

The Irish times on Legalization

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IS IT TIME TO LEGALISE DRUGS?

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Statistics on heroin, cocaine and cannabis use here are starker than ever. Is it time to forge a new approach to how we tackle drugs and drug addiction? asks Carol Coulter. Earlier this week we heard that the number of heroin addicts on methadone maintenance programmes has now reached 10,000. The week before we heard that the number of people using cocaine has doubled since 2003, with a four-fold increase in certain parts of the country.

In May a conference was told that a survey of teenagers in the south-east had shown that 41 per cent of them had used cannabis, twice as many as their European counterparts, while almost 50 per cent had used some illegal drug.

None of this comes as a surprise to Dr Paul O'Mahony, who has been examining drugs, crime and prison policy in Ireland for decades. It is yet further evidence, he says, of the failure of the policy of prohibiting drugs, which he believes has actually contributed to the growth in their misuse.

He has just published *The Irish War on Drugs: the Seductive Folly of Prohibition*, in which he argues for the ending of prohibition, recognising as a human right the right to use drugs, while embracing a policy of reducing drug use and drug abuse through education and social programmes aimed at those most vulnerable to abusing drugs and to their negative effects.

"I am not arguing for drug use," he stressed, "and I am not arguing for doing nothing about drug harm. But the best way to get people to behave responsibly about drugs is to treat them responsibly." He points out that ever since humanity discovered cocoa leaves, or peyote, or the arts of fermentation or distillation, intoxication has been part of the culture of most human societies - as, indeed, it is of ours - provided the intoxication is by alcohol.

Recourse to intoxication by some people in some circumstances is part of what humanity is and, just as alcohol prohibition was futile in the United States in the early years of the last century, so the prohibition of drugs is futile today.

The policy of prohibition, which places the criminal justice system at the heart of drug control and labels all drugs as equally harmful, while accepting the legal sale and consumption of alcohol, nicotine and prescription drugs, cannot work and clearly has not worked, either in Ireland or anywhere else, he says. It alienates young people from adult messages about drugs, which they see as hypocritical, and inhibits a fact-based and rational discussion about drug use.

Prohibition is not only futile, he believes, it makes drug abuse and the attendant harms worse than they would otherwise be.

In his book he looks at the history of drug control policy, largely driven by the US. He distinguishes three strands in the thinking about the problem of growing drug use: the promotion of the idea of a "drug-free world" through prohibition and the use of the criminal law against users and suppliers; the "harm-reduction" model, where the reality of drug use is acknowledged and, by some, tolerated, while the emphasis is on reducing the harm caused and minimising drug abuse; and the human rights perspective, which believes that the taking of drugs is not wrong, evil or harmful

in itself, and that the individual has a fundamental right to privacy and bodily integrity, including the taking of mood-altering substances, provided that this does not impact on the welfare or rights of others.

The book describes the combination of a prohibitionist with a harm-reduction strategy which has dominated Irish policy on drugs since 1997, and which initially led to a significant reduction in drug-related crime and an improvement in services for addicts, especially through methadone maintenance programmes. But it has failed to halt the growth in drug use, he says, or risky activity like sharing needles.

"Perhaps the worst thing that prohibition has done is create criminal gangs. That has led to a cheapening of life, more violence, and affected the quality of life for everyone," he says.

Drug users, and particularly addicts, were driven to crime to feed their habit, leading to a huge increase in the prison population, much of it addicted. That, in turn, led to the prison system itself playing a major role in the spread of drugs, hepatitis and HIV/Aids.

"The prohibition regime itself plays a significant role, both as a direct cause of specific avoidable risks and, more broadly, because it promotes a climate in which rash, unsafe behaviours and negative outcomes are far more likely," he says.

He points out that leaving the importation, production and sale of drugs in criminal hands ensures that there is no control over their contents, and they are often contaminated by toxic substances, which can lead to the injury - or death - of users.

They are consumed in a furtive environment, where no information is provided on the dangers of sharing needles, leading to the spread of HIV/Aids among drug users. Nor, he says, is any information given to users about the rise in tolerance levels to certain drugs and the dangers of addiction until it is too late.

Taking drugs out of this environment would permit an honest discussion of drugs and truthful education about them, he says. It would distinguish between the use of drugs such as cannabis and ecstasy, consumed by millions of people without disastrous effects for most of them on the one hand, and more dangerous and addictive drugs like cocaine and heroin on the other.

Ending prohibition would probably lead to a reduction in drug use overall, he says, pointing to the example of the Netherlands, which introduced a policy of permitting the legal use of cannabis in 1972.

The numbers of young people using cannabis went down, and the number of people going on to hard drug use also went down. Teenagers in the Netherlands are less likely than many in Europe - and much less likely than Irish teenagers - to use cannabis.

"They made cannabis boring, it was something people in their late 20s and 30s did to waste their afternoons. It had no glamour for teenagers.

Prohibition is an engine of counter-productivity and attracts young people into drugs. They are curious, they want to experiment."

He acknowledges that it is very difficult for one country, be it the Netherlands or Ireland, to embrace a legalisation stance in isolation, and that the Netherlands has become a magnet, not only for cannabis users, but for drug criminals. But he points out that the liberal policy towards cannabis

does not prevent the Dutch police from being very tough on drug criminals.

The only realistic response must therefore be an international one, steering international law away from the rhetoric of the "war on drugs" and towards a policy of placing drug use within the same legal and human rights framework as applies to the use of alcohol. But, surely, there is no realistic prospect of such a policy being adopted? O'Mahony accepts that, at the moment, the political consensus is very much against it, but he adds: "Beneath the surface there is huge turmoil. A lot of people are arguing against prohibition."

He cites economist Milton Friedman, the Economist magazine and the US National Academy of Sciences, who have all offered trenchant critiques of the prohibitionist policy.

However, he acknowledges that the US National Academy of Sciences then went on to recommend no change in the policy, on the basis of a "fear of the unknown".

An issue not dealt with in the book, though he agrees that it is significant, is that there are many vested interests involved in prohibition. The "war against drugs" is a multibillion dollar industry, involving not only law enforcement agencies working in the US and around the globe, but a prison industry in the US which props up many local economies. The alcohol industry is also unlikely to welcome the legalisation of a major competitor.

But O'Mahony insists that public opinion can change. "There is a huge silent minority here who feel that taking drugs is their right. They haven't articulated it, they just do it," he says. He points to the example of homosexuality, which was treated as a crime punishable by death for centuries, whereas now the right to express one's sexuality is seen as a fundamental human right.

He stresses that acknowledging a right to use drugs does not include the right to drive while under the influence of drugs; nor does it mean that a person is not responsible for any criminal or harmful acts undertaken while under such influence.

It would mean that drugs could be sold within a legal regime that would ensure they did not fall into the hands of children, that quality was assured, that all users had accurate information on the negative aspects and dangers of drug use, and that resources could be diverted away from the drug enforcement part of the criminal justice system into tackling the causes of drug abuse and its effects.

He rejects the argument that it would lead to an increase in drug use and points to evidence that it would lead to a reduction. "People have loads of good reasons for not using drugs. But these are personal reasons, not because they're illegal.

"We are diverting huge energy, huge money, huge resources, from tackling the problem. We have created a monster. This is likely to get worse.

There is huge technical development happening in drugs. We are only just around the corner from memory-enhancing drugs. Middle-class parents will be looking for them to dope up their children to enhance their points. We are also close to safe euphorants and drug users won't be reliant on peasant farmers."

"The future is much more dangerous than the present. Prohibition can't handle the present. It certainly won't be able to handle the future."

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The Irish War on Drugs: The Seductive Folly of Prohibition, is published by Manchester University Press, UKP 55 hardback, UKP 16.99 paperback

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