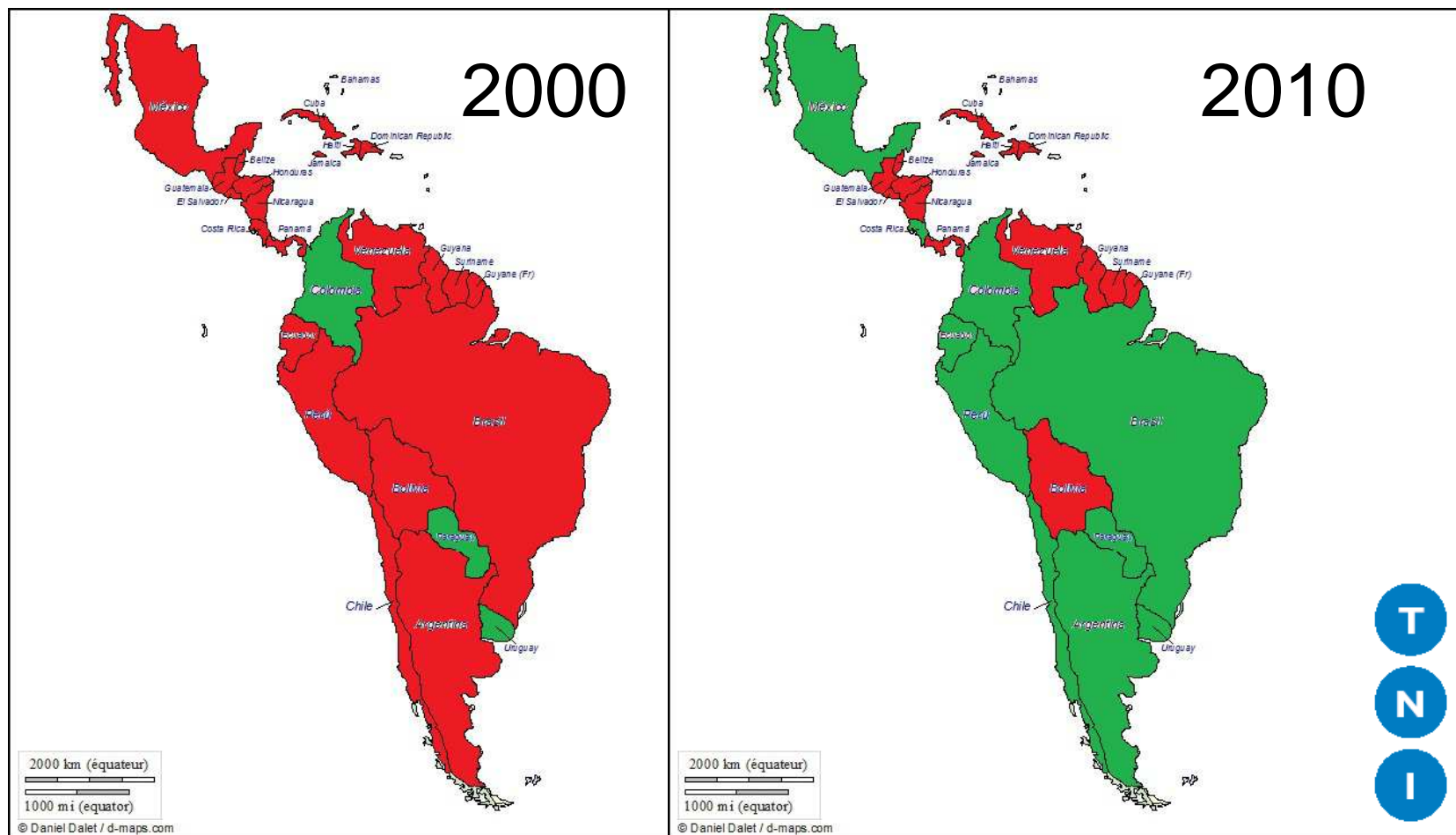
Exception: cannabis leaves





- State with legalized cannabis
- State with both medical and decriminalization laws
- State with legal medical cannabis
- State with decriminalized cannabis possession laws
- State with total cannabis prohibition

Decriminalization Latin America



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Cannabis decriminalization EU



EMCDDA: common trend of alternative measures to criminal prosecution for cases of use and possession of small quantities of cannabis for personal use without aggravating circumstances.

- Spain < 200 gr marihuana / 40 gr hash
- Denmark < 50 gr marihuana / 10 gr hash
- Portugal < 25 gr marihuana / 5 gr hash
- Czech Rep. < 15 gr marihuana / 5 gr hash
- Belgium < 3 gr marihuana / 1 plant

Coffeeshops



Medical marijuana?



Cannabis Social Clubs



Cannabis regulation in Uruguay



“Someone has to be first...”



Cannabis regulation in USA

2012: Colorado, Washington
2014: Oregon, Alaska
2016: California, ???

Americans' Views on Legalizing Marijuana

Do you think the use of marijuana should be made legal, or not?



GALLUP



Brownfield's flexibility doctrine



- 1) Defend the integrity of the conventions
- 2) Allow flexibility of interpretation
- 3) Permit some national differentiation
- 4) Continue fight against organised crime

Treaty breaches



- Dilemma: treaty breach the US does not wish to admit within a system it wishes to protect
- Flexibility only for cannabis or also for coca, drug consumption rooms? Who decides?
- Integrity of international law more broadly
- Conflict with other treaties: human rights

Treaty reform: WHO review?

- WHO expert committee (2014): *“A review of cannabis and cannabis resin by the World Health Organization is necessary for multiple reasons, the foremost being that the medical use of cannabis appears to have increased in recent years. Cannabis and cannabis resin has not been scientifically reviewed by the Expert Committee since the review by the Health Committee of the League of Nations in 1935.”*

Cannabis and cannabis resin, Information Document, WHO Expert Committee on Drug Dependence, 36th Meeting, Geneva, 16-20 June 2014

Other treaty reform options

- Denunciation and re-adherence with new reservation (as Bolivia did for coca)
- Modification *inter se*: Morocco – Spain?
- Future new Single Convention?
- Like-minded group designing joint strategy
- UNGASS 2016: UN expert advisory group?

THANKS...



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www.tni.org/drugs



www.druglawreform.info

www.undrugcontrol.info