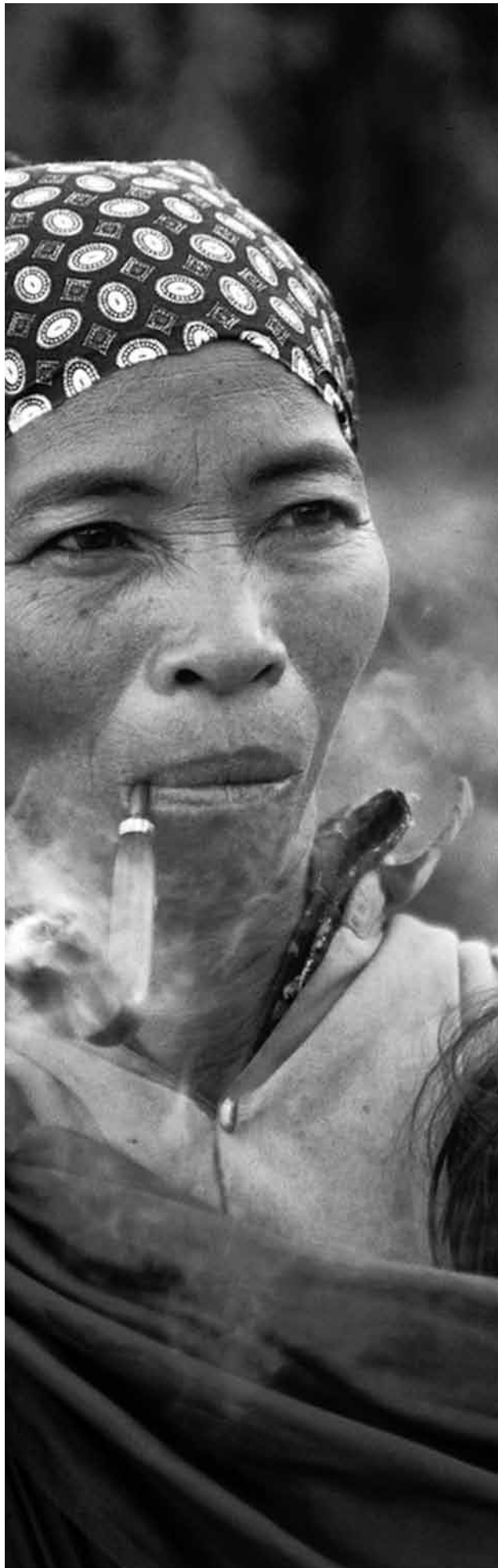


# THE RISE AND DECLINE OF CANNABIS PROHIBITION

THE HISTORY OF CANNABIS IN THE UN DRUG  
CONTROL SYSTEM AND OPTIONS FOR REFORM

**Introduction and summary**





A Co Ho woman smoking a pipe. Credit: Floris Leeuwenberg

## Introduction and summary

Cannabis has long been a substance drawing much attention within the international drug control regime, a system currently based upon the 1961 Single Convention on Narcotic Drugs. Today the regime landscape is changing. Faced with particular challenges and democratic decisions, a number of jurisdictions are moving beyond merely tolerant approaches to the possession of cannabis for personal use to legally regulating markets for the drug. In November 2012 voters within the U.S. states of Colorado and Washington passed ballot initiatives to tax and regulate cannabis cultivation, distribution and consumption for non-medical purposes. Just over a year later, Uruguay legislated state regulation of the entire chain of the domestic cannabis market for medical, industrial and recreational use. These policy shifts go well beyond the permitted prohibitive boundaries of the UN drug control conventions. They represent a break with an historical trajectory founded on dubious science and political imperatives. And they have thrown the global regime into a state of crisis, as this report will argue.

This publication is a joint effort of the Transnational Institute in Amsterdam and the Global Drug Policy Observatory at Swansea University. Research has been going on in various stages for about two years, and interim results were presented at the Seventh Annual Conference of the International Society for the Study of Drug Policy at the *Universidad de los Andes*, in Bogotá, in May 2013 and further discussed in an expert seminar on cannabis regulation in October 2013 in Amsterdam. Many academics, government officials and experts from NGOs and international agencies have provided useful comments on earlier drafts, but needless to say the end result is the sole responsibility of the authors. This final report will be first presented at the 57<sup>th</sup> session of the UN Commission on Narcotic Drugs (CND) in Vienna, 13-21 March 2014.

### The history of cannabis control

The cannabis plant has been used for spiritual, medicinal and recreational purposes since early mankind. The first chapter of this report describes in great detail the early history of international control and how cannabis was included in the existing UN drug control system. Prior to the construction of a multilateral legal regime to control a range of psychoactive substances, cannabis was subject to a range of prohibition-based control measures within individual nation states. Early examples from the nineteenth century, within the Arab world, some Mediterranean states, Brazil and South Africa for instance, were often implemented as a means of social control of groups operating on the fringes of society.

Internationally, the drive to control psychoactive substances was initially concentrated on opium, in particular in

China, during the early years of the twentieth century. For cannabis, several countries had opted for more regulatory than prohibitive models of control, and evidence was already available early on to suggest that, while not harmless, cannabis was not as dangerous as sensationalist reports suggested. Despite a lack of agreement among delegates to the first international meetings on the need to add cannabis to the agenda, it was not long before cannabis was drawn into the multilateral framework. While many delegates lacked any knowledge of the substance and were consequently bewildered by inclusion of cannabis in the negotiations, the efforts of Italy, with support from the United States, ensured that concern about “Indian Hemp” was mentioned in an addendum to the 1912 International Opium Convention. Following World War I, efforts to further develop the international drug control system under the auspices of the League of Nations saw the drug become the subject of increased attention. This time it was the Egyptian delegation, with support from the United States again, employing hyperbole and hysteria rather than the available scientific evidence base to help ensure cannabis be recognised as addictive and dangerous as opium.

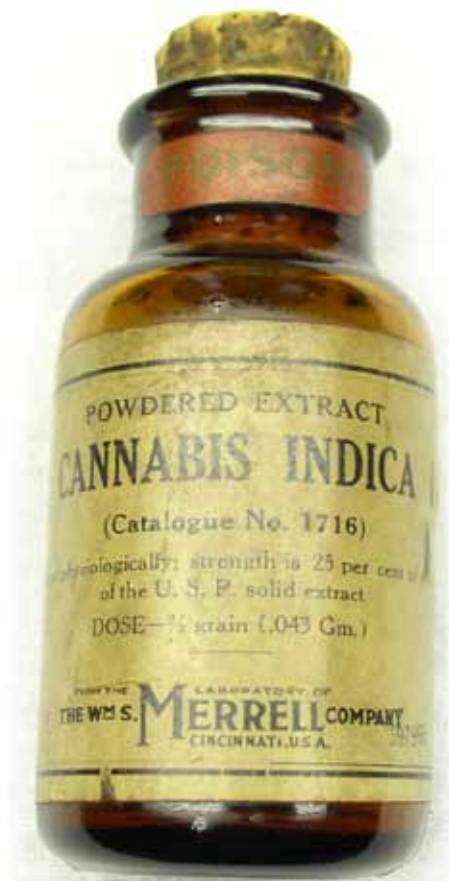
international anti-cannabis campaign. Efforts to tighten controls with the 1936 Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, however, largely failed. The U.S.’s ability to overcome opposition or apathy toward its staunch belief in outlawing the non-medical and non-scientific use of cannabis failed would increase a decade later in the post-war environment.

After 1945 Washington, D.C. exploited its newfound super-power status and dominance within the United Nations to push successfully for more stringent control of cannabis at the international level. Despite the evidence undermining U.S. messages concerning addiction, its role as a gateway drug and its links to criminality, the trend to prohibit the recreational use of cannabis became integral in developing a new “Single” convention that would replace the existing drug control treaties, cobbled together piecemeal since 1912. Beginning in 1948, the process was to entail three drafts and considerable debate about the place of cannabis within the unifying instrument. Vigorous U.S. endeavour, including the use of unreliable scientific data and considerable influence over the recently established WHO, did much to ensure that cannabis was condemned within the 1961 Single Convention as a drug with particularly dangerous properties. Cannabis never passed the test of a scientific review by WHO experts against the criteria required for inclusion of any psychoactive substance in the UN schedules of controlled drugs.

With the passage of the Single Convention, cannabis became classified as one of the most dangerous psychoactive substances under international control considered to have hardly any therapeutic value. In spite of concerns regarding traditional uses in many Asian and African countries, the Convention’s final form reflected the dominance of Western states within the negotiation process. Abolition of the “use of cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes” was required “as soon as possible but in any case within twenty-five years”. The only deviation from the zero-tolerance ethos of the treaty was the omission of leaves and seeds from the Convention’s definition of cannabis, which allowed the traditional and religious uses of *bhanga* to continue in India.

A decade after the Single Convention, and displaying growing confusion concerning scheduling criteria within the still developing treaty system, the international community chose to include the main active principle of cannabis, *delta-9-THC* or dronabinol, within the 1971 Convention on Psychotropic Substances; a treaty that aimed to bring under international control psychoactive substances that had not been included within the 1961 Single Convention, many of them produced by the pharmaceutical industry. The UN drug control treaty system subsequently expanded further with the 1988 Convention against Illicit Traffic, introducing a number of stricter provisions establishing cultivation, trade and possession as a criminal offence.

Collection Hash Marihuana & Hemp Museum Amsterdam/Barcelona



And so cannabis came under international control in the 1925 Geneva Convention, and gradually signatory states started to pass more prohibition-orientated legislation domestically. Driven by growing concerns around the use of cannabis within its own borders, particularly among certain ethnic groups, during the 1930s, the United States moved from playing a supporting role to spearheading an

Ironically, these efforts at the UN aiming to reduce and ultimately eliminate cannabis “abuse” coincided with its growing popularity and increasingly widespread use; a trend that was closely associated with emerging counter-cultural movements within many Western countries, including the U.S., during the 1960s. The response of many governments was to instigate commissions to explore ways to deal with the phenomenon at a national level. Most of the resultant proposals to adopt tolerant approaches to cannabis use were rejected. Within the U.S., the hostile response of the government led a number of states to utilize the opportunities afforded by the federal system to embrace forms of decriminalization of the possession of cannabis for personal use.

### Soft defections and INCB responses

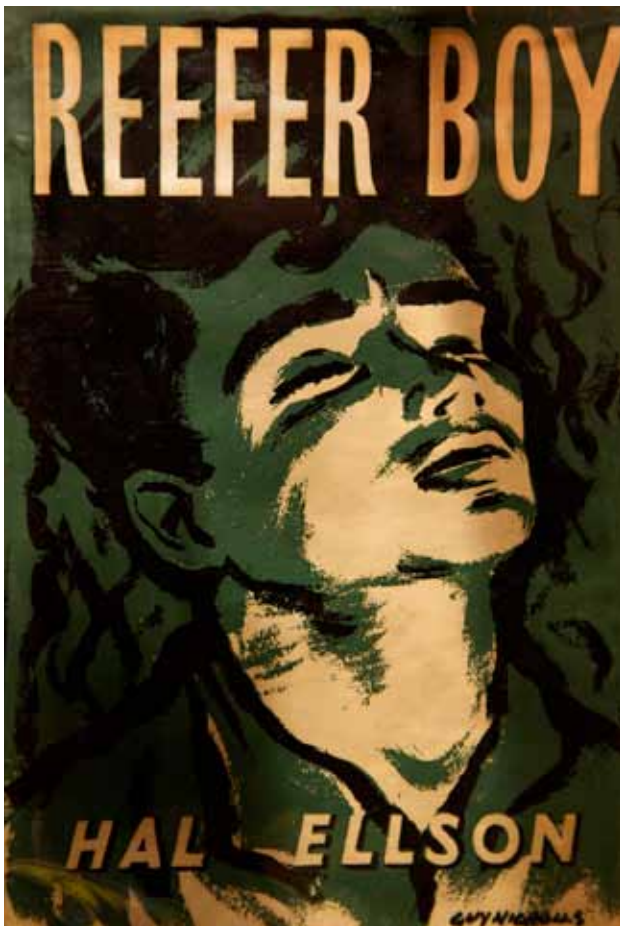
The Netherlands was an isolated example of national politicians taking on board commission advice. However, while early discussions within The Hague displayed a desire to remove the use of cannabis from the domain of criminal justice altogether, there was also an appreciation of the limitations imposed by the treaty framework. Indeed, then as now, while parties to the UN drug control conventions can exploit the considerable inbuilt flexibility to engage with decriminalisation of possession for personal use, including collective cultivation as now is happening in Spain, they cannot go much further without overstepping the treaty system’s legal boundaries. As such, the current policies within the Netherlands and some U.S. states can be seen as a legacy of cannabis policy choices made during what might be regarded as a first wave of ‘soft defection’ from the prohibitive ethos of the Single Convention forty years ago. More recently a second wave of policies that soften prohibition for recreational cannabis

use while respecting the confines of the international treaty framework can be identified around the globe. A “quiet revolution” of decriminalization has occurred in several Latin America and European countries as well as various Australian states and territories. Increasingly widespread engagement with medical marijuana schemes within U.S. states may also be regarded as a third wave.

This soft defection has not gone unnoticed or unchallenged at the UN, however. Since at least the early 2000s, heated discussions within the UN’s central drug policy making body, the CND, and the oppositional position of the International Narcotics Control Board (INCB or Board), which describes itself as the “independent and quasi judicial monitoring body for the implementation” of the UN conventions, revealed cannabis as a key and growing point of tension within the international regime. This dynamic has made a mockery of the much heralded “Vienna consensus” on drug control. Indeed, while the fractures within the consensus around cannabis have been growing over recent years, policy shifts towards legally regulated markets within Colorado and Washington and, at the national level, Uruguay have resulted in treaty breach and created a policy environment in which serious discussion about revising the regime, or nation states’ relationship to it, can no longer be ignored.

As argued in the second chapter of this report, the treaty body that should be assisting member states with this complex process has adopted a singularly unhelpful and obstructionist position on the issue. The INCB has acted as a inflexible defender of the status quo rather than a centre of technical expertise assisting with the careful management of regime change and the development of a more flexible legal structure able to accommodate a range





of approaches to cannabis. The Board, and particularly its current president, Raymond Yans, has shown itself incapable of helping reconcile the different views countries on the best way to deal with cannabis markets. The Board's view is correct that the operation of regulated markets within their territories puts the U.S. and Uruguay at odds with the Single Convention. However, the forthright nature of condemnation is characteristic of a relatively recent shift in its behaviour.

Indeed, between the early 1980s and the United Nations General Assembly Special Session (UNGASS) on drugs in 1998, the Board's stance on cannabis noticeably hardened. It moved away from factual descriptions of different policy approaches (for example noting that the Dutch coffeeshop system, which is legally justified via the "expediency principle", was within the parameters of the treaties) to progressively more vigorous attacks on calls for drug "legalization". Only by the mid-1990s the INCB adopted its current hostility towards Dutch coffeeshops, and was pushing for a tightening up of the UN system, including the incorporation of the plant's leaves in the definition of cannabis. Within the context of ongoing soft defection around cannabis possession and use in various parts of the world, such a defensive position continued during the UNGASS decade (1998-2008). The Board showed its hostility by increasingly harsh statements and "naming and shaming" more tolerant countries in its Annual Reports as well as concomitantly trying to establish an anti-cannabis agenda within the CND. This was perhaps understandable,

the treaty body being pushed into a defensive position and determined to defend the extant form of the regime in the lead-up to the 2009 High Level Segment of the CND to review the targets set in 1998. Among them was the ambitious aim of "eliminating or reducing significantly" the illicit cultivation of cannabis worldwide by the year 2008.

After 2009, claiming that tolerant approaches as well as medical marijuana schemes were sending the "wrong signals" about the harmfulness of the drug, the INCB attempted to stem the reformist tide especially in light of increasing support for policy approaches that went beyond the flexibility of the treaty framework. As we now know, the INCB's attempts to frame the emergence of regulated cannabis markets as a threat to the "noble objectives of the entire drug control system" had little if any influence upon events with the U.S. and Uruguay. Moreover, recent comments from the Board's president regarding Montevideo's "pirate attitude" to the conventions do little to hide the fact that the regime is facing the greatest challenge in its history, certainly since it has operated under the auspices of the UN.

### Scope and limits of treaty flexibility

The existing flexibility or room for manoeuvre in the treaty regime has allowed a variety of cannabis policy practices and reforms to deviate from a repressive zero-tolerance drug law enforcement approach, the legality of which is reviewed in detail in the third chapter. Non-enforcement of drug laws in the case of cannabis, rooted in social acceptance or long history of traditional use, is the reality in quite a few countries. Even though the 1961 Convention obliged traditional, including religious, use of cannabis to be phased out within 25 years (with the exception of *bhanga* as mentioned above), the widespread persistence of religious uses in Hindu, Sufi and Rastafarian ceremonies and traditions led to lenient law enforcement practices in a number of Indian states, Pakistan, the Middle East, Northern Africa and Jamaica.

Depending whether the legal system allows for discretionary powers, in several countries more formalised schemes of non-enforcement have been established by providing guidelines for the police, the prosecution and/or the judiciary. In other countries cannabis consumption and possession for personal use are de jure no longer a criminal offence. Many varieties of such decriminalization schemes exist, in terms of distinguishing possession or cultivation for personal use from the intent to trade; and whether or not to apply administrative sanctions. Since the treaty requirements do not differentiate between possession and cultivation for personal use, first in Spain and more recently in some other countries, "cannabis social clubs" have started to engage in collective cultivation for personal use.

The inclusion of cannabis and its compounds in the strictest schedules of the conventions was a rejection of its usefulness for therapeutic purposes and an effort to limit its use exclusively to research purposes, for which only very small amounts would be required. Today, however, many countries have rejected this position as scientifically untenable and have established legal regimes recognising the medicinal properties of cannabis.

All these policy practices were interpreted by the implementing countries as respecting the confines of treaty latitude. Most have a solid legal basis, others employ a certain legal creativity, not always acknowledged by the INCB. And sometimes schemes perfectly justifiable in principle have been applied with a “pragmatic” dose of hypocrisy. The strictures of the conventions and the near impossibility to amend them have impelled some countries to stretching their inbuilt flexibility and escape clauses to questionable limits. Examples are the legal contradictions around the backdoor of the Dutch coffeeshops; the expansion of medical marijuana schemes in some U.S. states into recreational use; and the establishment of large-scale commercial cannabis social clubs in Spain. Indeed, while a fundamental change in cannabis policy is increasingly viewed as a legitimate option to consider in various parts of the world, the reputational (and possibly economic) costs of treaty breach are likely to deter most states from moving beyond some form of soft defection.

### **Options and obstacles for treaty reform**

The political reality of regulated cannabis markets in Uruguay, Washington and Colorado operating at odds with the conventions makes it unavoidable to discuss options for treaty reform or approaches that countries may adopt to adjust their relationship with the regime. As explained in detail in the final chapter in this report, there are no easy options; they all entail procedural complications and political obstacles. Possible routes to move beyond the existing framework and create more flexibility at the national level include: the rescheduling of cannabis by means of a WHO review; treaty amendments; modifications *inter se* by a group of like-minded countries; and the individual denunciation of the Single Convention followed by re-accession and a reservation, as recently accomplished by Bolivia in relation to the coca leaf.

The chosen path for reform would be dependent upon a careful calculation around the nexus of procedure, politics and geopolitics. The current system favours the status quo with efforts to substantially alter its current form easily blocked by states opposing change. That group remains sizeable and powerful, even in light of the U.S. federal government’s awkward position after the Colorado and Washington referenda. A coordinated initiative by a group of like-minded countries agreeing to assess possible routes and deciding on a road map seems the most likely scenario

for change and the possibility for states to develop legally regulated markets for cannabis while remaining within the confines of international law. Such an approach might even lead to the ambitious plan to design a new “single” convention. Such an option would address far more than the cannabis issue and could help reconcile various inconsistencies within the current regime such as those related to scheduling. It could improve UN system-wide coherence relative to other UN treaty obligations, including human rights and the rights of indigenous peoples. A new convention could borrow from other UN treaties and institute much-needed inbuilt review and monitoring mechanisms. Cannabis might be removed from the drug control apparatus altogether and placed within an instrument modelled on the WHO Tobacco Convention. Another option would be to encourage the UN General Assembly to use its authority to adopt treaty amendments, all the more interesting in light of the upcoming UNGASS on drugs in 2016.

Although the path ahead remains unclear, one thing is certain. The discussion of these and other options are no longer mere reformist fantasies. The cracks in the Vienna consensus have expanded to the point of treaty breach. And tensions are growing exponentially, with criticism of the existing framework no longer confined to hushed conversations on the fringes of the CND. Indeed, in 2013 a strong call for more flexibility came from the Organization of American States. For the first time a multilateral organisation engaged seriously in discussion about cannabis regulation and, more broadly, the search for policy alternatives to the “war on drugs”.

There are certainly many good reasons to question the treaty-imposed prohibition model for cannabis control. Not only is the original inclusion of cannabis within the current framework the result of questionable procedures and dubious evidence, but our understanding of both the drug itself and the dynamics of the illicit markets has increased enormously. Indeed, evidence shows how the implementation of the prohibitive model has failed demonstratively to have had any significant and sustained impact upon reducing the extent of the market. Rather it has imposed heavy burdens upon criminal justice systems; produced profoundly negative social and public health impacts; and created criminal markets supporting organised crime, violence and corruption. Having long accommodated various forms of soft defection from its prohibitive ethos, the regime has reached a watershed moment. In the face of efforts to implement cannabis policies that better suit the needs of individual nations and populations, the question facing the international community is no longer whether there is a need to reassess and modernize the UN drug control system, but rather when and how.

# WHY IS URUGUAY REGULATING NOT CRIMINALISING CANNABIS?



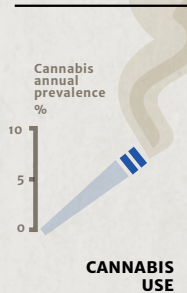
## UNDERMINE THE ILLEGAL MARKET

URUGUAY'S POLICY OF ALLOWING PERSONAL CONSUMPTION BUT PROHIBITING TRADE AND PRODUCTION PUSHED DRUGS ECONOMY INTO CRIMINAL HANDS

CRIMINAL INVOLVEMENT IN PRODUCTION INCREASED LIKELIHOOD OF CANNABIS USERS ALSO COMING INTO CONTACT WITH HARD DRUGS SUCH AS COCAINE PASTE (PACO)

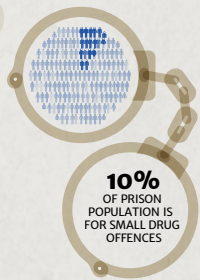


## FAILURE OF WAR ON DRUGS

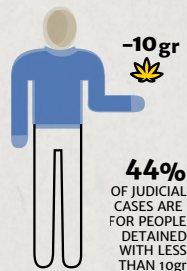


CANNABIS USE

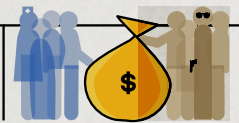
### FILLING PRISONS



### TARGETING USERS NOT JUST TRAFFICKERS



## INVEST MONEY IN HEALTH, EDUCATION, TREATMENT AND PREVENTION



NATIONAL DRUG COUNCIL BELIEVES:

**\$30-40million dollars** can be diverted from criminal networks

“The traditional approach hasn't worked. Someone has to be the first [to try this]”



# HOW WILL URUGUAY'S REGULATION OF CANNABIS WORK?

## REGULATIONS

NO SALE TO MINORS

-18

PENALTIES FOR DRIVING UNDER INFLUENCE



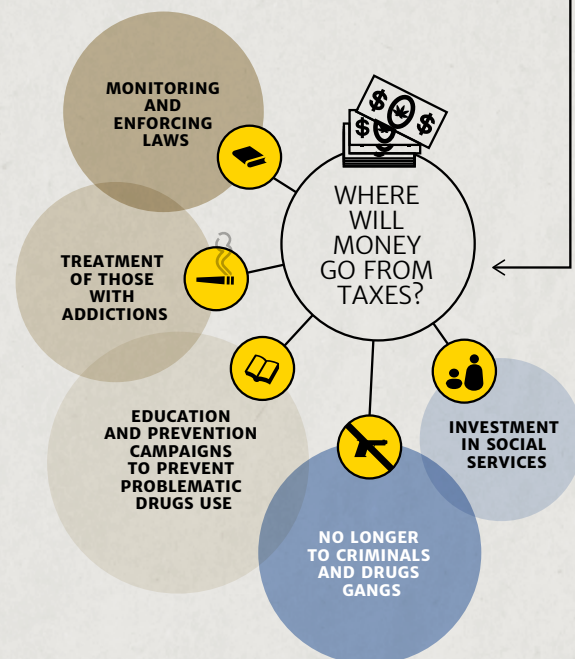
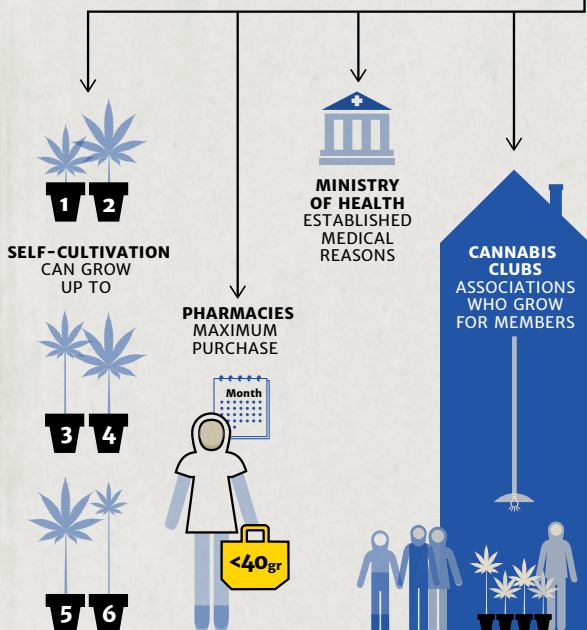
NO ADVERTISING

NO CONSUMPTION IN PUBLIC PLACES



INSTITUTE FOR REGULATION AND CONTROL OF CANNABIS (IRCCA) TO REGULATE PLANTING, PRODUCTION, PROCESSING, DISTRIBUTION, SALES AND MONITORING

## WHERE TO BUY?



## Bibliography

### Books, Reports, Journals & Magazines

- Abel, E.L. (1980). *Marihuana: the First Twelve Thousand Years*, New York: Plenum Press; available at: <http://www.druglibrary.org/Schaffer/hemp/history/first12000/abel.htm>
- Abduca, R. and Metaal, P. (2013). 'Working Towards a Legal Coca Market: The Case of Coca Leaf Chewing in Argentina', *TNI Series on Legislative Reform of Drug Policies* Nr. 23; available at: <http://www.undrugcontrol.info/en/publications/item/4872-working-towards-a-legal-coca-market-the-case-of-coca-leaf-chewing-in-argentina>
- ADLRF (1996). *Drug Lore: The Questioning of Our Current Drug Law: A Report based on the transcripts of the Parliamentarians*, Inquiry and on papers presented to the 7th International Conference on the Reduction of Drug Related Harm, Hobart, Tasmania, March 4-6, 1996, Australian Drug Law Reform Foundation [http://www.druglibrary.org/schaffer/library/studies/dlore/dlore\\_ch4.htm](http://www.druglibrary.org/schaffer/library/studies/dlore/dlore_ch4.htm)
- Afsahi, K. (2011). 'Cannabis Cultivation Practices in the Moroccan Rif', in : Potter, G., Decorte, T. & Bouchard, M. (eds.), *World Wide Weed: Global Trends in Cannabis Cultivation and Its Control*, Farnham: Ashgate Publishing
- Ames, F. (1958). 'A Clinical and Metabolic Study of Acute Intoxication with Cannabis Sativa and Its Role in the Model Psychoses', *The British Journal of Psychiatry*, 104: 972-999
- ASIL and IJA (2006). American Society of International Law and the International Judicial Academy, 'General Principles of Internal Law - Treaty Interpretation', *International Judicial Monitor*. 1 (4); available at: [http://www.judicialmonitor.org/archive\\_0906/generalprinciples.html](http://www.judicialmonitor.org/archive_0906/generalprinciples.html)
- Astorga, L. (2003). *Drogas sin fronteras*, Mexico: Editorial Grijalbo
- Aust, A. (2007). *Modern Treaty Law and Practice*, Cambridge University Press
- Ballotta, D., Bergeron H. and Hughes B. (2009). 'Cannabis Control in Europe', in: Rödner Sznitman, S., Olsson, B. and Room, R. (eds.), *A Cannabis Reader: Global Issues and Local Experiences*, EMCDDA Monographs 8, Vol. I, Luxembourg: Publications Office of the European Union; available at: [http://www.emcdda.europa.eu/attachements.cfm/att\\_53377\\_EN\\_emcdda-cannabis-mon-vol1-ch7-web.pdf](http://www.emcdda.europa.eu/attachements.cfm/att_53377_EN_emcdda-cannabis-mon-vol1-ch7-web.pdf)
- Barriuso Alonso, M. (2011). 'Cannabis Social Clubs in Spain: A Normalizing Alternative Underway', *TNI Series on Legislative Reform of Drug Policies*, Nr. 9, January 2011; available at: <http://www.undrugcontrol.info/images/stories/documents/dlr9.pdf>
- Benabud, A. (1957). 'Psycho-pathological aspects of the cannabis situation in Morocco: Statistical data for 1956', *Bulletin on Narcotics*, Nr. 4; available at: [http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1957-01-01\\_4\\_page002.html#s000](http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1957-01-01_4_page002.html#s000)
- Bewley-Taylor, D. (2002a). 'Habits of a Hegemon, The United States and the Future of the Global Drug Prohibition Regime', in: *Breaking the Impasse, Polarisation & Paralysis in UN Drug Control*. TNI Drugs & Conflict Debate Papers, July 2002; available at: <http://www.tni.org/briefing/breaking-impasse>
- Bewley-Taylor, D. (2002b). *The United States and International Drug Control, 1909-1997*, London/New York: Continuum.
- Bewley-Taylor, D. (2010). *The Need for Increased Transparency: The Country Correspondence of the International Narcotics Control Board*, International Drug Policy Consortium Briefing Paper, London: International Drug Policy Consortium.
- Bewley-Taylor, D. (2012a). 'Towards Revision of the UN Drug Control Conventions, The Logic and Dilemmas of Like-Minded Groups', *TNI Series on Legislative Reform of Drug Policies*, Nr. 19, March 2012; available at: <http://www.undrugcontrol.info/images/stories/documents/dlr19.pdf>
- Bewley-Taylor, D. (2012b). *International Drug Control: Consensus Fractured*. Cambridge/New York: Cambridge University Press.
- Bewley-Taylor, D. and Jelsma, M. (2011). 'Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation', *TNI Series on Legislative Reform of Drug Policies*, Nr. 12, March 2011; available at: <http://www.undrugcontrol.info/images/stories/documents/dlr12.pdf>
- Bewley-Taylor, D. and Jelsma, M. (2012). 'The UN drug control convention: The limits of latitude', *TNI Series on Legislative Reform of Drug Policies*, Nr. 18, available at: <http://www.undrugcontrol.info/images/stories/documents/dlr18.pdf>
- BJA (1992). 'Conversation with Hans Halbach', *British Journal of Addiction*, 87, 851-55
- Blickman, T. (2002). 'European Cannabis Policies Under Attack', *TNI Briefing*, April 2002; available at: <http://www.undrugcontrol.info/en/issues/cannabis/item/2400-european-cannabis-policies-under-attack>
- Blickman, T. (2009). 'Countering Illicit and Unregulated Money Flows: Money Laundering, Tax Evasion and Financial Regulation', *TNI Crime & Globalisation Debate Paper*, Nr. 3, December 2009; available at: <http://www.undrugcontrol.info/images/stories/documents/crime3.pdf>
- Blickman, T. and Jelsma, M. (2009). *Drug Policy Reform in Practice: Experiences with Alternatives in Europe and the US*. Amsterdam: Transnational Institute and Nueva Sociedad, [http://www.druglawreform.info/images/stories/documents/NS\\_222\\_TB\\_MJ\\_English\\_Version.pdf](http://www.druglawreform.info/images/stories/documents/NS_222_TB_MJ_English_Version.pdf)
- Boister, N. (2001). *Penal Aspects of the UN Drug Conventions*, London: Kluwer Law International.
- Bonnie, R.J. and Whitebread, C.H. (1974). *The Marihuana Conviction: A History of Marijuana Prohibition in the United States*, University Press of Virginia
- Bouquet, J. (1951). 'Cannabis', *United Nations Bulletin on Narcotics*, Nr. 3 (1); available at: [http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1951-01-01\\_1\\_page005.html](http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1951-01-01_1_page005.html)
- Bruun, K., Pan, L. and Rexed, I. (1975). *The Gentlemen's Club: International Control of Drugs and Alcohol*, Chicago/London: The University of Chicago Press; available at: <http://www.drugtext.org/The-Gentlemen-s-Club/13-cannabis-international-diffusion-of-national-policy.html>
- Campos, I. (2012). *Home Grown: Marijuana and the Origins of Mexico's War on Drugs*, Chapel Hill (NC): University of North Carolina Press
- Carey, E. (2009). "'Selling is more of a habit than using": Narcotrafficante Lola la Chata and Her Threat to Civilization, 1930-1960', *Journal of Women's History*, Volume 21, Number 2,



Summer, pp. 62-89

Carpentier, C., Laniel, L. & Paul Griffiths, P. (2012), *Cannabis production and markets in Europe*, EMCDDA Insights, Lisbon, June 2012, pp. 50-53; [http://www.emcdda.europa.eu/attachements.cfm/att\\_166248\\_EN\\_web\\_INSIGHTS\\_CANNABIS.pdf](http://www.emcdda.europa.eu/attachements.cfm/att_166248_EN_web_INSIGHTS_CANNABIS.pdf)

Carter, J. (1977). *Drug Abuse Message to the Congress*, August 2, 1977; available at: <http://www.presidency.ucsb.edu/ws/?pid=7908>

Chevannes, B. (2001). 'Crime and Drug-Related Issues in Jamaica', *Souls*, 3 (4); available at: <http://www.columbia.edu/cu/ccbh/souls/vol3no4/vol3num4art4.pdf>

Chouvy, P.A. (2005). 'Morocco said to produce nearly half of the world's hashish supply', *Jane's Intelligence Review*, November 2005, Vol. 17 n° 11, pp. 32-35; available at: <http://geopium.org/276/morocco-said-to-produce-nearly-half-of-the-worlds-hashish-supply>

Chouvy, P.A. (2008). 'Production de cannabis et de haschich au Maroc: contexte et enjeux', *L'Espace Politique*, no. 4 (01-2008)

Chouvy, P.A. & Afsahi, K. (2014). 'Hashish revival in Morocco', *International Journal of Drug Policy*, February 2014 (Article in press)

CLEAR (2013). *How To Regulate Cannabis In Britain: The CLEAR Plan Version 2.0.*, Cannabis Law Reform (CLEAR), October 20, 2013; available at: <http://www.clear-uk.org/how-to-regulate-cannabis-in-britain-the-clear-plan-version-2-0/>

Cole, J.M. (2013). *Guidance Regarding Marijuana Enforcement*, Memorandum for all United States Attorneys, August 29, 2013; available at: <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

Conde, R. (2013). *Informe en mayoría*, Montevideo: Senado de Uruguay, December 10, 2013; available at: [http://www.tni.org/sites/www.tni.org/files/download/informe\\_en\\_mayoria\\_uruguay\\_debate\\_sobre\\_cannabis\\_en\\_el\\_senado.pdf](http://www.tni.org/sites/www.tni.org/files/download/informe_en_mayoria_uruguay_debate_sobre_cannabis_en_el_senado.pdf)

Cordeiro de Farias, R. (1955). 'Use of Maconha (Cannabis sativa L.) in Brazil', *Bulletin on Narcotics*, 7 (2): 5-19.

Crick, E., Haase, H.J. and Bewley-Taylor, D. (2013). 'Legally regulated cannabis markets in the US: Implications and possibilities', *Global Drug Policy Observatory Policy Report*, Nr. 1, Swansea University.

Danenber, E., Sorge, L.A., Wieniawski, W., Elliott, S., Amato, L. and Scholten, W.K. (2013). 'Modernizing methodology for the WHO assessment of substances for the international drug control conventions', *Drug and Alcohol Dependence*, 131 (3): 175-181; available at: <http://dx.doi.org/10.1016/j.drugalcdep.2013.02.032>

De Kort, M. (1994). 'The Dutch Cannabis Debate, 1968-1976', *The Journal of Drug Issues*, 24(3): 417-427.

Degenhardt, L., Ferrari, A.J., Calabria, B., Hall, W.D., Norman, R.E., et al. (2013). 'The Global Epidemiology and Contribution of Cannabis Use and Dependence to the Global Burden of Disease: Results from the GBD 2010 Study', *PLoS ONE* 8(10)

Domoslawski, A. (2011). *Drug Policy in Portugal: The Benefits of Decriminalizing Drug Use*, Open Society Foundations.

Dorn, N. and Jamieson, A. (2000). *Room for Manoeuvre; Overview of Comparative Legal Research into National Drug Laws of France, Italy, Spain, the Netherlands and Sweden and their Relation to Three International Drug Conventions*, London: DrugScope.

Dória, R. (1915). *Os fumadores de maconha: efeitos e males do vicio*, Paper presented to the II Pan American Scientific Congress, Washington DC, December 29, 1915; <https://archive.org/stream/proceedingsseco01swiggoog#page/n172/mode/1up>

Du Toit, B.M. (1975). 'Dagga: The History and Ethnographic Setting of Cannabis Sativa in Southern Africa' in: Rubin, V. (ed.), *Cannabis and Culture*, The Hague: Mouton de Gruyter, pp. 81-116

Du Toit, B.M. (1977). 'Historical and Cultural Factors Influencing Cannabis Use among Indians in South Africa', *Journal of Psychedelic Drugs*. 9(3): 235-246.

EMCDDA (no date), *Legal Topic Overviews: Possession of Cannabis for Personal Use*, European Monitoring Centre on Drugs and Drugs Abuse (EMCDDA); available at: <http://www.emcdda.europa.eu/legal-topic-overviews/cannabis-possession-for-personal-use>

Frank, Z.L. (2004). *Dutra's World: Wealth and Family in Nineteenth-century Rio de Janeiro*, Albuquerque: University of New Mexico Press.

Fraser, H. A. (1974). 'The Law and Cannabis in the West Indies', *Social and Economic Studies*, 23 (3): 361-385.

Freyre, G. (1933/2002). *Casa grande & senzala*, Rio de Janeiro: Record

Freyre, G. (1975). *Tempo morto e outros tempos: trechos de um diário de adolescência e primeira mocidade, 1915-1930*. Rio de Janeiro: José Olympio.

Friser, M., et al. (2009). 'Assessing the impact of cannabis use on trends in diagnosed schizophrenia in the United Kingdom from 1996 to 2005', *Schizophrenia Research*, 113 (2-3): 123-8

Geller, T. (2007). 'Cannabinoids: A Secret History', *Chemical Heritage Magazine*, 25 (2).

Gerber R.J. (2004). *Legalizing Marijuana: Drug Policy Reform and Prohibition Politics*, Westport, CT: Greenwood Press.

Goode, E. (1970). *The Marijuana Smokers*, New York: Basic Books; available at: <http://www.drugtext.org/The-Marijuana-Smokers/chapter-9-marijuana-crime-and-violence.html>

Grund, J.P. and Brecksema, J. (2013). *Coffee Shops and Compromise: Separated Illicit Drug Markets in the Netherland*, New York: Open Society Foundations; available at: <http://www.opensocietyfoundations.org/sites/default/files/Coffee%20Shops%20and%20Compromise-final.pdf>

HASC (2003). *Memorandum submitted by the Home Office*, Home Affairs Select Committee, House of Commons, March 20, 2003; available at: <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmhaff/uc559/uc55902.htm>

Helfer, L.R. (2005). 'Exiting Treaties', *Virginia Law Review*, 91 (7): 1588.

Helfer, L.R. (2006). 'Not fully committed? Reservations, risk and treaty design', *Yale Journal of International Law*, 31(367): 367-382; available at: [http://www.yale.edu/yjil/PDFs/vol\\_31/Helfer.pdf](http://www.yale.edu/yjil/PDFs/vol_31/Helfer.pdf)

Henman, A. (1980). 'War on Drugs is War on People', *The Ecologist*, 10 (8/9); available at: <http://exacteditions.theecologist.org/browse/307/308/5340/1/1/>

Himmelstein, J. L. 1983. *The Strange Career of Marihuana: Politics and Ideology of Drug Control in America*, Westport, CT: Greenwood Press.

Hutchinson, H. W. (1975). *Patterns of Marihuana Use in Brazil*.

- In: Rubin, V. (ed.), *Cannabis and Culture*. The Hague: Mouton de Gruyter
- IDPC (2008). 'The International Narcotics Control Board: Current Tensions and Options for Reform', Briefing Paper Number 7, International Drug Policy Consortium (IDPC)
- IDPC (2009), *Response to the 2008 Annual Report of the International Narcotics Control Board*, London: International Drug policy Consortium, June 2009
- IDPC (2010), *Response to the 2009 Annual Report of the International Narcotics Control Board*, London: International Drug policy Consortium, May 2010
- IDPC (2011a), *Response to the 2010 Annual Report of the International Narcotics Control Board*, London: International Drug policy Consortium, July 2011
- IDPC (2011b), *Bolivia's legal reconciliation with the UN Single Convention on Narcotic Drugs*, IDPC Advocacy Note, July 2011
- IDPC (2012), *Response to the 2011 Annual Report of the International Narcotics Control Board*, London: International Drug policy Consortium, July 2012
- IDPC (2013), *Response to the 2012 Annual Report of the International Narcotics Control Board*, London: International Drug policy Consortium, August 2013
- IJDP (2010). 'Cannabis policy: Time to move beyond the psychosis debate' (Editorial), *International Journal of Drug Policy*, 21, 261–264
- Jelsma, M. (2011). 'Lifting the ban on coca chewing: Bolivia's proposal to amend the 1961 Convention.' *TNI Series on legislative reform of drug policies*, Nr. 11, March 2011; available at: <http://www.undrugcontrol.info/images/stories/documents/dlr11.pdf>
- Kalant, O.J. (1968). *An Interim Guide to the Cannabis (Marihuana) Literature*, Toronto: Addiction Research Foundation.
- Kaplan, J. (1975). *Marijuana, the New Prohibition*, New York: Crowell; available at: <http://www.drugtext.org/Marijuana-The-New-Prohibition/iv-marijuana-and-aggression.html>
- Kendell, R. (2003). 'Cannabis Condemned: the Proscription of Indian Hemp', *Addiction*, 98(2): 143-151.
- King, R. (1974). *The drug hang-up: America's fifty-year folly*, Springfield: Charles C. Thomas; available at: <http://www.drugtext.org/The-Drug-Hang-Up/eleven-smearing-mary-jane.html>
- Klabbers, J. (2006). *Treaties, Amendment and Revision*, in: Max Planck Encyclopedia of Public International Law, pp. 1084-1089, December 2006. <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1483>
- Korf, D.J. (2002). 'Dutch Coffee Shops and Trends in Cannabis Use', *Addictive Behaviors*, 27: 851–866.
- Kozma, L. (2011). 'Cannabis Prohibition in Egypt, 1880–1939: From Local Ban to League of Nations Diplomacy', *Middle Eastern Studies*, 47 (3): 443-460.
- Labrousse, A. & Romero, L. (2001). *Rapport sur la situation du cannabis dans le Rif marocain (Juin-août 2001)*, Observatoire français des drogues et des toxicomanies (OFDT).
- Leinwand, M. (1971). 'The International Law of Treaties and United States legalization of marijuana', *Columbia Journal of Transnational Law*. 10: 413-441.
- Livingstone, D. (1857). *Missionary Travels and Researches in South Africa*. London, 1857; <http://www.gutenberg.org/files/1039/1039-h/1039-h.htm>
- May, H.L. (1948). 'Narcotic Drug Control: Development of International Action and the Establishment of Supervision Under the United Nations'. *International Conciliation*, 441: 301-380.
- MacRae, E. and Assis Simões, J. (2005). *Prohibitionist drug policies and the subculture of cannabis use in two Brazilian middle class urban settings*; [http://www.neip.info/downloads/t\\_edw6.pdf](http://www.neip.info/downloads/t_edw6.pdf)
- McAllister, W. B. (2000). *Drug diplomacy in the twentieth century: An international history*. London-New York: Routledge.
- McWilliams, J. C. (1990). *The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962*, Newark: University of Delaware Press.
- Mills, J.H. (2003). *Cannabis Britannica: Empire, Trade, and Prohibition*. Oxford University Press.
- Mills, J.H. (2013). *Cannabis Nation: Control and Consumption in Britain, 1928-2008*, Oxford University Press.
- Monteiro, J.J. (1875). *Angola and the River Congo*. London: Macmillan. Available at: <https://archive.org/stream/angolarivercongo02mont>
- MRE (2014). *Presentación del subsecretario del Ministerio de Relaciones Exteriores, Luis Porto, ante la Junta Internacional de Fiscalización de Estupefacientes*, Ministerio de Relaciones Exteriores (Uruguay), Vienna, February 13, 2014.
- Murphy, H.B.M. (1963). 'The Cannabis Habit', *Bulletin of Narcotics*; available at [http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin\\_1963-01-01\\_1\\_page004.html](http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1963-01-01_1_page004.html)
- Musto, D.F. (1972). The History of the Marihuana Tax Act of 1937. *Archives of General Psychiatry*. Volume 26.
- Musto, D.F. (1999). *The American Disease: Origins of Narcotic Control*, New York: Oxford University Press (Third Edition). Available at: <http://www.drugtext.org/Table/The-American-Disease/>
- Musto, D.F. and Korsmeyer, P. (2002). *The Quest for Drug Control: Politics and Federal Policy in a Period of Increasing Substance Abuse, 1963-1981*, New Haven/London: Yale University Press
- National Commission on Marihuana (1972). 'Chapter V: Marihuana and Social Policy', *Report of the National Commission on Marihuana and Drug Abuse: Marihuana: A Signal of Misunderstanding*, commissioned by President Richard M. Nixon, March, 1972; available at: <http://www.iowamedicalmarijuana.org/documents/nc1ch5.aspx>
- New York Academy of Medicine (1944), *The Marihuana Problem in the City of New York*, Mayor's Committee on Marihuana, City of New York (La Guardia Committee Report); <http://drugtext.org/Table/LaGuardia-Committee-Report/>
- Niesink, R. and Rigter, S. (2013). *THC-concentraties in wiet, nederwiet en hasj in Nederlandse coffeeshops (2012-2013)*, Utrecht: Trimbos Instituut; available at: <http://www.trimbos.nl/webwinkel/productoverzicht-webwinkel/alcohol-en-drugs/af/af1221-thc-concentraties-2012-2013>
- Noy v State (2003). Court of Appeals of Alaska, No. A-8327, Aug. 29, 2003 (2003 WL 22026345)
- Ounnir, A. (2006), *Rapport sur l'usage de drogues et le droit au Maroc*, Projet ALCS/OSF de playdoyer pour les droits humains

- des personnes usager des drogues
- Pacula, R.L., Chriqui, J.F., King, J. (2004). 'Marijuana Decriminalization: What Does it Mean in the United States?', *NBER Working Paper Series*.
- Paulraj, K. (2013). 'Marijuana Use in Latin America and the Caribbean', *Panoramas*, Center for Latin American Studies (CLAS), University of Pittsburgh; available at: <http://www.panoramas.pitt.edu/content/marijuana-latin-america-and-caribbean-part-i-iii>
- Report of the Indian Hemp Drugs Commission (1895)*, Government of India, Finance and Commerce Department, Calcutta, March 1895; available at <http://www.drugtext.org/Indian-Hemp-Commission-Report/chapter-xiv.html>
- Röhrig Assunção, M. (1995). 'Popular Culture and Regional Society in 19<sup>th</sup> Century Maranhão (Brazil)'. In: Bugge, H. and Pau Rubiés, J. (eds). *Shifting Cultures: Interaction and Discourse in the Expansion of Europe*, Münster: LIT Verlag.
- Rolles, S. and Murkin G. (2013). *How to Regulate Cannabis: A Practical Guide*, Transform Drug Policy Foundation; available at: <http://www.tdpf.org.uk/sites/default/files/How-to-Regulate-Cannabis-Guide.pdf>
- Room, R. (ed.) (2012a). *Roadmaps to Reforming the UN Drug Conventions*, Beckley Foundation; available at: <http://www.beckleyfoundation.org/wp-content/uploads/2013/09/ROADMAPS-TO-REFORM.pdf>
- Room, R. (2012b). 'Reform by Subtraction: The Path of Denunciation of International Drug Treaties and Reaccession with Reservations', *International Journal of Drug Policy*, 23 (5): 401-406.
- Room, R., Hall, W., Reuter, P., Fischer, B., Lenton, S. and Feilding, A. (2008). *Cannabis Policy: Moving Beyond Stalemate*, Global Cannabis Commission report, The Beckley Foundation
- Rosmarin, A. and Eastwood, N. (2012). *A Quiet Revolution: Drug Decriminalisation Policies in Practice Across the Globe*. London: Release.
- Rubim de Pinho, A. (1979). 'Social and Medical Aspects of the Use of Cannabis in Brazil', in: Browman, D.L. and Schwarz, R.A. (eds.), *Spirits, Shamans, and Stars: Perspectives from South America*. The Hague: Mouton Publishers.
- Salazar Viniegra, L. (1938). 'El mito de la marihuana', *Criminalia*, December 1938; available at: [http://drogasmexico.org/textos/LSV\\_CRIMINALIA\\_DIC\\_1938.pdf](http://drogasmexico.org/textos/LSV_CRIMINALIA_DIC_1938.pdf)
- Salazar Viniegra, L. (1939). 'Estado actual de los estudios sobre la marihuana', *Gaceta Medica de México*, October 18, 1939; available at: <http://www.drogasmexico.org/index.php?nota=10130>
- Senate Special Committee on Illegal Drugs (2002). *Cannabis: Our Position for a Canadian Public Policy*; available at: <http://www.parl.gc.ca/Content/SEN/Committee/371/ille/rep/summary-e.pdf>
- Siler et al. (1933). 'Marihuana Smoking in Panama', *The Military Surgeon*, 73: 269-280
- Stefanis, C. Ballas, C. and Madianou, D. (1975). 'Sociocultural and Epidemiological Aspects of Hashish Use in Greece', in: Rubin, V. (ed), *Cannabis and Culture*, The Hague: Mouton; available at: <http://www.drugtext.org/Cannabis-and-Culture/sociocultural-and-epidemiological-aspects-of-hashish-use-in-greece.html>
- Taylor, A.H. (1969). 'American Cooperation with the League on the Far Eastern Problem and Illicit Traffic', in: Taylor, A.H., *American Diplomacy and the Narcotics Traffic: 1900-1939*. Durham, NC: Duke University Press; available at: <http://www.drugtext.org/American-Diplomacy-and-the-narcotics-traffic/chapter-10-american-cooperation-with-the-league-on-the-far-eastern-problem-and-illicit-traffic.html>
- Thoumi, F. (forthcoming). 'Marijuana in the United States and the International Drug Control Regime: Why What is Promoted Abroad is Not Applied at Home', *Crime, Law and Social Change*
- Tulchin B. and O'Neil C. (2013). *New California Statewide Poll Finds Strong Support for Legalizing, Regulating and Taxing Marijuana in California*, Tulchin Research; available at: <https://www.aclunc.org/sites/default/files/TulchinResearch.pdf>
- Van het Loo, M., Van Beusekom, I., and Kahan, J.P. (2002). 'Decriminalization of Drug Use in Portugal: The Development of a Policy', *Annals of the American Academy of Political and Social Science*, Volume 582, Cross-National Drug Policy.
- Vidal, S. (2008). *Da diamba à maconha: usos e abusos da Cannabis sativa e da sua proibição no Brasil*, Koinonia [http://www.koinonia.org.br/bdv/detalhes.asp?cod\\_artigo=304](http://www.koinonia.org.br/bdv/detalhes.asp?cod_artigo=304)
- Walker III, W.O. (1996). 'Control across the border', in: Walker III, W.O. (ed), *Drugs in the Western Hemisphere: an odyssey of cultures in conflict*, Rowman & Littlefield
- Woodiwiss, M. (1988). *Crime Crusades and Corruption: Prohibitions in the United State, 1900-1987*, London: Pinter.
- Youngers, C. (2013). *Launching the Debate: The OAS Reports on Hemispheric Drug Policy*, IDPC Advocacy Note, July 2013; available at: <http://idpc.net/publications/2013/07/idpc-advocacy-note-launching-the-debate-the-oas-reports-on-hemispheric-drug-policy>
- Zuardi. A.W. et al. (2012). 'A critical review of the antipsychotic effects of cannabidiol: 30 years of a translational investigation', *Current Pharmaceutical Design*, 18(32): 5131-40.

### Documents of international organizations (UN, INCB, WHO, OAS etc.)

- A/RES/S-20/2 (1998), *Political Declaration*, General Assembly Special Session on the World Drug Problem, June 10, 1998.
- Ainsworth, B. (2003). *Letter to Herbert Schaepe*. March 22, 2003; available at: [http://www.drugscope.org.uk/news\\_item.asp?a=1&intID=981](http://www.drugscope.org.uk/news_item.asp?a=1&intID=981)
- Anslinger, H.J. (1938). *Enforcement of the Narcotic Drug Laws in the USA*, statement to League of Nation's Opium Advisory Committee, May 14, 1938.
- C.N.194.2009.TREATIES-2 (2009), (Depositary Notification), Proposal of Amendments by Bolivia to Article 49, Paragraphs 1 (c) and 2 (e), United nations, 12 March 2009; <http://treaties.un.org/doc/publication/CN/2009/CN.194.2009-Eng.pdf>
- CND (2009). *Exploration of All Aspects Related to the Use of Cannabis Seeds for Illicit Purposes*, Commission on Narcotic Drugs Resolution 52/5, March 2009; [http://www.unodc.org/documents/commissions/CND-Res-2000-until-present/CND-2009-Session52/CNDResolution\\_52\\_5.pdf](http://www.unodc.org/documents/commissions/CND-Res-2000-until-present/CND-2009-Session52/CNDResolution_52_5.pdf)
- E/2009/28 (2009). *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, Official Records of the Economic and Social Council, 2009, Supplement No. 8

- E/2011/58 (2011). *Proposal of amendments by the Plurinational State of Bolivia to article 49, paragraphs 1 (c) and 2 (e)*, Note by the Secretary-General, Annex: Note verbale dated 28 January 2011 from the Permanent Mission of Italy to the United Nations addressed to the Secretary-General.
- E/CN.7/L.916 (1955). *The Problem of Cannabis*, United Nations Economic and Social Council, Commission on Narcotic Drugs, Tenth session, April 1955, transmitting: WHO/APD/56, World Health Organization, *The Physical and Mental Effects of Cannabis*, prepared, on request of the World Health Organization, by Dr P.O. Wolff, formerly Chief, Addiction Producing Drugs Section, 17 March 1955. Available: <http://www.drugtext.org/The-Problem-of-Cannabis/contents.html>
- E/CN.7/2008/L.16 (2008). *Ensuring the proper integration of the United Nations human rights system with international drug control policy*, Uruguay: draft resolution, Commission on Narcotic Drugs, March 7, 2008.
- E/CN.7/2008/CRP.17 (2008). *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, Commission on Narcotic Drugs, Fifty-first session, Vienna, March 10-14, 2008
- E/CN.7/2013/1 (2013), *Provisional agenda and annotations*, Commission on Narcotic Drugs, 56th session, March 11-15, 2013; available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/V12/581/03/PDF/V1258103.pdf>
- E/CN.7/2014/10 (2014), *Challenges and future work in the review of substances for possible scheduling recommendations*, Commission on Narcotic Drugs, December 18, 2013
- E/CONF.34/24 (1964), *United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, New York, 24 January-25 March 1961*. Official records, Volume 1: Summary records of plenary meetings, New York: United Nations
- E/CONF.58/7/Add.1 (1973), *United Nations Conference for the adoption of a Protocol on Psychotropic Substances, Vienna, 11 January-19 February 1971*. Official records, Volume II: Summary records of plenary meetings, Minutes of the meetings of the general committee and the committee on control measures, New York, United Nations
- INCB (1981). *Report of the International Narcotics Control Board for 1981*, International Narcotics Control Board, New York: United Nations
- INCB (1982). *Report of the International Narcotics Control Board for 1982*, International Narcotics Control Board, New York: United Nations
- INCB (1983). *Report of the International Narcotics Control Board for 1983*, International Narcotics Control Board, New York: United Nations
- INCB (1984). *Report of the International Narcotics Control Board for 1984*, International Narcotics Control Board, New York: United Nations
- INCB (1989). *Report of the International Narcotics Control Board for 1989*, International Narcotics Control Board, New York: United Nations
- INCB (1990). *Report of the International Narcotics Control Board for 1990*, International Narcotics Control Board, New York: United Nations
- INCB (1992). *Report of the International Narcotics Control Board for 1992*, International Narcotics Control Board, New York: United Nations
- United Nations
- INCB (1994). *Report of the International Narcotics Control Board for 1994*, International Narcotics Control Board, New York: United Nations
- INCB (1997). *Report of the International Narcotics Control Board for 1996*, International Narcotics Control Board, New York: United Nations
- INCB (1998). *Report of the International Narcotics Control Board for 1997*, International Narcotics Control Board, New York: United Nations
- INCB (1999). *Report of the International Narcotics Control Board for 1998*, International Narcotics Control Board, New York: United Nations
- INCB (2000). *Report of the International Narcotics Control Board for 1999*, International Narcotics Control Board, New York: United Nations
- INCB (2001). *Report of the International Narcotics Control Board for 2000*, International Narcotics Control Board, New York: United Nations
- INCB (2002a). *Report of the International Narcotics Control Board for 2001*, International Narcotics Control Board, New York: United Nations
- INCB (2002b). *Statement by Professor Hamid Ghodse*, President of the International Narcotics Control Board, at the Forty-fifth session of the Commission on Narcotic Drugs, Vienna, March 11-15, 2002.
- INCB (2003). *Report of the International Narcotics Control Board for 2002*, International Narcotics Control Board, New York: United Nations
- INCB (2004). *Report of the International Narcotics Control Board for 2003*, International Narcotics Control Board, New York: United Nations
- INCB (2005). *Report of the International Narcotics Control Board for 2004*, International Narcotics Control Board, New York: United Nations
- INCB (2006). *Report of the International Narcotics Control Board for 2005*, International Narcotics Control Board, New York: United Nations
- INCB (2007). *Report of the International Narcotics Control Board for 2006*, International Narcotics Control Board, New York: United Nations
- INCB (2009). *Report of the International Narcotics Control Board for 2008*, International Narcotics Control Board, New York: United Nations
- INCB (2010). *Report of the International Narcotics Control Board for 2009*, International Narcotics Control Board, New York: United Nations
- INCB (2012a). *Report of the International Narcotics Control Board for 2011*, International Narcotics Control Board, New York: United Nations
- INCB (2012b). *Statement by the President of the International Narcotics Control Board*, Thematic debate of the sixty-sixth session of the General Assembly on drugs and crime as a threat to development on the occasion of the International Day against Drug Abuse and Illicit Trafficking, 26 June 2012, New York. [http://www.incb.org/documents/Speeches/Speeches2012/2012\\_June\\_Statement\\_INCB\\_President\\_eng\\_26062012.pdf](http://www.incb.org/documents/Speeches/Speeches2012/2012_June_Statement_INCB_President_eng_26062012.pdf)
- INCB (2013). *Report of the International Narcotics Control Board*

- for 2012, International Narcotics Control Board, New York: United Nations
- Intervención del Jefe de Delegación de Uruguay (2013), 56 Periodo de Sesiones de la Comisión de Estupefacientes, Prosecretario de la Presidencia del Uruguay, March 11, 2013
- OAS (2013a). *The Drug Problem in the Americas*, OAS official records, OEA/Ser.D/XXV.4, Organisation of American States
- OAS (2013b). *Scenarios for the Drug Problem in the Americas, 2013-2025*, by the Scenario Team appointed by the Organization of American States under the mandate given to the OAS by the Heads of Government of Member States meeting at the 2012 Summit of the Americas in Cartagena de Indias, OAS official records series, ISBN 978-0-8270-5987-0
- Secretariat of the International Narcotics Control Board, Psychotropics Control Section, *Training material - Control of psychotropic substances*, Vienna 2012.
- United Nations (1961). *Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs*, New York: United Nations; available at: [http://www.unodc.org/pdf/convention\\_1961\\_en.pdf](http://www.unodc.org/pdf/convention_1961_en.pdf)
- United Nations (1969). *Vienna Convention on the Law of Treaties*, New York: United Nations; available at: [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)
- United Nations (1973). *Commentary on the Single Convention on Narcotic Drugs, 1961*, New York: United Nations
- United Nations (1976). *Commentary on the Protocol Amending the Single Convention on Narcotic Drugs, 1961*, (E/CN.7/588), New York: United Nations
- United Nations (1988). *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, New York: United Nations
- United Nations (1998). *Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, given in Vienna on 20 December 1988, (E/CN.7/590), New York: United Nations
- United Nations (2005) UN General Assembly resolution 59/160, 20 December 2004; available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/59/160&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/59/160&Lang=E)
- UNODC (2009), *A century of international drug control*, United Nations Office on Drugs and Crime pp. 54-55; available at: [http://www.unodc.org/documents/data-and-analysis/Studies/100\\_Years\\_of\\_Drug\\_Control.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/100_Years_of_Drug_Control.pdf)
- UNIS/NAR/1153 (2012). *INCB President voices concern about the outcome of recent referenda about non-medical use of cannabis in the United States in a number of states*. UN Information Service, November 15, 2012; available at: [http://www.incb.org/documents/Press\\_Releases/press\\_release\\_151112.pdf](http://www.incb.org/documents/Press_Releases/press_release_151112.pdf)
- WDR (2006). *World Drug Report 2006*, United Nations office on Drugs and Crime (UNODC)
- WDR (2013). *World Drug Report 2013*, United Nations office on Drugs and Crime (UNODC)
- WHO (1952). *Expert Committee on Drugs Liable to Produce Addiction, Third Report*, Geneva: World Health Organization, Technical Report Series 57; available at: [http://whqlibdoc.who.int/trs/WHO\\_TRS\\_57.pdf](http://whqlibdoc.who.int/trs/WHO_TRS_57.pdf)
- WHO (1965). *Expert Committee on Dependence-Producing Drugs, Fourteenth report*. Geneva: World Health Organization, Technical Report Series 312; available at: [http://whqlibdoc.who.int/trs/WHO\\_TRS\\_312.pdf](http://whqlibdoc.who.int/trs/WHO_TRS_312.pdf)
- WHO (1969). *WHO Expert Committee on Drug Dependence, Sixteenth Report*, Geneva: World Health Organization; available at: [http://whqlibdoc.who.int/trs/WHO\\_TRS\\_407.pdf](http://whqlibdoc.who.int/trs/WHO_TRS_407.pdf)
- WHO (1970). *WHO Expert Committee on Drug Dependence, Seventeenth Report*, Geneva: World Health Organization; available at: [http://whqlibdoc.who.int/trs/WHO\\_TRS\\_437.pdf](http://whqlibdoc.who.int/trs/WHO_TRS_437.pdf)
- WHO (2003). *WHO Expert Committee on Drug Dependence, Thirty-Third Report*. Geneva: World Health Organization; available: [http://whqlibdoc.who.int/trs/WHO\\_TRS\\_915.pdf](http://whqlibdoc.who.int/trs/WHO_TRS_915.pdf)
- WHO (2006). *WHO Expert Committee on Drug Dependence, Thirty-Fourth Report*. Geneva: World Health Organization.
- WHO (2007). *Recommendations to the Commission on Narcotic Drugs*, WHO statement at the CND, delivered by W. Scholten, Vienna.
- WHO (2012). *Expert Committee on Drug Dependence, Thirty-Fifth Report*, Geneva: World Health Organization. Technical Report Series No. 973.

### Press articles and blogs

- AFP (2013). *France cannabis campaigner convicted, fined*, The Global Post, April 18, 2013; available at: <http://www.globalpost.com/dispatch/news/afp/130418/france-cannabis-campaigner-convicted-fined>
- Anslinger, H.J and Cooper, C.R. (1937). 'Marijuana, Assassin of Youth', *The American Magazine*, July 1937; available at: <http://www.redhousebooks.com/galleries/assassin.htm>
- Barriuso Alonso, M. (2012a). *Cannabis Reaches Parliament: The Debate on Regulating Cannabis Social Clubs in the Basque Country*, TNI weblog, June 26, 2012; available: <http://druglawreform.info/en/weblog/item/3633-cannabis-reaches-parliament>
- Barriuso Alonso, M. (2012b). *Between Collective Organisation and Commercialization: The Cannabis Social Clubs at the Cross-Roads*, TNI weblog, August 9, 2012; available at: <http://druglawreform.info/en/weblog/item/3775-between-collective-organisation-and-commercialisation>
- Barriuso Alonso, M. (2012c). *Portugal progresses toward integrated cannabis regulation*, TNI weblog, October 25, 2012; available at: <http://druglawreform.info/en/weblog/item/4003-portugal-progresses-toward-integrated-cannabis-regulation>
- Blickman, T. (2013). *Objections to Bolivia's Reservation to Allow Coca Chewing in the UN Conventions*, TNI weblog, January 4, 2013; available at: <http://www.undrugcontrol.info/en/weblog/item/4245-objections-to-bolivias-reservation-to-allow-coca-chewing-in-the-un-conventions>
- Campos, I. (2011). *In Search of Real Reform: Lessons From Mexico's Long History of Drug Prohibition*, NACLA Report on the Americas, May/June 2011
- Cunningham, E. and Habib, H. (2013). *Hookash, Hash and the Muslim Brotherhood*, The Global Post, February 27, 2013; available at: <http://www.globalpost.com/dispatch/news/regions/middle-east/egypt/130221/hookahs-hash-muslim-brotherhood-egypt-political-risk-conflict-zones>
- De Mauleón, H. (2010). *El año en que la droga se legalizó*, Milenio, October 9, 2010

- DPA (2012), *Leftists suggest legal cannabis clubs*, The Local, January 25, 2012; available at: <http://www.thelocal.de/politics/20120125-40315.html>
- El Atouabi, M. (2009). *Quand le kif était légal...* Le Temps, July 11-17, 2009
- Gray, E. (2013). *New Laws Chart Course for Marijuana Legalization*, Time Magazine. October 19, 2013; available at: <http://nation.time.com/2013/10/19/new-laws-chart-course-for-marijuana-legalization/>
- Haberkorn, L. (2013), *Regulate Pot? Uruguay's been there, with whisky*, The Associated Press, September 1, 2013; available at: <http://bigstory.ap.org/article/regulate-pot-uruguays-been-there-whisky>
- Jelsma, M. (2011). *Treaty Guardians in Distress, The Inquisitorial Nature of the INCB Response to Bolivia*, TNI weblog, July 11, 2011; <http://www.undrugcontrol.info/en/weblog/item/2626-treaty-guardians-in-distress>
- Jelsma, M. (2013). *INCB vs Uruguay: the art of diplomacy*, TNI weblog, December 17, 2013
- Karam S. (2013), *The green shoots of recovery? Morocco considers the legalisation of marijuana cultivation*, The Independent, July 29, 2013, available at: <http://www.independent.co.uk/news/world/africa/the-green-shoots-of-recovery-morocco-considers-the-legalisation-of-marijuana-cultivation-8737155.html>
- Klein Leichman, A. (2012). *The Israeli Pharmacologist Who Kick-Started Marijuana Research*, Israel21c. May 14, 2012; available at: <http://israel21c.org/people/the-israeli-pharmacologist-who-kick-started-marijuana-research/>
- Le Braz, E. (2010). *Raid sur le kif... et sur les paysans*, Courrier International, September 2, 2010
- Le Devin, W. (2013). *Les Cannabis Social Clubs forcent la loi*, Libération, February 16, 2013; available at: [http://www.liberation.fr/societe/2013/02/15/les-cannabis-social-clubs-forcent-la-loi\\_882204](http://www.liberation.fr/societe/2013/02/15/les-cannabis-social-clubs-forcent-la-loi_882204)
- NYT (1926). *Marijuana Smoking Is Reported Safe*, The New York Times, November 21, 1926; available at: <http://select.nytimes.com/gst/abstract.html?res=F00E14FE3C5D13738DDDA80A94D9415B868EF1D3>
- NYT (1936). *U.S. Remains Aloof On Narcotics Pact*, The New York Times, June 27, 1936; available at: <http://select.nytimes.com/gst/abstract.html?res=F00A1FFB3A5B1B7B93C5AB178DD85F428385F9>
- Measham, F., Nutt, D. and Hulbert, J. (2013). *"Think cannabis is harmless?" No. Does anyone?*, Drugscience, October 24, 2013; blog at <http://drugscience.org.uk/blog/2013/10/24/think-cannabis-harmless-no-does-anyone-what-about-propagating-drug-hysteria-harmless/>
- Miles, K. (2013). *California is poised to legalize Marijuana in 2016*. The Huffington Post. October 17, 2013; available at: [http://www.huffingtonpost.com/2013/10/17/marijuana-legalization-california-2014-2016\\_n\\_4110003.html](http://www.huffingtonpost.com/2013/10/17/marijuana-legalization-california-2014-2016_n_4110003.html)
- Pérez Montfort, R. (1995). *Cuando la cocaína no tenía cola*, Nexos, October 1995; available at <http://www.nexos.com.mx/?cat=2954>
- Richey, W. (2013). *Legal marijuana: US defends decision not to challenge two states' laws*, Christian Science Monitor, September 10, 2013; available at: <http://www.csmonitor.com/USA/Justice/2013/0910/Legal-marijuana-US-defends-decision-not-to-challenge-two-states-laws>
- Ruchansky, E. (2012). *"Impacto enorme" - Sabini, del Frente Amplio*, Página12, June 21, 2012
- Samuels, D. (2008). *Dr. Kush: How Medical Marijuana Is Transforming The Pot Industry*, The New Yorker, July 28, 2008; available at: [http://www.newyorker.com/reporting/2008/07/28/080728fa\\_fact\\_samuels](http://www.newyorker.com/reporting/2008/07/28/080728fa_fact_samuels)
- Subirana, J. (2013). *Cataluña quiere regular los clubes de cannabis*, El Diario, September 24, 2013; available at: [http://www.eldiario.es/catalunya/Cataluna-quiere-regular-clubes-cannabis\\_0\\_178833010.html](http://www.eldiario.es/catalunya/Cataluna-quiere-regular-clubes-cannabis_0_178833010.html)
- Sustainable Drug Policies Commission (2013). *The present continuous of cannabis clubs in Catalonia*, TNI weblog, March 30, 2013; available at: <http://druglawreform.info/en/weblog/item/4604-the-present-continuous-of-cannabis-clubs-in-catalonia>
- Swift, A. (2013). *For First Time, Americans Favor Legalizing Marijuana*, Gallup, October 22, 2013; available at: <http://www.gallup.com/poll/165539/first-time-americans-favor-legalizing-marijuana.aspx>
- TNI/WOLA (2010). *UN's International Narcotics Control Board's Annual Report oversteps mandate and interferes with countries' sovereignty*, Press release, February 24, 2010; available at: <http://www.undrugcontrol.info/en/newsroom/press-releases/item/271-uns-international-narcotics-control-boards-annual-report-oversteps-mandate-and-interferes-with-countries-sovereignty>
- TNI/WOLA (2013). *Bolivia wins a rightful victory on the coca leaf, Creates a positive example for modernizing the UN drug conventions*, Press release, January 11, 2013; available at: <http://www.undrugcontrol.info/en/newsroom/press-releases/item/4267-bolivia-wins-a-rightful-victory-on-the-coca-leaf>
- Travis, A. (2003). *High Stakes*, The Guardian, April 16, 2013; available at: <http://society.guardian.co.uk/societyguardian/story/0,7843,937205,00.html>
- Walker, J. (2013). *Did Alcohol Prohibition Fully End Today? Homebrewing Finally Legal in all 50 States*, 1 July 1, 2013; available at: <http://justsaynow.firedoglake.com/2013/07/01/did-alcohol-prohibition-fully-end-today-homebrewing-finally-legal-in-all-50-states/>

## Authors

Dave Bewley-Taylor  
Tom Blickman  
Martin Jelsma

## Copy editor

David Aronson

## Design

Guido Jelsma  
[www.guidojelsma.nl](http://www.guidojelsma.nl)

## Photo credits

Hash Marihuana & Hemp Museum, Amsterdam/  
Barcelona  
Floris Leeuwenberg  
Pien Metaal  
UNOG Library/League of Nations Archives  
UN Photo

## Printing

Jubels, Amsterdam

## Contact

**T** Transnational Institute (TNI)  
De Wittenstraat 25  
1052 AK Amsterdam  
**N** Netherlands  
Tel: +31-(0)20-6626608  
**I** Fax: +31-(0)20-6757176  
[drugs@tni.org](mailto:drugs@tni.org)  
[www.tni.org/drugs](http://www.tni.org/drugs)  
[www.undrugcontrol.info](http://www.undrugcontrol.info)  
[www.druglawreform.info](http://www.druglawreform.info)

Global Drug Policy Observatory (GDPO)



Research Institute for Arts and Humanities  
Rooms 201-202 James Callaghan Building  
Swansea University  
Singleton Park, Swansea SA2 8PP  
Tel: +44-(0)1792-604293  
[www.swansea.ac.uk/gdpo](http://www.swansea.ac.uk/gdpo)  
twitter: @gdpo\_swan

This is an Open Access publication distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/2.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited. TNI would appreciate receiving a copy of the text in which this document is used or cited. To receive information about TNI's publications and activities, we suggest that you subscribe to our bi-weekly bulletin by sending a request to: [tni@tni.org](mailto:tni@tni.org) or registering at [www.tni.org](http://www.tni.org)

Please note that for some images the copyright lies elsewhere and copyright conditions of those images should be based on the copyright terms of the original source.

Amsterdam/Swansea, March 2014

## Financial contributions

This report has been produced with the financial assistance of the Hash Marihuana & Hemp Museum, Amsterdam/Barcelona, the Open Society Foundations and the Drug Prevention and Information Programme (DPIP) of the European Union.

The contents of this publication are the sole responsibility of TNI and GDPO and can under no circumstances be regarded as reflecting the position of the donors.



**Drug Prevention and  
Information Programme of  
the European Union**



**OPEN SOCIETY  
FOUNDATIONS**

The cannabis plant has been used for spiritual, medicinal and recreational purposes since the early days of civilization. In this report the Transnational Institute and the Global Drug Policy Observatory describe in detail the history of international control and how cannabis was included in the current UN drug control system. Cannabis was condemned by the 1961 Single Convention on Narcotic Drugs as a psychoactive drug with “particularly dangerous properties” and hardly any therapeutic value. Ever since, an increasing number of countries have shown discomfort with the treaty regime’s strictures through soft defections, stretching its legal flexibility to sometimes questionable limits.

Today’s political reality of regulated cannabis markets in Uruguay, Washington and Colorado operating at odds with the UN conventions puts the discussion about options for reform of the global drug control regime on the table. Now that the cracks in the Vienna consensus have reached the point of treaty breach, this discussion is no longer a reformist fantasy. Easy options, however, do not exist; they all entail procedural complications and political obstacles. A coordinated initiative by a group of like-minded countries agreeing to assess possible routes and deciding on a road map for the future seems the most likely scenario for moving forward.

There are good reasons to question the treaty-imposed prohibition model for cannabis control. Not only is the original inclusion of cannabis within the current framework the result of dubious procedures, but the understanding of the drug itself, the dynamics of illicit markets, and the unintended consequences of repressive drug control strategies has increased enormously. The prohibitive model has failed to have any sustained impact in reducing the market, while imposing heavy burdens upon criminal justice systems; producing profoundly negative social and public health impacts; and creating criminal markets supporting organised crime, violence and corruption.

After long accommodating various forms of deviance from its prohibitive ethos, like turning a blind eye to illicit cannabis markets, decriminalisation of possession for personal use, coffeeshops, cannabis social clubs and generous medical marijuana schemes, the regime has now reached a moment of truth. The current policy trend towards legal regulation of the cannabis market as a more promising model for protecting people’s health and safety has changed the drug policy landscape and the terms of the debate. The question facing the international community today is no longer whether or not there is a need to reassess and modernize the UN drug control system, but rather when and how to do it.

## **Transnational Institute**

Since 1996, the TNI Drugs & Democracy programme has been analysing the trends in the illegal drugs market and in drug policies globally. The programme has gained a reputation worldwide as one of the leading international drug policy research institutes and a serious critical watchdog of UN drug control institutions. TNI promotes evidence-based policies guided by the principles of harm reduction and human rights for users and producers, and seeks the reform of the current out-dated UN conventions on drugs, which were inconsistent from the start and have been overtaken by new scientific insights and pragmatic policies that have proven to be more successful. For the past 18 years, the programme has maintained its focus on developments in drug policy and their implications for countries in the South. The strategic objective is to contribute to a more integrated and coherent policy – also at the UN level – where drugs are regarded as a cross-cutting issue within the broader development goals of poverty reduction, public health promotion, human rights protection, peace building and good governance.

## **Global Drug Policy Observatory**

National and international drug policies and programmes that privilege harsh law enforcement and punishment in an effort to eliminate the cultivation, production, trade and use of controlled substances – what has become known as the ‘war on drugs’ – are coming under increased scrutiny. The Global Drug Policy Observatory aims to promote evidence and human rights based drug policy through the comprehensive and rigorous reporting, monitoring and analysis of policy developments at national and international levels. Acting as a platform from which to reach out to and engage with broad and diverse audiences, the initiative aims to help improve the sophistication and horizons of the current policy debate among the media and elite opinion formers as well as within law enforcement and policy making communities. The Observatory engages in a range of research activities that explore not only the dynamics and implications of existing and emerging policy issues, but also the processes behind policy shifts at various levels of governance.