

# Breaking Free From Prohibition: A Human Rights Approach to Successful Drug Reform

---

by Julian Buchanan 15th May 2018 (Excerpt of a blog on wordpress.com)

---

## We have a global drug *policy* problem

'Drug' Prohibition is an archaic system rooted in the 1950s that's had a devastating global impact upon individuals, families, communities and countries. In decades to come, it will be remembered as one of the most arbitrary, barbaric and brutal systems of oppression in recent history.

Offensive prejudices and beliefs prevalent in the 1950s directed towards indigenous people, homosexuality, black people, women, mental illness and learning disabilities resulted in institutionalised oppression of these groups. State sanctioned discrimination legitimised and normalised oppression of these groups at a structural, cultural and at an individual level. Thankfully, seven decades later these offensive prejudices, nurtured by ignorance, misinformation and lies, have been successfully exposed and challenged, and such attitudes are no longer socially acceptable, however, the legacy still pervades and there remains much work to be done.

Those oppressive attitudes in the 1950s directed towards people who used 'drugs' became enshrined in the 1961 UN Single Convention on Narcotic Drugs – and quite remarkably, by contrast, little has changed. Arguably, discrimination fueled by ignorance, misinformation and lies is worse today than it was in the 1950s, as surveillance, enforcement and exclusionary measures have extended beyond the criminal realm into the civil domain, with drug testing people on welfare benefits, students, motorists and employees.

During this period we have been conned and coerced into embracing and promoting state approved drugs (alcohol, caffeine, tobacco & sugar), and to view with disdain all substances banned by the government. This sharp distinction between state approved and state banned drugs has no scientific or pharmacological foundation to support it, it is entirely based on [political propaganda](#). What is commonly referred to as 'drugs' is simply a list of substances arbitrarily excluded for political reasons. Despite the lack of evidence to support this distinction between substances, banned drugs have been demonised by attributing blame upon the drug for the devastating damage caused by prohibition, or by a circular government argument that: '*drugs are dangerous and the evidence that they are dangerous, is that they are illegal*'.

What we have come to regard as 'drugs' is a social and cultural construct lacking any pharmacological evidence base. Perversely, banned substances (if under the same quality control conditions as state-approved drugs), are generally less [physically, socially and psychologically harmful](#), – and arguably more pleasurable and desirable. Further, there are medical benefits to many banned drugs that have been denied to patients, leaving some people with epilepsy, PTSD, depression, autism, Alzheimer's, MS, Parkinson's and cancer, to needlessly suffer, or alternatively risk criminalisation and punishment.

Prohibition too has distorted and thwarted our thinking on drug prevention, drug education and drug treatment which have instead become preoccupied with avoiding 'drugs', lifelong abstinence to

become ‘clean’, and stigma towards people that use ‘drugs’. In some instances, this prohibitionist dogma has produced damaging and potentially dangerous ‘treatment’.

Arguably, the greatest harms have been meted out by enforcement measures. On an individual level prohibition means users have little idea of the strength of a substance, nor of the content – it could be ‘cut’ with highly toxic ingredients. If there is a quality control issue the purchaser has no legal process for complaint, and if they get into personal difficulties or become seriously intoxicated, they are much less likely to seek assistance for fear of stigma, arrest and/or punishment.

Indeed, one of the greatest threats to life is posed not by drugs, but by a drug conviction. A criminal record for a drug defined crime may result in insurmountable hurdles when seeking employment, education, accommodation, international travel, insurance and relationships. In some countries, a drug conviction can lead to incarceration – even the death penalty. A growing punitiveness has seen Duterte in the Philippines and Trump in the US, [both advocate death for drug dealers](#), which in the Philippines appears to have been interpreted as legitimating the killing of suspects without trial or due process. This barbaric reaction to suspected drug dealers excludes of course, without any sense of irony or hypocrisy, those who deal in state-approved drugs.

‘Drug’ enforcement has been deeply divisive – targeting the poor, the indigenous, people of colour, and people from black and minority ethnic groups (BME), despite evidence that levels of drug use are similar across most communities. This discriminatory policing has resulted in deeply worrying disparities in terms of over-representation of indigenous people and people of colour in prison, particularly in New Zealand, Australia, UK & USA. So bad is the problem for ‘people of colour’ in the USA, Professor Michelle Alexander has referred to drug law enforcement as the [New Jim Crow](#). Indeed, in most countries Prohibition has seriously damaged relationships between these communities and law enforcement.

The drug policy ratchet under seven decades of prohibition only ever allows for more punitive approaches. However, [research indicates](#) that policing to remove dealers from stable supply chains has actually increased violence in communities, while militarised responses to drug cartels have effectively resulted in violent ‘drug wars’ that have destabilised countries such as Mexico. The worrying growth of violent gangs, gangsters and drug cartels are not inevitable by-products of drugs, as we are led to believe. No, they are inevitable outcomes spawned from a brutally enforced system of drug prohibition, as also witnessed in the 1920s with alcohol prohibition.

Efforts to eradicate supply over many decades have largely been futile, they have barely had any impact whatsoever, on reducing illegal drug supplies. But in countries such as Afghanistan and Colombia crop eradication and carcinogenic crop spraying have devastated some of the poorest farmers in the country, a desperately poor community with few viable alternatives available to them.

Prohibition has fueled misinformation, division, harm, violence and death – locally, nationally and internationally. It has undermined public health, facilitated the spread of dangerous diseases such as HIV & Hepatitis, caused deforestation and pollution, weakened human rights, encouraged hostility, stigma and discrimination towards the ‘Other’, undermined international development and security, increased crime, facilitated lucrative illegal markets, negatively redefined police-community relations, led to overcrowded prisons, and wasted billions of dollars in a relentless attempt to enforce a system that can’t be, and shouldn’t be enforced. So impossible is the task of prohibiting drug possession, that even high-security prisons are rife with prohibited drugs. The full extent of the damage caused by prohibition has been comprehensively detailed by the excellent work of “[Count the Costs](#)”

**Dr Julian Buchanan is a retired Associate Professor from the Institute of Criminology at Victoria University of Wellington, Aotearoa New Zealand.**

To read the whole blog click [here](#).