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Drug Policy and Human Rights: on the fundamental Incompatibility between the two paradigms and the importance of an Effective Remedy

Dear Sir.

We are an organization dedicated to the rule of law and the end of unjust persecution. Our focus is the relationship between human rights and the drug laws, and we wish to direct your attention toward this topic.

As you well know, there can be no doubt that drug users and other drug law violators represent the largest, most vilified and most extensively persecuted group in UN member States. Across the world, some 300 million are singled out for intimidation and the drug laws legitimize the continued oppression of this group.

Even so, as the destructive force of the prohibition paradigm is becoming more obvious, more and more are questioning the premises behind such legislation. At the Council of Europe, officials are waking up to the reality of unjust persecution as the Legal Committee is preparing a baseline study on the problem of drug policy and human rights. Recognizing that there is a gap between human rights commitments and reality, the Pompidou Group for its part is encouraging member states to follow up with their own human rights analysis,¹ and also the UN has begun the process of coming to terms with the problematic relationship between human rights and drug control conventions.

As Special Rapporteur on the on the promotion of truth, justice, reparation and guarantees of non-recurrence, you have an important part to play in helping the system react to obvious deficits. And as any proper human rights analysis must recognize the implications of first principles, our organization has completed a report demonstrating how principles of autonomy, equality, proportionality, dignity, and the liberty presumption invalidate the prohibition paradigm.

As it is the closest thing to a baseline review so far, we believe that it will be of interest to the special rapporteur. At the very least, the special rapporteur on the right to health (see appendix 3) has noted that there is a gap between talk and action at the UN and that anchoring human rights discourse in principled reasoning is of utmost importance. Hence, we hope that it will be of

¹ We add our complaint to the European Court of Human Rights (appendix 3) which speaks to this situation.



service and that it will help inspire greater confidence among those fighting to end human rights violations.

Not only that, as the Special Rapporteur shall deal with situations in which there have been “gross violations of human rights and serious violations of international humanitarian law” we express our expectancy that you will help ensure the implementation of a comprehensive approach to the four elements of your mandate (truth, justice, reparation and guarantees of non-recurrence). That is, that you will help the UN ensure accountability, justice, remedies to victims, healing and reconciliation, and establish independent oversight of the security system that shall restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law.

It may be tough to hear, but this is the only way to “contribute to the accomplishment of the following goals: preventing the recurrence of crises and future violations of human rights, to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels and to promote reconciliation.” As you will see from the appendices, this is sorely needed and the time to act is now.

Indeed, historically there are few examples of legislation which has been more at odds with basic human rights concerns. As you will see from the appendices, we are dealing with moral panic that needs to be corrected and if you honor your call to higher service, this is the mother of opportunities.

As it stands, we are dealing with a mass movement gone wrong, a daft beast of unconsciousness which ensures the proliferation of organized crime and the unjust persecution of hundreds of millions. As is easy to show, the “War on Drugs” represents a crime against humanity, and so we expect that you will be of assistance to first principles in the coming moral overhaul of society.

If we are to build integrity at the nation level, this is what we must do. And as the progression of society depends upon the extent to which institutions like the UN adapt to emerging knowledge, your primary mission will be to help world leaders find the courage to stand with first principles.

When it comes to this, *Human Rising* covers much disputed ground, and we urge that the UN take it into consideration. Documenting how powerpolitics and unconsciousness have informed the evolution of drug policy, this work alone should be sufficient to correct the situation. As the scapegoating phenomenon—our eagerness to blame vulnerable groups for problems that are a collective responsibility—ensures the continuation of the status quo, it should be obvious why states of the world must seize and desist persecution of drug law violators, but to deflect naysayers we also include *To Right a Wrong: A Transpersonal Framework for Constitutional Construction* (2016).

This book completes the discipline of constitutional law, adding psychology to the already accepted framework of political theory. It presents a model that systemizes the forces that act upon us, both individually and en masse; it explains why some will embrace a system of principled law while others will prefer a system of arbitrary law; and it exposes the qualitative difference between the worldview of these two groups of people, the reasoning that goes with either position, and its implications for society.



This work, then, has the power to recalibrate the legal systems of UN member states into better structures, more aligned with the demands of first principles. It is a map-forming study, and the UN should consider its repercussions in its quest to complete the 2030 Agenda for Sustainable Development.

This is what has been commissioned, and you now have the tools to do away with a legal tradition that long has undermined progress of the rule of law.

This being so, we hope that our documentation will prompt the UN into action and that you will not shy away from the task of helping government officials overcome the cognitive dissonance that comes with the territory. The information provided is more than sufficient to show that the drug laws are *Contra bonos mores*, and as there is no stronger link among men than an oath, we trust that that you will let the voice of the voiceless be heard and assist the UN in the process of untangling the drug laws from our legal systems.

Yours sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' and last name 'Mikalsen' clearly legible.

Roar Mikalsen
President of AROD

Appendices:

- (1) MIKALSEN, HUMAN RISING: THE PROHIBITIONIST PSYCHOSIS AND ITS CONSTITUTIONAL IMPLICATIONS (2019)
- (2) MIKALSEN, *TO RIGHT A WRONG: A TRANSPERSONAL FRAMEWORK FOR CONSTITUTIONAL CONSTRUCTION* (2016)
- (3) Complaint to the European Court of Human Rights (2019)