

New Report Offers Strategies for Regulating Cannabis in Ways that Uphold and Modernize International Law

Stance of ‘Principled Non-Compliance’ with Antiquated UN Drug Treaty Provisions Would Open Door to Needed Reforms

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Amsterdam, London, Mexico City, Toronto, Vancouver, and Washington, DC—As an increasing number of jurisdictions consider whether and how to legalize and regulate access to cannabis, tensions are growing between these initiatives and countries’ obligations under the UN drug control conventions. A [groundbreaking new report](#) produced by a coalition of legal and drug policy experts offers strategies for countries exploring regulatory approaches to cannabis to do so in ways that ensure that their domestic reforms align with their international legal obligations.

The report, [“Cannabis Regulation and the UN Drug Treaties: Strategies for Reform,”](#) which was compiled by a group of experts in the United States, Mexico, the Netherlands, Canada, and the United Kingdom, makes clear that the problem is not that countries are pursuing reforms to legally regulate cannabis, but rather the antiquated drug treaty provisions that explicitly block such reforms. Overcoming that hurdle, the report argues, does not require a global consensus to re-write the UN drug treaties—an impossible task under current conditions—but can be achieved by procedures available to individual countries and groups of countries under international law.

“Cannabis is clearly the ‘elephant in the room’ at key high-level international fora, as we saw at the recent 2016 UN General Assembly Special Session (UNGASS) on drugs in New York,” says John Walsh, Senior Associate at WOLA (Washington Office on Latin America). **“It’s obviously present, but studiously ignored. Even as cannabis reforms are moving full steam ahead, governments avoid mentioning the treaty tensions. This report is meant to help bring those tensions into the open, and provide pathways for the needed changes.”**

In order to pursue cannabis reforms in ways that reinforce the UN pillars of human rights, development, public security, and the rule of law, the report argues that reforming countries should adopt a stance of “principled non-compliance,” clearly acknowledging that regulating cannabis will take their countries beyond the bounds of the current drug treaties.

“Tensions over cannabis regulations and treaty non-compliance are likely to spread quickly and widely the coming years,” says Martin Jelsma, the director of the Drugs & Democracy program of the Netherlands-based Transnational Institute (TNI). **“There is an urgent need to consider options on how to deal with this without mutilating international law,”** added Dave Bewley-Taylor, director of the Global Drug Policy Observatory (GDPO), Swansea University, UK.

The most recent government to update its approach to cannabis is that of Canada, which has announced plans to begin regulating cannabis in the early 2017. While doing so, Canadian authorities have said the

country will seek to ensure its reforms are aligned “wherever possible” with the objectives of the international drug control framework and the spirit of UN drug conventions.

“Canada should be commended for not ignoring the tensions between the UN drug treaties and regulating cannabis for non-medical use,” says Donald MacPherson, the executive director of the Canadian Drug Policy Coalition (CDPC). **“To move the debate forward, the options outlined in this paper aim to illuminate the available options for Canada and others to ensure that their new domestic cannabis laws and policies are aligned with their international obligations.”**

The debate over cannabis policy reform is also broadening in Mexico, and will take on greater urgency if, as expected, voters in the U.S. border state of California approve a November 2016 ballot initiative to legalize and regulate cannabis, thereby joining the states of Alaska, Colorado, Oregon, and Washington.

“A vote in California to regulate cannabis will put Mexico in an increasingly difficult position, and underscore the need to think anew about Mexico’s own cannabis policy,” says Lisa Sánchez, the Latin American program manager for the Transform Drug Policy Foundation and *México Unido Contra la Delincuencia* (MUCD). **“This paper comes at a crucial time to help to modernize the global drug control system in ways consistent with international law and the overarching purposes of the UN system.”**

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A first version of this briefing paper was launched at a special side event at the UN General Assembly Special Session (UNGASS) on the World Drug Problem on April 20, 2016. See:

<http://www.undrugcontrol.info/en/events/public-events/item/6857-cannabis-and-the-conventions-ungass-and-beyond>