

## **A. History of drug policy**

### **Reference**

N. Boister, 'The history of international legal regulations of drugs', in *Penal aspects of the UN Drug Conventions*, Kluwer Law International, The Hague / London / Boston, 2001, p. 40 – 61.

### **Commentary**

Doctor Neil Boister is lecturer in criminal and international law at the Faculty of Law and Social Sciences of the University of Nottingham.

This book examines the provisions of the three most important UN Drug Conventions that are in force concerning the fight against drugs and that require states to adopt penal measures against drugs in their domestic law. These UN Conventions are: the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

This contribution is abstracted from the chapter 'The history of international legal regulation of drugs'. This chapter gives an overview of the developments of the international legal regulation of drugs; illustrating how historical events in the nineteenth and twentieth century have shaped political and legal responses to drugs. The contribution focuses on the development of the three UN Drug Conventions.

### **Abstract**

Overall, in international drug control in general and in the realization of the UN Drug Conventions in particular, the tensions between supply reduction and demand reduction as dominant drug control strategies, the tensions between consumer states and supply states and the tensions between intrusive international intervention and national sovereignty are prevalent.

By the mid-fifties, a growing volume of the illicit drug traffic and drug supply and rapidly evolving use patterns led to the preparation of a draft drug convention aimed at limiting the production of raw materials, codifying the existing drug conventions into one convention, and simplifying the existing control machinery.

After ample discussion, this resulted in the 1961 Single Convention on Narcotic Drugs. Because of international resistance, the penal measures eventually adopted are moderate and devised to avoid conflict with the different legal systems of the Parties.

In the 1960s, the abuse of psychotropic substances had become common as their variety and availability increased. Therefore, the international community took a further step in the expansion of the scope of international drug control to psychotropic substances, leading to the adoption of the 1971 Convention on Psychotropic Substances. As a whole, the 1971 Convention applies a similar control system to psychotropic substances as the 1961 Convention does to narcotic substances.

The major novelty in these two conventions was the attention to providing facilities for medical treatment, care and rehabilitation of addicts. Moreover, as Western social attitudes towards drug use became more relaxed in the 1960s and 1970s, the search for more effective non-penal methods of treating and rehabilitating drug users resulted in a more elastic interpretation of international obligations by some states.

However, this did not result in a fundamental change. On the contrary, under the influence of the United States, law enforcement co-operation became a priority for the UN. When, by the mid-1980s, the problem of money laundering grew, so did the growth of the global consciousness of the dangers of the illicit traffic and the need for greater international co-operation. This resulted in the 1988 Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances.