

GDPO Situation Analysis

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UK General Election 2017: Where do the parties stand on drug policy?

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Subject

On the 8th June, the United Kingdom goes to the polls for a second general election in under two years. Following the EU referendum last June, the issue of Brexit continues to dominate the campaign discourse, with security also front and centre since the recent terrorist attacks in London and Manchester. Important - yet less eye-catching - issues have taken a back seat in the campaign, including the issue of drugs policy. That said, most of the major national parties have included some kind of manifesto pledge regarding their approach to illicit drug markets, and an evaluation of the differing positions is therefore warranted. This Situation Analysis has crawled the 2015 and 2017 manifesto pledges of all of the major national parties, and presents an evaluative summary of the explicit and implicit policy pledges, and direction of policy travel, of each.

Analysis

The global drug policy debate has moved-on considerably since the last UK general election in 2015. In April 2016, the United Nations General Assembly convened a Special Session (UNGASS) specifically focused on drugs. Although no international consensus for reform was found, local and regional drug policy divergence away from a traditional law enforcement dominated approach emerged as an increasing reality, with some notable exceptions. As Benoît Gomis recently pointed out,³ at the far end of the new policy spectrum

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³ Gomis, B, *US Drug Policy: Clinton vs. Trump*, Situation Analysis, Global Drug Policy Observatory, October, 2016

cannabis regulation in certain US states has forced ‘shifts away from prohibition-oriented policies’⁴ at the local level: A situation that has generated tension between both state and federal authorities and, above that, the federal government and international law. Recent moves towards legalised regulated cannabis markets at the federal level in Canada, the roll-out of regulated markets in Uruguay, and divergent approaches to drugs across the EU (notably the policy approaches in Portugal and the Netherlands) mean that there appears to be some room for a shifting of UK drug policy. Against this backdrop, Liberal Democrats’ plans to create a legalised, regulated commercial cannabis market in the UK, and to repeal the Psychoactive Substances Act (PSA) 2016, are by far the most eye-catching policy pledges of all the parties. However, the cannabis manifesto pledge raises questions concerning reconciling such a domestic policy shift with the UK’s international legal commitments and this is discussed in further detail under the Liberal Democrats’ policy section.

With the changing international circumstances, and adjusted policy pledges since 2015 in mind, an analysis of the 2017 manifesto pledges of all the major national parties suggests that on the issue of drugs, the parties are a significant distance apart from a consensus of opinion. Most notably, views on Novel Psychoactive Substances (NPS) range from upholding recent prohibitionist legislation, to repealing the act. On cannabis, whilst some parties advocate legally regulated markets, others wish to bring the full weight of the law to enforce existing policy, with a range of views in between. Several key issues appear absent from all parties’ manifestos. First, despite recent talk around the role of the internet in radicalisation and terrorism, no party makes mention of the intersection of the internet and the trade in illegal drugs. The inexorable growth⁵ in magnitude, number, and popularity of crypto-drug markets (CDMs) in recent years therefore continues to evade the attention of UK political parties. Second, none of the parties seem to recognise that UK drug policy operates within a multilateral legal framework; namely the various UN conventions that schedule substances as either illicit, or otherwise. In particular, Plaid Cymru to a lesser extent, and the Liberal Democrats to a greater degree, make manifesto pledges on drugs that would generate international implications if fulfilled.

The Conservative Party

2015

In order to understand the on-going direction of Conservative drug policy, it is important to compare the 2017 manifesto pledges, with those of the previous general election manifesto (2015). As there is no specific issue heading for drugs in either document, this involves teasing out disparate strains of drug policy from separate areas of each document. The 2015 manifesto offers insight into the general character and feel of a distinctly Conservative approach after a period of governing coalition with the Liberal Democrats (2010-2015).

On the demand-side, the 2015 Conservative manifesto sought to pair drug users with alcoholics as a singular group of addicted sufferers of treatable conditions,⁶ for which the only possible cure could be total abstinence, including from drug replacement therapies. This approach included enforced abstinence of offender populations held within the state’s criminal justice system. In terms of supply-side policy, 2015’s policy pledges centred around efforts to cut supply, and a pledge to work with international ‘partners to address threats to UK... [including]...the illegal drugs trade.’⁷ Summarily, the 2015 manifesto paints drug

⁴ *Ibid.* Gomis. p.2

⁵ Buxton, J. & Bingham, T., *The Rise and Challenge of Dark Net Drug Markets*, Policy Brief 7, Global Drug Policy Observatory, January, 2015

⁶ 2015 Conservative Party Manifesto, p.38. Available:

<https://www.bond.org.uk/data/files/Blog/ConservativeManifesto2015.pdf> Accessed 02/06/2017

⁷ *Ibid.*, p.76

use as a scourge on society and a risk to the state, for which the prescription is a prohibition-led approach of curbing demand through abstinence, and supply through international law enforcement (LE) cooperation.

2017

As might be expected so soon after the previous General Election (2015), the 2017 Conservative Party manifesto largely continues the themes found in the 2015 document. However, a change in the party's leadership - from David Cameron to former Home Secretary Theresa May - seems to have impelled some alterations in rhetorical tone. Steeped in the 'strong and stable' rhetoric of the campaign, 2017's manifesto, entitled *Forward Together, Our Plan for a Stronger Britain and a Prosperous Future*, has a generally bolder tone which advances a stridency absent from 2015. Like the 2015 document, 2017 refuses to address drugs as a headline issue area, instead including it piecemeal under other policy headings.

On the domestic front, the Conservative proposals appear quixotic; on the one hand considering drug use as purely a criminal act under the banner of punishment and reform, and on the other, as a health issue as part of a broader plan to improve standards of care for National Health Service (NHS) patients. Although not explicit, the manifesto therefore implies a slight change in tack from 2015; for example, a new pledge to 'widen the role of Police and Crime Commissioners'⁸ (PCCs) to include membership of local Health Boards appears designed to synergise crime prevention efforts with drug and alcohol services. Extending the health services theme, the 2017 manifesto moves toward proposals which consider drug use in the same breath as mental health; including a promise to 'improve the co-ordination of mental health services with other local services, including police forces and drug and alcohol rehabilitation services.'⁹

On the supply side, the 2017 document paints the trafficking of drugs in the same broad strokes as the trafficking of human beings; with both being described as 'vile.'¹⁰ In the proposed post-Brexit epoch, the international drug supply issue is no longer discussed in terms of international LE cooperation, but instead by means of deploying unilateral military force, with Royal Navy warships at the vanguard of the 2017 document's supply reduction strategy.

On the issue of broader policy direction, it is worth noting that Conservative leader Theresa May, in her previous role as Home Secretary, personally oversaw the creation of PCCs in the first place. Her move to strengthen their role in regard drug policy implementation appears to indicate a wider theme of continuity between her time as Home Secretary and her Premiership. Considering this continuity, as Home Secretary, May also oversaw the ban on Khat¹¹ (2014) and co-sponsored the Psychoactive Substances Act (2016). In a campaign interview, when questioned on Cannabis legalisation, Mrs. May explicitly ruled it out "I think it [cannabis] can have a real [negative] impact on people in terms of their mental health, but it can also of course, lead to people going on to harder drugs."¹² It therefore seems unlikely that a Conservative victory in 2017 would result in a more liberal approach to drugs in general.

⁸ 2017 Conservative Party Manifesto, p.45. Available: <https://www.conservatives.com/manifesto> Accessed 02/06/2017

⁹ *Ibid*, p.70

¹⁰ *Ibid*, p.38

¹¹ GDPO Situation Analysis, *The UK Khat Ban: Adverse Consequences*, January, 2014. Available: <http://www.swansea.ac.uk/media/GDPO%20Situation%20Analysis%20Khat.pdf>

¹² Theresa May, ITV Leaders Live, Facebook Live Q&A, 3pm, 15th May, 2017. Available: <https://www.youtube.com/watch?v=WkDVMkZeA2k> Accessed 03/06/2017

The Labour Party

Like the Conservatives, neither the 2015, nor the 2017 Labour Party manifestos contain a dedicated policy approach to drugs. In both Labour documents, it was necessary to extract mentions of drug policy from other related issue areas. If directly compared with the Conservative documents, both Labour manifestos are lighter in substance and specificity. Labour's change in leadership, from Ed Miliband in 2015, to Jeremy Corbyn at this election, has precipitated a great many changes in the party's policy positions across a wide field of policy areas. This broader ideological shift appears to have made little difference to drug policy proposals.

2015

The stand-out 2015 manifesto promise was to ban so-called legal highs.¹³ This appears to have been largely satisfied by the Conservative sponsored Psychoactive Substances Act (PSA) of 2016. The 2015 document also promised an approach grounded in resolving social causes of drug use, and a conjoined response which combined health, policing, and local authority (LA) approaches.¹⁴ To some extent, this is similar to some aspects of the 2017 Conservative proposals. In the Labour 2015 case, there is no detail on quite how the 'root causes'¹⁵ of drug use will be targeted, and detail is also absent on the mechanics of the proposed NHS, LE, and LA integrated approach.

2017

The 2017 document makes no new specific legislation proposals, and avoids recommending a repeal of PSA 2016. This appears to indicate that Labour consider the 2016 legislation as having satisfied their own 2015 pledge.

On the domestic front, the 2017 Labour proposals appear to refute a blanket punitive approach. The 2017 manifesto clearly states that custodial sentences should be reserved as the most 'severe sanction for serious offences.'¹⁶ That said, 'serious' is a subjective term, and one which doesn't explicitly rule out imprisonment for possession. More broadly, Labour make an implicit promise to protect funding for 'drug treatment centres'¹⁷ as part of a wider commitment to mental health issues. Like the Conservatives,¹⁸ this suggests that Labour consider drug use as conjoined with mental illness.

On the supply side, Labour's 2017 document paints a similar picture to the Conservatives; the trafficking of drugs is discussed with broader considerations of 'vital'¹⁹ border security: drugs are grouped with 'child abduction, people trafficking, smuggling of drugs and guns, terrorism and modern day slavery.'²⁰ Grouping drug supply with child abduction and terrorism implies a demonization of all forms of drugs supply, but does stop short of the Conservatives' use of the term 'vile.' Labour 2017 offers no strategy specificity on border enforcement or supply reduction proposals.

¹³ 2015 Labour Party Manifesto, P.69. Available: <http://www.labour.org.uk/page/-/BritainCanBeBetter-TheLabourPartyManifesto2015.pdf> Accessed 04/06/2017

¹⁴ *Ibid*, p.69

¹⁵ *Ibid*, p.69

¹⁶ 2017 Labour Party Manifesto, p.82. Available: <http://www.labour.org.uk/index.php/manifesto2017> Accessed 04/06/217

¹⁷ *Ibid*, p.82

¹⁸ *Op Cit*. Conservative 2017, p.70

¹⁹ 2017 Labour Party Manifesto, p.78

²⁰ *Ibid*, p.78

On the issue of broader policy direction, Labour leader Jeremy Corbyn has historically appeared progressive on drugs. In 2000, he was one of just 14 MPs who backed an Early Day Motion which supported LA licensed cannabis cafes. During the 2016 Labour leadership election, he suggested that he “would decriminalise medicinal uses of cannabis.”²¹ Internationally, he has also previously indicated his support for ending the “horrors of the drugs war that’s going on in Central America.”²² However, proposals that support any of these personal policy strands are entirely absent from the 2017 party manifesto. Despite the absence of clarity in the 2017 manifesto, it seems likely - considering Mr Corbyn’s previously stated positions - that a Labour victory in 2017 would result in a more liberal approach to drugs than the manifesto suggests.

The Liberal Democrats

The Liberal Democrats were the minority partners in the Conservative-led coalition government of 2010-2015, and arguably played a moderating role on drug policy during the coalition period. In 2017, they present the boldest drug policy of all the major UK-wide parties, with drug policy forming a distinct policy area. However, they are considered very unlikely to win the election, and are therefore also least likely to be in a position to enact their manifesto pledges. That said, with some recent opinion polling showing Labour narrowing the Conservative lead, the prospect of a coalition government isn’t necessarily as far-fetched as it seemed at the start of the campaign (despite Liberal Democrat assertions). In addition, even on the opposition benches, the Liberal Democrats have successfully shifted policy discourses on issues as varied as foreign policy, and domestic taxation. Therefore, even without significant electoral gains, the Liberal Democrats’ cannabis proposals may yet influence the wider drug policy narrative - and potentially Conservative and Labour policy - in the future. The Liberal Democrat headline pledges for 2017 include repealing the Psychoactive Substances Act (2016), and advocating the formation of a legally regulated cannabis market for recreational and medicinal use.

The 2017 manifesto evidences a notable movement in Liberal Democrat policy since 2015, and so a comparative analysis is also useful here.

2015

The 2015 Liberal Democrat manifesto featured specific pledges on drugs. These included recommending a largely evidence-based approach, most notably a ‘review to assess the effectiveness of the cannabis legalisation experiments in the United States and Uruguay’,²³ with reform front and centre of the narrative.

Domestically, the 2015 document pledged legislation to end ‘the use of imprisonment for possession of drugs for personal use,’²⁴ and recommended that the UK adopts the Portuguese model which favours ‘education or civil penalties that do not attract a criminal record.’²⁵ 2015 also saw a commitment to legislate in favour of providing doctors with the power to prescribe cannabis for medicinal use. And, 2015 also advocated shifting responsibility for all drug policy from the Home Office to the Department of Health.

²¹ Jeremy Corbyn, Labour Leaders debate, 24, August, 2015. Video Available: <https://tinyurl.com/CorbynCannabis> Accessed: 04/06/2017

²² Jeremy Corbyn, Labour Leaders debate, 24, August, 2015. Video Available: <https://tinyurl.com/CorbynCannabis> Accessed: 04/06/2017

²³ 2015 Liberal Democrat Manifesto, P.126. Available: <https://tinyurl.com/LidDems2015> Accessed 01/06/2017

²⁴ *Ibid*, p.125

²⁵ *Ibid*, p.125

Internationally, the 2015 manifesto proposed that state resources no longer required to prohibit personal possession should be redeployed ‘towards tackling organised drug crime instead’²⁶ including a robust approach to the manufacturers, dealers, and importers of drugs.

2017

The 2017 Liberal Democrat manifesto evidences a shift from the proposed review of the effectiveness of cannabis legalisation in 2015, to recommending the introduction of an all-out legalised, and regulated cannabis market.

The 2017 document continues to favour the Portuguese model, although specific references to Portugal have been dropped. This model promises a health-oriented approach, relieving the Home Office of drugs policy responsibility, moving it instead to the Department of Health. The 2017 manifesto also includes a promise to repeal the Psychoactive Substances Act (2016).²⁷ Summarily, the Liberal Democrat approach is vastly different to those of the two largest parties, the Conservatives and Labour, and appears more closely aligned with the emerging Canadian model, particularly on cannabis.

Domestically, the 2017 Liberal Democrat manifesto aims to reduce domestic demand via a harm reduction awareness model, which focuses on the perceived ill-effects of excessive consumption of drugs, alcohol, and tobacco.²⁸ On social harm, the 2017 document proposes an end to the ‘needless prosecution’²⁹ and imprisonment for personal possession, diverting arrested persons to rehabilitation, or civil penalties as in the Portuguese model. The Liberal Democrats propose to combat organised criminal drug gangs by introducing a regulated market for cannabis³⁰ which would also restrict potency and ‘permit cannabis to be sold through licensed outlet to adults.’³¹

Internationally, the 2017 document declares the “war on drugs” ‘a catastrophic failure’³² but offers little by way of alternative, other than suggesting resources be directed to ‘catching and prosecuting those who manufacture, import or deal in illegal drugs.’³³ This area is light on specific detail.

On the issue of broader policy direction, Liberal Democrat leader Tim Farron has asserted that as well as avoiding the costs of policing the existing punitive approach to cannabis, his party’s plans for regulated markets could generate over £1billion per annum for the exchequer by 2019/2020.³⁴ Like the Labour manifesto, the Liberal Democrats call for an end to the “war on drugs”, and for a health-orientated approach. On the whole, the Liberal Democrat position appears more closely aligned to the Labour position, than it does to the Conservative, but is nevertheless radically different from both. The Liberal Democrats’ explicit calls for legally regulated cannabis markets, and for the repeal of PSA 2016, clearly differentiate Liberal policy from Labour, but are nevertheless similar in tone to Jeremy Corbyn’s previous public remarks. It must be acknowledged that, as is currently the case with the Trudeau administration in Ottawa, the Liberal Democrats’ pledge on regulated cannabis markets would generate some, although not irreconcilable, tension with international obligations.

²⁶ *Op cit*, Lib Dems 2015, p.125

²⁷ 2017 Liberal Democrat Manifesto, p.77. Available <https://tinyurl.com/LibDems2017> Accessed: 05/06/2017

²⁸ *Ibid*, p.21

²⁹ *Ibid*, p.76

³⁰ *Ibid*, p.76

³¹ *Ibid*, p.76

³² *Ibid*, p.76

³³ *Ibid*, p.76

³⁴ Tim Farron interview embedded in McCann, K., *Liberal Democrats would ban sale of diesel cars, legalise cannabis, and spend £14billion, manifesto reveals*, Telegraph, 17 May, 2017. Available:

<http://www.telegraph.co.uk/news/2017/05/17/liberal-democrats-would-ban-sale-diesel-cars-tax-cannabis-boost/>

Accessed: 02/06/2017

Minor and Regional Parties

Plaid Cymru

The Welsh nationalists support decriminalisation of cannabis for medicinal use in both the 2015, and the 2017³⁵ manifestos. The 2017 document drops 2015 commitments to increase access to drug treatment centres,³⁶ and a harm reduction education programme.³⁷ In the final days of campaigning Plaid Cymru leader Leanne Wood added a verbal pledge that her party would *explore the possibility* of prescribing heroin on the NHS in order to reduce the ‘number of people... killed by overdoses of heroin’ each year in Wales. Although not a manifesto pledge, Ms. Wood’s comments indicate that Plaid favour a harm-reduction approach over purely punitive measures.

The United Kingdom Independence Party (UKIP)

UKIP’s 2015 manifesto mentions drugs as part of a general review of criminality; suggesting a review of drug sentencing policy.³⁸ This promise was accompanied by an explicit commitment that no drugs would be decriminalised, but that LE efforts would be focused on traffickers and dealers, not users.³⁹ The 2017 document outlines the largest policy shift of any of the parties, moving away from commitments to review, and toward absolutism. A definitive pledge that cannabis use and supply will be dealt with by the rigorous enforcement of all current legislation.⁴⁰ This is because, in UKIP’s view, ‘cannabis can cause lasting psychotic illness.’⁴¹ UKIP’s 2017 document also takes a ‘tough line’⁴² on drug use in offender populations, promising 6 month bans from physical interactions with visitors for all those testing positive for any illegal substance.⁴³

The Green Party

In the 2015 manifesto document, the Greens made drug policy a central issue, advocating an evidence-based approach to the step-by-step regulation, starting with cannabis, of the drugs currently banned under the Misuse of Drugs Act.⁴⁴ Furthermore, 2015 promised to take a health-orientated approach which would ‘treat drug addiction as a health problem rather than a crime’⁴⁵ and moving departmental responsibility to away from the Home Office, and under the Department of Health. The 2015 promises have given way in 2017 to nothing. There is a complete absence of drug policy, or mentions of drugs, in the 2017 manifesto. The Greens seem to have disassociated themselves from drug policy and many other areas, indicating that the snap election may have taken them by surprise. The 2017 manifesto is less than one third of the size of the 2015 document.

³⁵ 2017 Plaid Cymru Manifesto, p.36. Available: <http://www2.partyof.wales/actionplan17> Accessed 2/06/217

³⁶ 2015 Plaid Cymru Manifesto, p.19. Available: <http://www.manifesto.com/documents/plaid-cymru-general-election-manifesto-2015/> Accessed: 01/06/2017

³⁷ *Ibid*, p.31

³⁸ 2015 UKIP Manifesto, p.54. Available: <http://www.ukip.org/manifesto2015> Accessed 05/06/2017

³⁹ *Ibid*, p.55

⁴⁰ 2017 UKIP Manifesto, p.22. Available: <http://www.ukip.org/manifesto2017> Accessed 06/06/2107

⁴¹ *Ibid*, p.22

⁴² *Ibid*, p.41

⁴³ *Ibid*, p.41

⁴⁴ 2015 Green Party Manifesto, p.33. Available: <https://www.greenparty.org.uk/we-stand-for/2015-manifesto.html> Accessed 06/06/2017

⁴⁵ *Ibid*, p.33

SNP

Although a regional party, the Scottish National Party (SNP) represent the third largest party by seats in the 2015-2017 Westminster parliament. In 2017, the SNP continue to poll well in Scotland, and are expected to retain a large amount of their 2015 seats.

Scotland has high instances of illegal drug use. Deaths caused by illegal drug use have doubled in Scotland since 2005,⁴⁶ and are continuing to rise; 2015 statistics show that drug-related deaths per annum are now at the largest level ever recorded in Scotland.⁴⁷ Despite this, the SNP's 2017 manifesto makes no mention of drugs issues directly, or as a sub-issue under policing or health services. Similarly, the issue is also completely absent from the 2015.

In case the SNP internally categorise drugs as a devolved matter, this analysis also examined the SNP's 2016 Holyrood election manifesto. Although there were some scant mentions of drugs, this was in passing, and under the wider banners of *Strengthening the Police* and *Female Offending*. On the first, the SNP pledged to 'continue to support the range of police services... including drug enforcement.'⁴⁸ On the second, the SNP's promise is to provide females in the offender population with '...access to intensive support to help overcome issues such as alcohol, drugs, mental health and domestic abuse trauma...'⁴⁹ Accordingly, based on such little data, it is only possible to conclude that the SNP consider drugs as a policing and criminal justice issue, with any health-orientated measures occurring after arrest and sentencing.

Conclusion

UK drug policy over the coming parliament may well depend as much on the manifesto pledges as it does on the political composition of that parliament, and the UK's departure from the European Union. On the first point, a majority government formed by the Conservatives appears the most likely outcome, followed by a minority administration or coalition led by either the Conservatives or the Labour Party. As this Situation Analysis shows, a coalition of the Left appears more likely to advance a drug policy programme that is centred around health, including - in terms of the Liberal Democrats - a regulated market for the non-medical and non-scientific use of cannabis, than any coalition involving the incumbent Conservatives. Particularly in regard the Liberal Democrat position, it is worthy of note that cannabis remains one of the psychoactive substances included within the UN drug control regime. More precisely, it is scheduled alongside heroin and cocaine under the UN's 1961 Single Convention on Narcotic Drugs (as amended by the 1972 protocol); a convention to which the UK is a party. The Liberal Democrats' 2017 manifesto pledge to permit regulated recreational markets, therefore runs counter to all serious interpretations of the UK's international legal commitments and would require some thought concerning how to reconcile Her Majesty's Government's relationship with the Single Convention.⁵⁰

⁴⁶ National Records of Scotland, *Drug-Related Deaths in Scotland in 2015*, National Statistics, 17th August, 2016. Available: <https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/15/drugs-related-deaths-2015.pdf> Accessed 04/06/2017

⁴⁷ National Records of Scotland, *Drug-Related Deaths in Scotland in 2015*, National Statistics, 17th August, 2016. Available: <https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/15/drugs-related-deaths-2015.pdf> Accessed 04/06/2017

⁴⁸ 2016 SNP Manifesto, p.37. Available: https://www.snp.org/manifesto_2016 Accessed 05/06/2017

⁴⁹ *Ibid*, p.38

⁵⁰ For discussion of options see Bewley-Taylor, D., Jelsma, M., Rolles, S., & Walsh, J., *Cannabis Regulation and the UN Drug Treaties: Strategy for Reform*, Briefing Paper prepared by GDPO, CDPC, HRDP, TDPF, TNI, WOLA, CHALN & MUCD, June, 2016. P.4

In reality, a Conservative victory appears the most likely at this stage, and according to the manifesto pledges evidenced in this analysis, that means a slight shift toward a health-orientated approach, but one which is ameliorated by increased involvement of LE in health decision making, a rejection of many evidence-based harm reduction interventions and a conflation of drug consumption with mental health policy. Outwardly, a majority Conservative government appears likely to respond to any international LE drug strategy co-operation challenges brought about by Brexit, with the application of unilateral force, particularly at sea. More broadly, Mrs. May's personal legislative record includes the ban on Khat, and the Psychoactive Substances Act 2016, as well as declining the opportunity as to legalise, or even formally decriminalise, substances that are currently scheduled under the Misuse of Drugs Act. In short, in the event of a (likely) Conservative victory, don't expect Britain to assume the lead on reforming cannabis legislation, or on any other illegal substance, any time soon.

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