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## The Beckley Foundation's *Global Cannabis Commission Report*

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### Abstract

This paper considers the findings of the Beckley Foundation's *Global Cannabis Commission Report* (Room *et al*, 2008), an overview of the scientific literature on cannabis, detailing its potential harms and those caused by its prohibition. It moves on to consider the various strategies that different jurisdictions have adopted to deal with cannabis use, before moving beyond the Conventions, arguing that countries should have more autonomy to develop policy best suited to their individual circumstances.

Cannabis was incorporated into the global prohibitive regime via the *Single Convention on Narcotic Drugs 1961* (United Nations Office of Drugs and Crime, 1961), and is further affected by two later drug Conventions, the *Convention on Psychotropic Substances 1972* (United Nations Office on Drugs and Crime, 1972) and the *Convention against Illicit Traffic in Narcotic Drugs and Psychoactive Substances 1988* (United Nations Office of Drugs and Crime, 1988). Together, these require that all signatories make production, commerce and possession of cannabis criminal offences under domestic law: in the UK, this expectation is effected via the inclusion of cannabis in Schedule 2 of the *Misuse of Drugs Act 1971* (HM Government, 1971). In the half century since the initial Convention was drafted, patterns of cannabis consumption have altered fundamentally; smoking cannabis has transformed from a relatively rare behaviour confined to a scattering of countries and cultures, to almost a rite of passage among young people in many nations. The United Nations Office on Drugs and Crime (2009) estimates that there is a global population of 190 million cannabis users, rendering it by far the most widely used illicit drug, yet, paradoxically, one that is rarely mentioned in international drug control policy discussions.

### Key words

Cannabis, *Global Cannabis Commission Report*, harms, prohibition, Convention

### The Report

The Commission's remit was to produce an overview of the harms related to cannabis, arising both from use of the plant itself and from its prohibition. Having disentangled the two, they would then be well placed to establish whether or not the prohibition of cannabis has an overall harm reducing effect. The Commission reported that cannabis has the potential to impact adversely on both physical and mental health (Room *et al*,

2008). Its findings are too numerous to detail here, and the interested reader is referred to the *Global Cannabis Commission Report* itself (Room *et al*, 2008). To summarise, the Commission concluded that:

*'There are clear health harms from cannabis use. A driver who is high on cannabis is at increased risk of a traffic crash. Smoking cannabis probably*

*increases the risk of respiratory disorders. Regular users risk developing dependence on the drug – difficulty in cutting down or quitting. Among the complex interactions between cannabis use and mental disorders, cannabis use seems to increase the risk of showing psychotic symptoms.’ (Room et al, 2008, pp171–172)*

Nonetheless, it is important to emphasise that the majority who use cannabis cause no harm, either to themselves or others. Further, as the Report stressed:

*‘The public health impact of contemporary patterns of cannabis use are modest by comparison with those of other illicit drugs (such as the opioids) or with alcohol.’ (Room et al, 2008, p56)*

Indeed, the Commission found that the risks incurred through prohibition outweighed those presented by cannabis itself (Room et al, 2008). Globally, it is cannabis that accounts for the majority of arrests for drug offences. In the US, for instance, it is estimated that there were 735,000 arrests for cannabis possession in 2006 (Room et al, 2008, p77). Additional to the harm caused by an arrest itself, there are the further harms bound up with whatever penalty ensues, up to and including a custodial sentence. Sanctions can be incommensurately severe due to the fact that cannabis is often home cultivated and distributed via a model of social supply, alongside the fact that many countries, including the UK, do not legislatively distinguish between social and commercial supply. Further, the implications of a drug conviction reach far into an individual’s life, potentially impacting on, *inter alia*, employment, family relationships, accommodation, and the ability to travel.

These harms are disproportionately experienced by the young and by ethnic minorities, against whom the law is inordinately wielded. They are sometimes suffered by individuals who are using cannabis for therapeutic reasons, in jurisdictions where this has not been sanctioned. These tolls translate into losses for societies as a whole, not least financially. Not only does prohibition cost states a fortune in its enforcement, it also gifts a high proportion of the vast profits generated by unauthorised trade in cannabis to organised criminals. Further, it is evident that prohibition is not achieving its aim:

*‘Though cannabis is very much more expensive than it would be if it could be legally produced and*

*remained untaxed, the drug is readily available in many Western societies at a cost that allows cannabis to compete with alcohol as a source of intoxication.’ (Room et al, 2008, p75)*

Given that cannabis is suitable for indoor cultivation, its ubiquity is unsurprising.

Having established that cannabis prohibition leads to clear harms, the Commission then investigated the range of reforms instigated in different jurisdictions that operate within the global prohibitive system, yet attempt to ameliorate it (Room et al, 2008). There has been a trend for some of the signatory nations to move away from the constraints of the Conventions in relation to cannabis, in spirit if not officially, devising creative methods of softening prohibitive requirements. Such shifts can be seen in the cannabis policy of many countries, including the Netherlands, Brazil, Germany, Belgium, Spain, Switzerland and Portugal. The Report presents a typology of these alternative regimes, which include: prohibition with cautioning or diversion (depenalisation); prohibition with civil penalties, such as an administrative sanction attached to possession (decriminalisation); partial prohibition, by *de facto* legalisation of lower level offences; or *de jure* legalisation (which contravenes the UN Conventions).

Analysis of these systems reveals that the removal of sanctions for cannabis possession is not tied to an escalation in use. Indeed, a crucial conclusion reached by the Commission was that there appeared to be no apparent link between cannabis policy – whether liberal or draconian – and prevalence of use (Room et al, 2008):

*‘A major consideration in debating proposed changes in cannabis use and possession laws is often the issue of “the message it will send” to take some particular action. The policy impact literature suggests that ... actions in this area seem to have little effect on the behaviour in question. By contrast, actions can certainly affect the adverse social consequences arising from the law and its enforcement.’ (Room et al, 2008, p173)*

While different countries have experimented widely in the regulation of cannabis consumption, the question of supply has hardly been tackled. This is due to the restrictions embedded in the Conventions that leave considerably less room for manoeuvre once drug offending extends beyond possession. Given that supply is inextricably

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linked with use, this creates hypocrisy at the heart of liberal approaches, a situation that risks bringing the law into (even further) disrepute. The Commission, taking the view that it was preferable not simply to breach the Conventions, set about legally resolving this paradox (Room *et al*, 2008). Having explored the various options for reform at international level, it concluded that one of the most realistic routes forward would be for individual countries to denounce the international Conventions and re-accede with a reservation for cannabis.

To explain further, when signing up to an international Convention, it is possible to lodge a reservation against specific clauses that conflict with prevailing attitudes in the relevant country. Switzerland and the Netherlands, for instance, lodged reservations against provisions on criminalisation when ratifying the 1988 Drugs Convention. However, it is also possible for a country to denounce (withdraw from) a previously ratified treaty, and re-accede to it with a reservation. This is the simplest path for an individual country looking to renegotiate its obligations under the international treaties. That denunciation could be based on arguments of an 'error' in that, although potentially harmful, cannabis is relatively less harmful than the other substances controlled by this treaty, and a 'fundamental change of circumstances' in that, since 1961, there has been a radical change in the prevalence of use and social acceptance of cannabis in a great range of societies.

Alternatively, a group of like-minded countries could work together to negotiate and adopt a new international Convention specifically for cannabis. According to principles of international law, the fact that this Convention would be both more recent and more specific would mean that it would take precedence over the earlier Conventions. In order to progress this option, the Beckley Foundation commissioned the Global Cannabis Commission to draft just such a Convention (Beckley Foundation Cannabis Commission, 2009). This *Draft Framework Convention on Cannabis Control* is formulated along the same lines as the *Framework Convention on Tobacco* (World Health Organization, 2003), adopted in 2003. Importantly, the model proposed for cannabis incorporates the provisions on international legitimate trade as contained within the 1961 *Single Convention on Narcotic Drugs*, as these were found to be valuable. It further improves upon the model provided by the *Tobacco*

*Convention* in two key ways: by explicitly stating that the *Cannabis Convention* takes precedence over free trade and equal treatment provisions; and by including measures concerning control of on-premise sales and consumption, drawing on experience from the alcohol field.

As with the *Tobacco Convention*, the draft *Cannabis Convention* incorporates provisions to try to prevent excessive commodification of cannabis, with restrictions on advertising, regulations for minors, and so on. Given the furore surrounding the reclassification of cannabis to Class C in the UK – now reversed – adopting any such Convention will not be easy; however, it is important to adopt an evidence-based approach to policy making, rather than one that is mired in penal populism. A rational counter-argument to any objections is that, if such a Framework Convention is deemed suitable for dealing with tobacco, then it surely suffices in dealing with cannabis, given that this is the substantially less harmful of the two plants when ingested. Further, the downward turn in tobacco-related harms pursuant to more stringent regulation of this substance – while still vast – gives cause for optimism as regards the benefits that might accompany a regulatory system of control for cannabis.

The Report asserts, '*that which is prohibited cannot easily be regulated*' (Room *et al*, 2008, p181); while it would be overly optimistic to claim that the reverse is also true, regulation can certainly help with harm reduction. There are risks involved in adopting a regulatory approach, of course; this is an area where it will be prudent to tread very carefully, formulating a control regime fully informed by the mistakes of the past in relation to legally available psychoactives. One obvious benefit is the financial advantage of swapping the costs of law enforcement for the levying of taxes. There are also potentially enormous health and social gains to be made by switching from a prohibitive to a regulatory system.

In the UK, it is the risk of cannabis triggering mental health problems that has generated the most concern in recent years, so this area will be used as an illustrative example of how a system of regulation could feasibly reduce harm. With regards to psychosis, there is suggestive evidence that cannabis with a high tetrahydrocannabinol (THC) but a low cannabidiol (CBD) content is more likely to exacerbate psychological issues. Consequently, the Beckley Foundation is currently involved in pioneering research in this important area as part of its science programme (see [www.beckleyfoundation.org](http://www.beckleyfoundation.org)).

beckleyfoundation.org/science/projects11.html). In natural strains of cannabis, these two components are fairly evenly balanced; however, certain modern hybrids have been bred to enhance the THC content while simultaneously lowering the amount of CBD, thus minimising the purported protective, antipsychotic effect of the latter. Indeed, 'skunk' often contains an elevated THC content with no CBD present whatsoever. Under a legally regulated market, there could be a requirement that cannabis products be labelled to detail these quotients. Further, the distortion of the natural proportions of THC and CBD could be reversed in state sanctioned cannabis, with anticipated beneficial effects for harm reduction in the area of mental health.

### Moving beyond stalemate?

The Beckley Foundation's *Global Cannabis Commission Report* was originally commissioned with a view to informing policy making at a global level, specifically the United Nation's strategic drug policy review, held in Vienna in March 2009. This meeting was an opportunity to evaluate the UN's progress in their (now expired) 10-year strategy to create a 'drug free world'. Throughout the proceedings, cannabis, despite amounting to approximately 80% of global illicit drug use, warranted only a single mention: at the instigation of Japan, a resolution was formulated directed at clamping down on the trade in cannabis seeds, due to concern about a growth in home cultivation (Commission on Narcotic Drugs, 2009).

It is interesting to peruse why it is that cannabis retains relative invisibility in such fora. Paradoxically, one possible reason could be the comparative lack of harm that it causes, a factor that supports calls for its removal from the prohibitive framework. Another (speculative) interpretation of the silence surrounding cannabis at UN level is that, were it to be scrutinised too closely, justification for its prohibition could fall away. Should this happen, the vast sums of money spent on the 'War on Drugs' would become even harder to justify, given that cannabis represents the bread and butter of prohibition.

### The future

The Beckley Foundation intends to further promote and disseminate the *Global Cannabis Commission Report*, to bring together countries interested in reforming their cannabis policies by encouraging them to adopt its recommendations at both international and national level. The

Report offers a comprehensive overview of the facts about cannabis, providing a valuable resource to help educate both politicians and the public. Further, in combination with its accompanying *Draft Framework Convention on Cannabis Control* (Beckley Foundation Cannabis Commission, 2009), it offers a number of ways out of the current impasse, serving as a blueprint for reform. Slipping the leash of the Conventions in relation to cannabis by utilising either of the two main options proposed by the Report – denunciation followed by immediate re-accession with reservations to the UN Conventions, or negotiation and ratification of a distinct Cannabis Convention – would allow countries greater autonomy in setting policies that better reflect their individual circumstances.

It will take a certain amount of bravery, particularly on the part of the pioneering countries, to disentangle cannabis from the global prohibitive regime:

*'With any of the paths forward outlined above, the basic drawback is that there will be vociferous opposition from a number of quarters – from the INCB, from the US, and from a number of other countries. The opposition will be couched in terms of the old idealised rhetoric about the need for solidarity among humankind to defeat a common scourge... Any move forward will have to face these political issues and develop its own framing in terms of such ideals and principles as human rights and liberties, proportionality, and the minimisation of harm.'*  
(Room et al, 2008 167–168)

With regards to anticipated enmity from the US, it is worth noting that therapeutic use of cannabis is now authorised in a number of States, alongside which their new Drug Czar recently declared an end to the rhetoric of the 'War on Drugs', if not the war itself (Sullivan, 2009). Moving beyond stalemate will be easier if like-minded nations work together. This is a very real possibility; although the official outcome of the United Nations review of the global drug control system constituted little more than a recommitment by member states to existing policies, the formal declarations mask increasing dissatisfaction with the status quo in a number of jurisdictions (International Drug Policy Consortium, 2009).

This dissatisfaction is particularly apparent in Latin America. In producer/transit countries, the suffering caused by the 'War on Drugs' is vastly more widespread than in the West, affecting not only farmers, but also whole populations by



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the destabilisation of political and social systems through corruption, violence and institutional collapse. While attention to these systemic effects has primarily been focused on other drugs, the war on cannabis plays a significant role. The former Presidents of Brazil, Mexico and Colombia, along with 17 other delegates from nine Latin American nations, have authored a report, *Drugs and Democracy: Towards a Paradigm Shift* (Latin American Commission on Democracy, 2009), which draws from and references the Report. One of the proposals the Latin American Commission on Democracy puts forward is to decriminalise possession of cannabis for personal use, twinned with an emphasis on education. This approach is already being explored in both Brazil and Mexico, countries that are currently living through the worst of the 'War on Drugs', with criminal drug gangs embroiled in all-out wars with the state (Tuckman & Vulliamy, 2009). It is refreshing that, amid the carnage, there is recognition that prohibition is one of the causes of – rather than the solution to – such violence.

A similar appreciation of the link between prohibition and disorder has recently been demonstrated in Denmark, where a Social Affairs Committee report has recommended decriminalising cannabis to help curb gang violence in Copenhagen. The decision to send police and armoured vehicles into Christiania (the self-proclaimed autonomous area just outside Copenhagen where cannabis has been sold since the 1970s) is widely perceived not to have had the desired effect, but rather to have pushed the sale of cannabis out into the rest of the city, rendering it harder to control and escalating the level of violence. The Social Affairs Committee also based their proposals on data derived from the Report (*Copenhagen Post*, 7 July 2009).

For those countries where decriminalisation is not being proposed, the Report usefully flags up less far-reaching initiatives that could nonetheless reduce harm in this area. Most significantly, making the decision not to imprison people for possession of cannabis is something that can be done on a national level without requiring any change with regard to the Conventions or, in relation to the UK, the *Misuse of Drugs Act 1971* (HM Government, 1971). While custody for possession of cannabis is much rarer in the UK than in certain other nations, it still occurs. In 2007, 196 people were sentenced to immediate custody for possession of a Class C substance, which at that time would predominantly have

been cannabis (Ministry of Justice, 2008). Worryingly, the discretion that the courts have in this area opens the door for discrimination. Further, initiatives to improve education, to more realistically distinguish between use and misuse and to help minimise harms, could be incorporated at this juncture, cognisant of the fact that cannabis has the greatest potential for harm when it is used heavily by young people.

The Beckley Foundation adopts an evidence-based approach to drug policy; thus, it is recommended that any changes to the prohibitive framework be closely monitored, and adjusted accordingly where they are not shown to be having a harm reducing effect. Policy benefits from being fluid and pragmatic, rather than ideological and unyielding. In order to effectively evolve cannabis regulation, it is important to discover as much about the plant as possible. Some of the many questions where reliable evidence is lacking include: why do people choose to use cannabis? What are the psychological and therapeutic needs it fulfils? What are the processes it might enhance? Why and when is cannabis harmful? Can this be understood in terms of differences in individual genetic and personality types, or in the type of cannabis consumed, or in the pattern of its consumption? Answering these and other questions might help to minimise the harms caused by cannabis use, as well as affording a better understanding of the benefits many users reportedly derive from it, both in alleviating sickness and promoting well-being. In an attempt to address at least some of these issues, the Beckley Foundation is involved in the following research programmes: identifying the brain correlates of the subjective effects of cannabis that users find beneficial; investigating the physiological effects of THC and the therapeutic potential of CBD; exploring the effects of cannabis on creativity; and examining the efficacy of cannabis in medicinal use.

In closing, it is worth noting that, although the Report is specifically targeted at reviewing cannabis laws, any change to the scheduling of cannabis under the international drug control system could lead to a questioning of the whole 'War on Drugs' approach. Without cannabis within the system's remit, the proportion of illegal drug-users in the global population is around one per cent – too small to justify the vast costs, both financial and in terms of human suffering, that result from the current efforts to enforce the ideals behind this unwinnable war.

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