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United Nations
Human Rights Committee

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Regarding Drug Law and Human Rights Law; a Complaint Delivered on Behalf of the World's Drug Users and Human Rights Defenders against the U.N. Drug Control Conventions and the States of the World

Dear Sirs and Ladies,

Although this complaint is a direct result of my fundamental human rights being violated by the Norwegian State, it is, as the heading suggests, in actuality a matter with far greater implications. The reason for this is that there is an over-abundance of evidence available today which, when taken into account, renders our prohibitive drug law regime incompatible with Human Rights law. This simple fact will, most probably, come as a surprise to you. After all, since our politicians signed the U.N. Single Convention some 50 years ago and pledged themselves to the enforcement of strictly prohibitive drug policies, our drug laws have been a deeply rooted criminal and social practice.

The prohibitionists themselves have hailed these laws as the glue which binds our society together. They have claimed that without these laws a steadily increasing percent of the population would fall prey to the “evils of drugs” and that these “virtue-less drug fiends” in turn would make life a living hell for the rest of us. Most of our civil servants have not only bought into, but also propagated this idea. And so our governments have never wavered in their faith in these laws nor have they ever doubted their necessity.

There have, to be sure, always been people around to disagree. But even though many have criticised the policies for their “unintended consequences” and their inability to deal successfully with the supply and demand side of the drug war equation, relatively few have voiced their concern about the legitimacy of the laws — and still fewer have mentioned their explanatory problem when compared to H.R. Law.

To the degree that such concerns have been raised at all, the voices behind them have quickly been subdued by the hysteria and the moral indignation of the more powerful prohibitionists. And this, in short, being the state of affairs until today, it is small wonder that the majority of society have come to take the lawfulness of these policies for granted.

Still the evidence is unambiguous and when we take a closer look at the drug laws, it becomes clear that they actually belong to a class of laws that we as a society today look back upon with disgust and would like to think we have outgrown. I am referring to such discriminatory and inhumane practices like the many different forms of sexual, religious and racial laws that the ruling classes throughout history have adopted in order to force upon people their values and to deal with those who didn't fit the code. Even though the similarities between these different kinds of laws are quite obvious being that they all violate the principles of H.R. Law in exactly the same way, I do not expect you to see the issue clearly immediately. Our leaders have, since they half a century ago pledged themselves to the eradication of drugs, in effect, been waging a war against the people who "sabotage" their efforts. And truth being the first causality of any war, it is no surprise that the fog of such lengthy war has blinded people from this simple fact.

I will therefore, in the following, do my best to explain to you the essence of this matter and how exactly the drug laws violate H. R. Law. Even though the issue in many ways is quite simple, it is however, also a big one and space unfortunately does not allow for a too detailed elaboration on every point I am about to make. I therefore provide you with some further reading in the form of three books — *Human Rising* by Roar Mikalsen, *Drugs without the Hot Air* by David Nutt, and *Legalize this! The Case for Decriminalizing Drugs* by Douglas Husak — and in addition to these the appendices and endnotes will provide you with everything you need to know.

My ambition with this complaint can after all be no more than to give you the best possible starting point on a road that will take you as deep as you want to go into the realities behind the politics of our drug laws and their unfortunate consequences for humanity up until today. I will therefore begin this communication by showing how I, myself, am a rightful complainant being that the Norwegian State has failed not only me but also every other drug user, producer, seller and smuggler in its obligation to ensure us our rights as they are articulated in the Human Rights Conventions; secondly, I will show you how our drug laws are incompatible with H. R. Law; and, third, I will provide for you some background information so that you have an historical context to view this complaint in comparison to. This, hopefully, will give you an idea of how we ended up here and why it is of such great importance that the Committee now acts upon the information provided.

How I Am a Rightful Complainant

The story begins in 2006 with me being “busted” for building a cannabis farm. At this point I had been studying power-politics and their relation to drug policy for some 10 years and was fully aware of the drug laws' destructive consequences for our society. It was also clear to me that neither talking to academics nor politicians was going to change anything. After all, it was a fact that all the evidence needed to provide for the argument I am about to make here, had been available since at least the beginning of the 80's. By this time Norway's leading criminologist, Nils Christie, had written a book in collaboration with the Finish sociologist Kjetil Bruun titled *Den Gode Fiende – Narkotikapolitikk i Norden* (1986: *The Good Enemy – Drug policy in the Nordic countries*) that exposed these laws for what they were and at the beginning of the 90's our leading professor of law, Johs. Andenæs, also began speaking out against them.

Andenæs pointed out that the drug laws probably were significantly worse for society than the drug use itself was. This was an argument that already had been made by American professors of law (Herbert Packer and Norval Morris) in the 60's, and since then had been supported by the conclusions of European professors of law (Louk Hulsman, Vagn Greve, Nils Jareborg). Andenæs added that “our drug policies might one day be considered the 20th century's greatest mis-investment in punishment, not only in our country but also the world at large.”¹ And he went on to say that “the same arguments which earlier had led to the abolishment of punishment for public drunkenness with great weight also could be applied to narcotics addicts.”²

Our politicians, though, for reasons of their own, never wanted to confront the available evidence. In fact, they ignored the advice of their own advisory council on criminal policy both in 1982 and 2002 and instead chose to escalate their war on drugs.³

In regards to the “war on drugs”, it's a fact that you cannot wage a war on drugs any more than you can wage a war on stones, trees, or terrorism. The war is, instead, being waged against the *active* participants, meaning the people who in different ways are involved with them. And the unfortunate, but predictable result of this war effort was a dramatic increase in the amount of death, suffering and destructive social mechanisms that surfaced in the wake of the implementation of these laws. In fact, it is safe to say that since the escalation of this war in the beginning of the 80's, thousands of Norwegian people have died and tens of thousands more have suffered unnecessarily as a consequence of our politicians arrogance.⁴ The evidence for this is overwhelming, but still our so-called civil servants have until this day ignored everyone who has advocated a more reasonable and evidence-based approach. This, of course, is very unfortunate. But it is in no way an isolated problem, something Andenæs himself had pointed out:

“The officials in Norway have been unwilling to debate these fundamental issues. The same goes for [officials] in most other countries also. Deviating views are either passed by in silence or they

are being met with indignation. This is psychologically understandable. An open and unprejudiced debate about [the law and order] means of drug policy would presuppose a willingness to admit defeat and undertake a fundamental reorganization of our policies.”⁵

Andenæs wrote this in 1994. And even though our drug policies' destructive effects and consequences have become a lot more obvious since then— and a steadily increasing percentage of the population (including their own experts) have voiced their concerns — our politicians' willingness to admit defeat or consider any alternative to prohibition has been non-existent.

All this was clear to me long before 2006. And so, since I already knew — and could prove — that these policies were the result of a corrupt political process and a violation of H.R. Law, I decided to violate the drug laws in any way that came natural so that I, when the police charged me with an offence, could use my rights as a defendant to end these laws. It is, after all, a fact that H.R. Law is superior to the drug law, and so I put my faith in the H.R. Conventions and waited for an opportunity to make use of my rights as guaranteed by them.

That opportunity presented itself in December 2006, with me being accused of helping to build a cannabis farm. While awaiting trial I wrote a book titled *Freedom Forever* which, among other things, showed how our drug laws had an explanatory problem compared to H.R. Law. I gave the police 10 copies of this book and my plan was to use it as a part of my defence when I had the opportunity to present my case before the courts.

The court proceedings were set for June 2009. I then told the judge that I didn't recognize the drug laws because they were a result of a corrupt political process and a violation of H.R. Law. I also informed her that I would like to exercise my rights to a fair trial and effective remedy as articulated in the H.R. Conventions to prove this and asked her to prepare for me an independent, impartial and competent court, in which the alleged H.R. violations could be further investigated.⁶ The judge, unfortunately, didn't want to hear about this. Instead, she ignored everything I had said about our drug laws' incompatibility with H.R. Law and refused to look at the evidence I had prepared.

After being denied my rights in such an alarming way I wrote to the Minister of Justice and the Attorney General. I presented them with my concerns regarding the drug laws' explanatory problem and, in inviting them to participate in the creation of an independent, impartial and competent tribunal where the matter could be sufficiently clarified, I offered them an opportunity to prove themselves as more constructively oriented parties.

I never received any reply from the Minister of Justice. The Attorney General, however, who already had a reputation among jurists for opposing the increasing influence of H.R. Law, did respond. But instead of seizing this unique opportunity to prove these jurists otherwise, he went out of his way to deny that the Conventions had any relevance in the field of drug policy at all.

To summarize his response, he ignored all the evidence I presented him, and in his defence of the Status Quo he actually went so far as to claim that as long as our politicians had determined something, everything was as it should be. He carefully avoided commenting on any of my graver concerns and although he didn't specify any valid counter-arguments to my legal reasoning, the essence of his reply was that there is no such thing as a right to a human rights-based defence against the drug laws. On the basis of our correspondence I first filed a legal complaint against him to the Norwegian police and, after they dismissed it, I filed another to the International Criminal Court.⁷

This was the status before round two. Then, in January 2010, I once again had the opportunity to present the case in front of a judge, but the argument fared no better this time. Also this judge would rather deny me my rights than respect her obligations to the Conventions, and she too refused to accept the evidence I had prepared. And so, after this, I filed a complaint to the Supreme Court.

By now I had also written a second book called *Human Rising*. And although the first one was a “light weight” book that in several ways could be criticized by academic standards, this one was completely different; While the first one was a mere 240 pages and only 50 of those specifically related to the war on drugs, the second book was 560 pages and in its entirety dedicated to this subject matter. It was written as an argument for the legalisation of illegal drugs and it was the most powerful and complete case ever made against our drug policies. I delivered a copy of this book to the Supreme Court shortly before the proceedings would commence and presented it as my argument against the drug laws.

With this I gave them nothing less than these laws on a silver plate. They now had the perfect opportunity to once and for all determine whether our drug policies were, in fact, unconstitutional or not. And if these judges had any intention of fulfilling their duties towards the Conventions and the people, all they had to do was to accept this book as the legalisation activists' argument against our drug laws and give the prosecuting authority some time to present its counter-argument — if the representatives of the State had any. Meanwhile they should have prepared an independent and impartial tribunal which were competent enough to review the validity of the arguments made and provide it with a mandate to investigate further any ambiguities. Considering the seriousness of the alleged violations and the evidence presented them, this would have been the only proper way to move forward.

Despite this the judges, in August 2010, when the case was brought before the Supreme Court on account of some minor technical details to be reviewed, didn't care to address my primary concern — the H.R. issue. My lawyer therefore asked them, during the proceedings, to at least say something about their reasons for this decision in their verdict. His addressal of this part of my complaint and his request that they say something sensible to justify their decision to ignore the

H.R. issue made the judges clearly uncomfortable. Still, when their verdict came, it was obvious that they had nothing to say about this decision.

This was not only highly unfortunate for me and everyone else involved with illegal drugs, but also the rest of the population and the State itself. It was, after all, now clear for everyone to see that the Norwegian State did not recognize the application of H.R. Law to this area of policy and that the judges themselves had been willing to set aside the rule of law in order to deny us an opportunity to have our rights determined. In other words, from this day forward it was an undeniable fact that the Norwegian justice system had failed us when we needed it most, and as a consequence of this we were deprived of our only effective defence against these abusive practices.

This unfortunate state of affairs, though, didn't have to last.

By this time I had managed to get myself involved with another cannabis-related offence, and so the Norwegian justice system once again had an opportunity to resolve this controversial issue in accordance to its obligations under the Conventions. The argument was now better prepared than ever, still I fared no better this time. Neither the police, the Attorney General's office, nor the judges themselves showed any interest in clarifying the matter and yet again they failed their duties towards the people and the Conventions.

The first round took place in March 2010 while the second one took place in November the same year, and they were both a sad repetition of my previous experiences; the judges refused to grant me a fair trial and an effective remedy, and even though they gave me some minutes to verbally present my arguments, they didn't want to touch the evidence I brought forward.

The only positive outcome of this process was a written communication between trials, in which the judiciary acknowledged my right to a fair trial and effective remedy. This happened in response to an appeal my lawyer had sent. The reason for his complaint was that the justice system did not want to let me have a minor offence brought before the Court of appeals. During interrogation I had told the police that I smoked cannabis approximately 200 times a year. This "crime" was added to the original offence and brought before the court as a separate case. I was found guilty on both accounts but the justice system had originally decided that only the more "serious" offence was to be brought before the Court of appeals.

My lawyer complained about this, arguing that as long as the law itself was on trial, I should, for obvious reasons, have an opportunity to have both offences brought before the Court of appeals. The judiciary then accepted his reasoning. And even though it didn't make any difference to the appeals court, I now had communication to present the Supreme Court in which it was an incontestable fact that certain elements of the judiciary already had done its job and acknowledged my right to a human rights-based defence.

I therefore had good hopes that the Supreme Court would do the same, or, at the very least, that its judges would find the time to say something sensible about why they found H.R. Law to be irrelevant when compared to drug policy. They had, after all, a truly unique opportunity to redeem themselves after jeopardizing our entire justice systems credibility with their previous decision. And with so much at stake for the drug using population, the State, as well as the entire nation, I was pretty confident that they would muster all of their intellectual and legal resources into some kind of fully reasoned and defensible decision.

Unfortunately, I was wrong. Again, the Supreme Court dismissed my complaint — and again they didn't bother to present any detailed or principled reasoning whatsoever. The only justification they put forward was that their decision was unanimous, as if these judges' united contempt for the rule of law in itself was good enough grounds for ignoring our rights as set forth in the Conventions.

One can only wonder why any civil servants would want to put himself in such a compromising position. Their actions, after all, speak volumes about their inability to defend their decision on any legal, moral and rational grounds — especially when you consider the fact that the Supreme Court only months before had granted the Norwegian shipowners their right to a fair trial and an effective remedy. What happened then was that some of the very same judges accepted a complaint delivered on behalf of the shipowners when they asked this court to investigate the legality of a new tax that, in their opinion, violated their economic rights.

In this case the judges did their job properly and, indeed, concluded that the new tax law was a violation of their rights. You can therefore appreciate the enormity of the explanatory problem these very same judges were left with when they, some months later, decided to deny the violators of the drug laws their day in court when the matter they were asked to clarify was of infinitely greater importance. After all, the principle of equality before the law must be said to be the very foundation our justice system builds its credibility upon. And it was now an undeniable sham being that our Supreme Court had proven itself to be much more concerned about the shipowners' economic interests than it was with protecting the fundamental rights of ordinary people.

Nevertheless, despite our judges' eagerness to set aside the rule of law in order to shield the drug laws from critical review, the evidence is what it is —and so are our rights as set forth in the Conventions. I therefore lodged a complaint to the European Court of Human Rights (ECtHR) believing that the judges at this court would do their best to correct the situation. They were, after all, not only elected for their “highly moral character” and their expertise in H.R. Law, but it was their solemn duty to protect the people of Europe (and the Convention) against such police state-tactics as the Norwegian State had given way to. The registry accepted my complaint in March 2011 and it appeared that the Court prepared itself for the most important case it had ever acknowledged receiving.

It was now the Court's responsibility to see to it that the question regarding our drug laws' alleged incompatibility with H.R. Law was being satisfactorily resolved once and for all and their decision would dramatically influence not only the lives of Europe's drug users — which were counted in the tens of millions — but also the rest of the world's population.

One would therefore think that its representatives were aware of the seriousness of the situation, and that whatever they did, they would do everything in their power to avoid the same pitfalls that the Norwegian judges before them had stumbled head-first into. To ensure that they had all the information they needed to review my case from the legalisation activists' point of view, I provided them with a copy of my book *Human Rising*. This would give them a decent overview of the entire argument, and if they wanted to delve deeper, the endnotes would take them as far as they wanted to go in whichever direction they pleased. With this in their hands they had, in other words, more than enough documentation to put an end to the prohibitionist's destructive rule once and for all. And to make sure that the Court had the best possible vantage point, I also provided it with a couple of hundred more pages of information.

As long as the Court would give us our day in court and prepare for us an even playing field, it would now be a walk in the park for the legalisation activists to prove their point. And so, for a year, I awaited its next move.

This came in April 2012, but unfortunately the judge then failed the people of Europe miserably in his duties towards the Convention; in spite of all the evidence provided him he dismissed the case, excusing himself with the Court's incompetence.

Since then the case has been dead in the waters of the Court. And even though I (and probably at least a hundred other people) have complained to the Secretary General and the President of the Court about the impossible situation this verdict has put the Court and the people of Europe in, so far nothing suggests that they will reverse their decision and reopen the case.

It is in light of this unacceptable situation I now, on behalf of the world's drug users and human rights defenders, approach the H.R. Committee. As you can see from this introduction it is no doubt that I am a rightful complainant, and as a result of the injustice done to me I am, at present, one of some thousand political prisoners in this country serving a sentence of 8,5 years for cannabis-related offences in what has become a police state.

Our leaders, of course, will not grant us this status. After all, as they prefer to see it, the term only applies to dissidents lounging in the prisons of states they like to define themselves in opposition to. And “police states”, as far as they are concerned, are something that only exists in some of the world's most obscure regions — if they can be said to exist at all.

Still it is not only a fact that between 30 and 40 percent of our prison population are held for violating laws they themselves cannot defend; it is also a provable fact that these laws are a violation of H.R. Law — and, hence, unconstitutional; and third, it's a fact that our civil servants, in their unwillingness to face their own explanatory problem, have preferred to set aside the rule of law in order to continue their unlawful and unjust persecution of the drug law violators.

As we can see, we are indeed, by every meaningful definition of the word, political prisoners in a police state.

This becomes even more obvious when you take into account that it's not only the justice system that has failed us. In fact, every politician in our Parliament's Justice-committee are informed of this tragic situation, and so are our Justice department and its minister; none of them has obliged by their duties to improve the situation, and so it's a fact that all branches of our government are protecting the Status Quo — and a part of the problem. The Justice department has even received a petition signed by 144 prisoners in which we asked them to act upon the evidence provided them. But unfortunately our drug laws have corrupted our government to such an extent that not even this could persuade our officials into fulfilling their obligations under the Conventions.

It was this absolutely unacceptable situation we hoped the ECtHR would resolve. But apparently the Court (like our government) seems more concerned with protecting the Norwegian State and the drug laws against the serious allegations directed towards them than it is with saving its own reputation. After all, with its handling of the case it has shirked its obligations to the Convention to such an extent that it has lost all credibility as an independent and impartial promoter and protector of human rights. Instead, the Court appears to be an instrument in the hands of special interests who are more interested in arresting the natural development of H.R. Law than securing it.

These may be harsh words. But by any objective standard they describe the situation neatly — presuming, of course, that the drug laws, indeed, are the H.R. violators I claim them to be. This part of the equation will now be elaborated upon.

How Our Drug Laws Violate Human Rights Law

When it comes to our drug laws' explanatory problem towards H.R. Law, a lot can be said. In fact, when we take the evidence into account, we find that they violate a wide range of our rights as they are set forth in the Conventions in that they must be said to be incompatible with the very concepts of equality, fairness, proportionality and justice such as we have come to accept the application of these principles and standards in an open and free society.

Space, however, does not allow for a too detailed elaboration on each and every aspect of our drug policies explanatory problem here. Instead, I will present for you a case which revolves around the more fundamental principles our Conventions are built upon, namely the equality principle and the proportionality principle. These principles lie at the very heart of our rights as they are articulated in the Conventions; they are either explicitly or implicitly a part of most of the rights they seek to guarantee us, and so I will in the following focus on these principles and how they make our drug laws incompatible with H.R. Law.⁸

The Equality (Non-Discrimination) Principle and the Drug Law

This principle, as you well know, is among other things articulated in (ICCPR) Articles 2(1) and 26, and must be said to be one of the great pillars of H.R. Law.⁹ It's relevant in this situation because 1) we have divided drugs into two separate categories, the legal and the illegal drugs; 2) there isn't any rational or scientific reason that can explain why they are divided this way; and 3) it's a provable fact that in all cases a health-oriented approach towards users of drugs in either category is the most sensible and reasonable one.

Still, while we grant the users of tobacco and alcohol such an approach, we have policies in place that deny the same to the users of such drugs as cannabis and cocaine. And this being so, we have a clear violation of Article 26.

That the illegal drugs pose no greater threat to the individual or society than the legal drugs do, is of course a fact that prohibitionists are likely to disagree with. In their minds the illegal drugs are seen to be so horrible that every measure should be taken to protect us from them, and they believe the drug laws to be an indispensable tool in this regard.

We shall later see that they greatly overestimate the value these laws have when it comes to stemming the flow of drugs and discourage their use. Here we merely concern ourselves with the qualities of the drugs, and not the drug laws. And even though the prohibitionists are scared senseless by the mere thought of an overall drug policy that doesn't rely on punitive measures, it's nevertheless a fact that their fears are highly misplaced. Indeed, when we compare the legal and illegal drugs we find that our drug policies are as backward as they could possibly be, being that we not only have criminalised the use of certain drugs, but that we have chosen to criminalise *the least dangerous ones*.

That alcohol and tobacco, in each of their own ways, can be said to be the most deadly and dangerous of all drugs is obviously not generally known. We are born into a world where we have normalised relations with the users of these drugs, and even though we know there are serious risks involved with using them, we by no means elevate these dangers to the height where they — in our minds — can compare to those of the illegal drugs. In fact; many people don't even think of

alcohol and tobacco as drugs at all. Instead “drugs” are, as we have come to think of it, a catch-all phrase for the illegal ones; the ones our authorities have told us rob us of our senses and which condemn us to a life of crime and misery. And while most of us can appreciate that there's a difference between the use and misuse of alcohol and that this substance has the ability to offer us good as well as bad experiences, our authorities will acknowledge no such thing when it comes to the illegal drugs. Instead, as far as they are concerned, *all use* of these substances equals misuse and all illegal drug experiences are bad experiences. These fundamental truths of prohibitionist drug-lore are just part of the propaganda propagated by our authorities in their attempt to win the hearts and minds of the people. Many of them probably even believe it themselves, but for those of us with a firmer grip on reality it is easy to see the delusional nature of their beliefs.

After all, anyone who is somewhat familiar with illegal drugs knows that their addictive nature, as well as every other “danger” associated with them, is greatly exaggerated. They also know that their effects (like alcohol) vary according to dosage and that, like alcohol drinkers, the overwhelming majority of users are thankful for the experiences associated with them. In fact, like alcohol drinkers, some 90 percent of these drug users never develop a problematic relationship with their drug of choice — and even those who do know that “addiction”, as our authorities prefer to see it, is an oversimplified concept.¹⁰

Our leaders, for their part, will not admit to any of this. They have been waging a war against drugs (their users) for quite some time now and if the enemy didn't turn out to be as bad as they originally thought, the righteousness of their crusade would have to be reconsidered. This they will not risk. After decades of war the system itself has been so corrupted by it that the costs of admitting defeat (or even worse, that the war never was worth fighting) has become too great for the war-profiteers to consider. As any student of organisational theory will testify to, all bureaucracies seek to expand their own influence. System-wise, the internal mechanisms therefore see to it that those so-called civil servants whose primary concern is to help this force feed itself (by enlarging his department or organization's power and budgets vis-à-vis other competing agencies and the population), will be the ones who get promoted.

This easily explains our leaders' unwillingness to reconsider the appropriateness of their war effort, as well as the system's way of dealing with the “deserters”. As the American author Upton Sinclair once said “it is difficult for a man to understand something when his salary depends upon his not understanding it.”¹¹ And so it is that our leaders, for some 50 years now, have outdone each other in the somewhat difficult task of ignoring the steadily increasing amount of evidence that our drug policies are as failed as they possibly could be.

We shall see more of this later. But to preserve the false doctrines they themselves have embraced, they have relied on an outstanding propaganda machinery to obscure the facts as much as humanly possible.

None of the government-funded researchers have, for instance, been allowed to address the most obvious question of all, namely *why* we have laws against some drugs and not others. In fact, any meaningful comparison between the drugs in the different categories has been carefully avoided. And when forced to reflect upon the popularity of some of the illegal drugs, our leaders have explained it away with it being a combination of the drug user's degenerate moral nature and the demonic powers that drugs hold over them. This being so, it's small wonder that many of us feel pretty confident in our beliefs that no matter how bad the legal drugs are the illegal ones must be a lot worse.

Still, the evidence that they are not is overwhelming, and when we take a look at the few available statistics that compare the harmfulness of the legal and illegal drugs we find that there are no rational or scientific reasons that can explain *why* some of them are illegal and others not. The most comprehensive study done on the subject is one performed by the Independent Scientific Committee on Drugs (ISCD).¹² And after studying the 20 most commonly used drugs and comparing them to 16 criteria of harm (where 100 was the worst possible outcome, indicating maximum harm, and 0 was the best possible outcome, indicating no harm at all) they came up with a ranking list that looked like this: Alcohol (72), Heroin (55), Crack (54), Methylamphetamine (33), Cocaine (27), Tobacco (26), Amphetamine (23), Cannabis (20), GHB (19), Benzodiazepines (15), Ketamine (15), Methadone (14), Mephedrone (13), Butane (11), Anabolic Steroids (10), Ecstasy (9), Khat (9), LSD (7), Buprenorphine (7), Psychedelic mushrooms (6).¹³

As you can see, there is no relation at all between the overall harmfulness of these drugs and their classification. In fact, in most cases the classification is as backwards as it can possibly be, being that many of the least dangerous drugs, in the UN drug control Conventions, are classified as the most harmful ones.

Predictably, many people will strongly disagree with the conclusions reached by the ISCD. After all, we live in a world where prohibitionism has messed with our minds to such an extent that most of us simply cannot accept these findings. That for example alcohol is more dangerous than heroin and tobacco more dangerous than LSD (which, according to these scientists, is almost harmless) is something that is so contradictory to our common beliefs that most of us would rather discard the ISCD's conclusions than face reality. Still, the evidence is overwhelming. And the consequences it has for policy and society are so enormous that while ordinary citizens may only do a disservice to themselves and their community in ignoring it, our civil servants, in doing so, can be said to be criminally negligent.

That our civil servants, in continuing to deny the evidence to the extent they have already done, expose themselves to criminal liability is, as you will see, no exaggeration. As already mentioned the evidence for the case I am about to make has been available for at least 30 years, and they have done their best to suppress it.

In fact, it is no coincidence that the study just referred to was done by an independent scientific committee. As already mentioned, most government-funded research has focused on undertakings intended to strengthen the myths of prohibitionism. And when honest researchers have opposed this biased approach they have frequently been threatened into submission (for example what happened in Norway, with threats of budgetary cuts in 1992)¹⁴ or, if this didn't work, they've been forced to resign or they've been fired.

Indeed, it was as a result of these practices that the ISCD was created. The leader of this committee, the psychiatrist and neuropsychopharmacologist professor David Nutt, was previously head of ACMD, the British government's advisory council on drug policy. As chair of this body he advocated a more scientific approach; among other things he criticised the government for ignoring its own advisory council's recommendations, and after also pointing out that cannabis was a less harmful drug than alcohol and that the use of ecstasy was a less dangerous activity than horse riding, he was fired.¹⁵ As a consequence of this a handful of other ACMD advisors resigned in protest and not long after, thanks to a wealthy contributor, the ISCD came into being.

This committee has since been an important promoter of evidence-based drug policies and Nutt recently published a book called *Drugs Without the Hot Air* (which I hereby provide you a copy of) that in itself wholly supports the case I am about to make. As Nutt says about our current policies:

“[I am] critical of the ‘War on drugs’, not just because this set of policies has caused enormous damage to millions of people around the world, but also because the evidence of the harm it has been causing hasn't led to a change of approach.”¹⁶

We shall soon see more to the harms prohibition itself has caused. But there is more to say about the meaningless classification system our policies today build their credibility upon. And for those who would prefer to deny the evidence provided so far in support of my argument that we have legalised the most dangerous drugs, a look at the death statistics will clarify the issue further. As Nutt says:

“Each year tobacco kills 5 million people across the world, while alcohol kills 1,5 million. By comparison, illicit drugs kill around 200.000 people between them. Even taking into account the much smaller populations who use these drugs, in many cases they are considerably less deadly.”¹⁷

Now, even though these 200.000 deaths pale in comparison to the approximately 300.000 which each year, according to American doctors, are caused by prescription drugs in the U.S. alone, it is, admittedly, quite a lot.¹⁸ Still, it is important to understand that most of these 200.000 deaths are not attributable to the inherent qualities of the drugs themselves, but to prohibition. For instance, when we take a closer look at the 25.000 deaths that the National Institute of Drug Abuse (NIDA) lists as a result of illicit drug abuse in the U.S., we find that some 14.300 are due to hepatitis and AIDS, diseases that are not caused by illicit drugs, but by the dirty needles that heroin addicts tend

to share.¹⁹ There is also a myriad of other ways in which prohibition kills, which I will return to later. The point here is merely to bring this fact to your attention, and it therefore follows that if anything is wrong with the ISCD ratings, it is the fact that the illegal drugs in their comparison to the legal ones are disadvantaged by their mere status. You see, the ISCD evaluated the dangers of these drugs as they appear under prohibition and as much of their harmfulness is the consequence of their illicit status, it's not really a fair comparison.

For example, when it comes to heroin, one could say that prohibition accounts for most of the points it scored. There is, after all, to quote Brechter, “general agreement throughout the medical and psychiatric literature that the overall effects of [this drug] on the users mind and body under conditions of low price and ready availability are on the whole amazingly bland.”²⁰ And if it wasn't for the unfortunate mechanisms prohibition sets into swing, their drug habits would have been a lot less problematic for the drug users themselves and society at large.

How much less problematic is, of course, impossible to predict. But we see that methadone scores only 14 points on ISCD's rating on overall harm and this is certainly indicative. Many people actually consider this drug to be more addictive than heroin and since it's also more harmful for the body, heroin would probably, under legal circumstances, rate even lower.

Again, this reasoning is impossible for most prohibitionists to wrap their minds around. They are used to seeing this drug as the most destructive one of them all, and they don't understand that almost everything they associate with the life of a heroin addict (the crime, the prostitution, the sickness, the lifestyle, the overdoses) is the result of prohibition — and not the drug itself. Still, the evidence is unambiguous. And as you can see from the further reading I've provided you with, there is no doubt that our drug laws represent a highly discriminatory practice.

Some may argue that this is OK. After all, the Conventions don't explicitly grant us a “right to use drugs” and neither do they explicitly prohibit discriminating practices in the field of drug policy. This predictable counter-offensive from the prohibitionists, though, will — like the drug laws themselves — not stand up to scrutiny being that the principle of non-discrimination is of a *general character*, something you, yourselves, have pointed out:

“The committee believes that the term ‘discrimination’ as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, natural or social origin, property, birth *or other status*, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons on an equal footing, of all rights and freedoms.”²¹

The committee then goes on to say that:

“[Article 26] prohibits discrimination in law or in fact in any field regulated and protected by public authorities. [It] is therefore concerned with the obligations imposed on State's parties on regard to their legislation and the application thereof. Thus, when legislation is adopted by a State party, it must comply with the requirement of Article 26 that its content should not be discriminatory. *In other words, the application of the principle of non-discrimination contained in Article 26 is not limited to those rights which are provided for by the Covenant.*”²²

As you can see, there can be no doubt that the principle of non-discrimination also must be applied to the field of drug policy.

And now that we have established this, it's time to bring the proportionality principle into the equation.

The Proportionality Principle

This principle is another important pillar of H.R. Law.²³ And it being somewhat entwined with the equality principle, we now need to take a closer look at this if we are to fully determine our drug laws' relationship to the equality principle.

For, as you well know, the Conventions do not prohibit unequal treatment per se.

After all, when we think of it, there are many examples we can find in which the State has adopted a certain set of policies for one segment of the population and another for the rest; tourists or refugees, for example, don't enjoy the same catalogue of rights as natural citizens of a country, and minorities sometimes receive preferential treatment.

These kinds of policies are fully within the limits of H.R. Law being that they have a purpose and an objective which is legitimate under the Conventions. As the Commission itself put it: “the principle of equality sometimes requires State's parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant”.²⁴

And so it is that the only kinds of differential treatment the Conventions frown upon are those “distinctions, exclusions, restrictions or preferences (...) which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms”²⁵ in any field of public life.

If our leaders, then, can say something sensible about *why* we, as a society, should punish the users of heroin and cannabis while we permit the use of alcohol and tobacco the drug laws are not incompatible with H.R. Law — and they are free to continue their prohibitionist policies. It all

comes down to this simple question. But unfortunately for the prohibitionists, they are left with an insurmountable task, for as Douglas Husak, a professor of law and philosophy who has studied the issue thoroughly concludes: "Many attempts to answer this question have been made; none is persuasive".²⁶

This being so, we have a clear violation of the equality principle.

But what if our leaders were to criminalise drugs like tobacco and alcohol? Would their prohibitionist policies then be OK? The answer is no. And the reason for this is related to these laws' incompatibility with the proportionality principle.

To elaborate, we live in a society which fundamental aim is to offer the individual as much freedom, responsibility (these two are deeply entwined) and control over his/her own life as practically possible. This principle is the very foundation our contract with the State is built upon and our constitutions as well as our H.R. Conventions are a testimony to this fact. We can therefore measure any State's legitimacy according to this principle and to the degree it knows its place in the grander scheme of things.

Unfortunately, it's an undeniable fact that throughout history most states have been quite unsuccessful in achieving a somewhat ideal balance in this regard. After all, such a balance is only achievable in a society in which every individual is seen as equally important and the State is equally concerned with protecting/enhancing the life, rights and dignity of each and every one of its citizens.

Our leaders, of course, will profess that this is the case. They have embraced these concepts intellectually and pledged themselves to the realisation of such a perfect world in accordance to their obligations under the U. N. charter and the Conventions. To admit that it, in fact, wasn't so, would be to admit that the State didn't comply fully with its obligations, and this is something our leaders are not likely to do. No matter how bad their human rights record is, they will therefore, like they have done for centuries, predictably argue that whatever interference and whatever law they adopt and enact it is always for the good of the nation.

Still it isn't always so. And the simple reason for this is that even though our officials will beg to differ, our States are not the pure and benevolent instruments of reason and the people's will they pretend to be.

Even though we have come a long way since the old days when the king had a "divine right" to rule as he pleased; the aristocracy had rights according to their wealth and status; and the people below them were left with no rights at all, we still haven't matured to the point where we as a society can live up to the standards we have set for ourselves. It is in name only that we have a government for the people, by the people and with the people and in reality the state apparatus is

more like a conglomerate of powerful and competing elite-factions struggling to enlarge their influence on the body politic.

This is of course something of a simplification. But the point is that we still live in a highly hierarchical society and that certain elite groups have a lot more influence over the political process than any array of ordinary citizens could ever, yet, dream of exercising. These elite groups are usually way more concerned with protecting their own special interests than anything else, and as a result of this the state apparatus becomes a machine which the most powerful groups seek to control in order to maximise their influence and realise their own short-sighted ambitions.

So it has been for centuries, and so it is today. And as long as it remains so, the state apparatus has a tendency to expand in size and shape according to these special interest's needs.

The only way for such a dynamic to unfold is for the State to adopt and enforce such policies that restrict the fundamental freedoms of ordinary citizens. After all, the only way a government can enlarge its freedom of action is to reduce the freedom of the individual. And the H.R. Conventions, in recognizing this fact, therefore provide us with a yardstick intended to protect us from the undue pressure and restrictions placed upon the individual by authoritarian State laws.

This yardstick is expressed in the equality and the proportionality principle.

As mentioned earlier, we are, as individuals, to be given as free reign as practically possible, and Article 29 (2) of the Universal Declaration elaborates further on the standards our government's laws must comply to:

“In the exercise of his rights and freedoms everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”.

As we can see, for a law to be acceptable its purpose must be to protect our rights of person (our right to life, liberty and the pursuit of happiness) and property against injustices forced upon us by other individuals or institutions, and the law/restriction itself must not be any more repressive or severe than absolutely necessary for the general welfare of a democratic society. This idea of justice is pretty simple and great thinkers like Mill and Rawls have elaborated upon it. Rawls' first principle of justice sums it up neatly in that each person is to have an equal right to the most extensive liberty compatible with a similar liberty for others.

Our laws, in other words, shall be *a mutual protection against injustice*. And when prohibitionists try to defend the drug laws according to this criteria, their argument is that the illegal drugs represent such a threat to the individual and his surroundings, that these laws are necessary not only in order to save the individual from himself, but also his surroundings from the “evil”

(meaning the dehumanising and demoralising) effects these drugs have on his person.

They feel pretty confident that without these laws everything would go to hell, and so they have no problem believing that these laws, in turn, are compatible with the provisions raised by the principle of proportionality. After all, no matter how bad it is, they will argue that without these laws everything would be worse. And so, when confronted with the yardsticks of the proportionality principle (is there a legitimate aim to the interference; is the measure suitable or appropriate to achieve the desired end; is the interference proportionate to the identified aim and necessary in a democratic society) they will in all cases argue “yes”, believing, as they do, that all things considered the drug laws strike a fair balance between the rights of the individual and the interests of society.

They are, however, which we shall see, as wrong as they can be. But before we sum up these laws' explanatory problem to the proportionality principle, we need to take a look at the destructive consequences they have had for us as a society.

Our Drug Laws' Destructive Effects and Consequences

We have already seen that the illicit drugs are far less dangerous to the user and society than the prohibitionists imagine them to be. Any thinking person can therefore conclude that if the regulated supply of drugs like alcohol and tobacco hasn't already brought our civilization to its knees, there is no reason at all to believe that the regulated supply of other drugs will.

This simple reasoning, unfortunately, will not convince the prohibitionists.

Despite the evidence they keep insisting that there is something about the illegal drugs which makes them exceptionally dangerous, and they will rarely listen to anyone who tries to convince them otherwise.

This explains why they don't immediately see the parallels between the 1920s' alcohol prohibition and today's narcotics prohibition. And it also explains why our leaders, while readily agreeing that alcohol prohibition was a failed social experiment which no one seriously considers returning to, in their next breath — with a straight face — will argue the exact opposite when it comes to our experiment with drug prohibition.

Still, the lesson is obvious for those of us who are not blinded by the fear that the oversized enemy image of “drugs” seems to elicit in prohibitionists' minds. And for those with eyes to see it is clear that the arguments which could be used in favour of abolishing alcohol prohibition with infinitely

greater force can be directed at today's prohibitionist regime.

After all, the problems caused by alcohol prohibition were infinitesimal compared to the “unintended”²⁷ consequences which have manifested in the wake of narcotics prohibition.

The reason for this is that humanity basically is one giant organism; what we do to others always has consequences for ourselves, and as the war on drugs/alcohol is nothing but a war on human nature/ourselves, it should be pretty obvious that the harder we fight this war, the harder we will lose. It's really that simple. The history of prohibition reflects this fact and so, as alcohol prohibition was an extreme “light-version” of the war we fight today, it follows that its destructive consequences, while serious and unfortunate indeed, was nothing compared to the damage done to us by the war on drugs.

When it came to alcohol prohibition, the law and order approach was, for instance, much less repressive; the budgets which went to enforcement were comparatively small, the punishment for violating the law was much less severe, one was allowed to drink in one's home, and very few smugglers or sellers actually went to jail for any length of time. Still, the criminalization created many problems. As one would expect the black market brought with it obvious and predictable consequences like a sharp rise in alcohol-related death and disease. And while having to buy their goods from gangsters who sometimes sold them poisonous drink first and foremost was the user's problem, the underground economy became society's. As historian Hugh Brogan said:

“The price of official righteousness always comes high and in case of alcohol prohibition some \$2 billion worth of business was transferred from brewers and bar-keepers to bootleggers and gangsters who worked in close co-operation with the policemen and politicians they corrupted. Blackmail, protection rackets and gangland murders became all too common and no one was punished”.²⁸

And while alcohol prohibition, in sum, was nothing but a politician's gift to organized crime being that it neither could stop demand nor make as much as a dent in the supply chain apparatus, this was all trifles compared to narcotics prohibition. After all, while alcohol prohibition was a limited national effort which lasted some 10 years before politicians finally put an end to their insane policies, drug prohibition is a worldwide effort which has been given free and expansive rein for more than 50 years.

Looking back, the budgets spent fighting this war is measured in trillions of dollars. Still we are no closer to controlling either the supply or the demand side of the illicit drug trade. Instead, drugs today are not only more available but they are also cheaper and of better quality than ever,²⁹ and on the demand side we find that drug use is more widespread and socially accepted than before.³⁰ In other words, it is clear that the war on drugs, in its own terms, has failed miserably. We must not forget that it was the supply and demand side of the drug war equation the law and

order approach was supposed to do something about. And yet it has proven itself to be not only a useless approach but also a completely misplaced and unacceptable one by any objective measure.

After all, we are further away than ever from the ideal and drug-free society which it was supposed to bring into being. Instead all it has done is to enable some unfortunate mechanisms to thrive, and even though it is impossible here to present for you any decent elaboration of all the destructive “unintended” consequences our prohibitionist regime has had for the drug law violators and society at large, a brief summarization will look like this:

- The war on drugs has created an enormous underground economy which every year generates some \$ 400-700 billion in profits.³¹
- This black economy has given rise to the greatest criminal enterprise the world has ever seen.
- Organised crime does not exist in a vacuum; it can only expand at the expense of the rule of law, and its increasingly corruptive influence has now grown to such proportions that it not only threatens to undermine the government and stability of nations but, in fact, our entire civilization.
- The underground economy is mostly controlled by intelligence agencies, warlords and shady, but powerful elite-players. These anti-social forces depend on this economy to feed their own power-political ambitions and they therefore see to it that the profits generated from the drug trade is spent on terror operations as well as maintaining the hundreds of low-intensity wars which are always being fought. In addition to this, the drug trade finances and makes it possible for all the other shady/illegal businesses it is involved with to thrive.
- In the black market there is no law and order apparatus available to settle disputes. Instead one is left to fend for oneself and so mechanisms set into swing in which the most cynical and ruthless individuals come out on top.
- This again makes threats, kidnappings, violence and murder commonplace. And although it is impossible to estimate or imagine the amount of suffering and hardships this has caused millions of people, it's safe to say that hundreds of thousands have died unnecessarily as a consequence of this underground economy (at least 50.000 in Mexico alone in the last 6 years).
- People, in general, have an unwholesome faith in authority. They rarely know how to

question the legitimacy of the laws that govern them and so stupid and inhumane laws also tend to make people stupid and inhumane. For prohibitionists, for example, the drug law represents everything they hold dear and think is worth protecting, and so it is that its violators come to represent the opposite.

- The drug laws therefore create mechanisms that increase hostilities between people. For prohibitionists drug users symbolize everything that is wretched and evil in this world and so they tend to be scared of them and to treat them as if they were public enemies. The drug users, in turn, react defensively and return the contempt/hatred they feel exposed to.
- The example just mentioned is a reminder that the drug laws breed not only discrimination, violence and death, but also ignorance and fear. Normally, any responsible government would wish to end such an unfortunate social mechanism but instead our leaders actually encourage it, being that it is a prerequisite for their prohibitionist policies' credibility.
- Any government which is devoted to the Status Quo and intends to keep policies in place which depend on people's fear and ignorance to exist will have no choice but to use its propaganda apparatus to dumb people down and alienate them from each other.
- This is exactly what our governments have done for the last 50 years. Their reliance on a moral panic and an oversized enemy image to maintain their policies has made them encourage and feed the ignorance and fear these policies yield. In doing so they have not only disgraced themselves and done a great disservice to the people but they can also be said to have violated ICCPR Article 18, which protects our freedom of thought, as well as Article 20, which holds that “any propaganda for war shall be prohibited by law”.
- It is not only by creating a giant underground economy and relying on a moral panic/exaggerated enemy image that the drug laws have corrupted the fibre of our society. As organisational theory confirm any bureaucracy's primary concern is maintaining or enlarging its budgets as well as increasing its sphere of influence vis-à-vis competing agencies, and so the trillions of dollars our governments have spent fighting the war on drugs have had a very unfortunate effect upon the state apparatus itself.
- The logical conclusion to be drawn from organisational theory of the mechanism mentioned above will be that the police, as an agency of the state, in its very nature will strive towards the creation of a police state. This, of course, is a taboo topic. But history confirms this beyond serious dispute and the trillions of dollars allocated to the “drug warriors” have as such constantly fed and encouraged the more totalitarian aspects of the state apparatus.

- As any serious drug war researcher will confirm³² the only segments of society which has thrived as a consequence of the drug laws are the war profiteers and organised crime. These forces have a common interest in maintaining the Status Quo and as a result ordinary citizens and defenders of a free and open society have been under constant attack from both sides for the last 50 years.
- This unfortunate dynamic explains why our drug laws represent such a dangerous threat to our civilization. And as long as these laws exist, these destructive forces will gain momentum and more and more rapidly destroy what is left of our open and free society.
- People tend not to notice any of this because the transfer from an open, free and human rights-orientated society governed by the rule of law to a police state is gradual. The transfer to a police state therefore usually goes unnoticed and (like Norway has proven to be the perfect example of) neither the populace nor the state representatives will object to it.
- Still, the evidence is there for anyone who cares to see. And while the war on drugs has been a gross failure measured by its explicitly stated goal (a drug-free world) it has succeeded greatly in demolishing our catalogue of civil rights and fundamental freedoms.
- In fact, at no point in history have our governments interfered in our lives to such an extent as today, never before have so many of us been imprisoned and never before we have so willingly surrendered ourselves to the strong arm of the state.
- The enemy image of “drugs” (and “terror”) has been used against us with such precision that it to a large extent has destroyed our ability to think clearly. So dumbed down and so afraid have we become that the majority of us now actually accept such idiotic concepts as “pre-crime” and “preventive war”, as well as our officials' absurd reasoning that we “must give up our freedoms in exchange for security”. America’s founding fathers warned us against such despotic reasoning, arguing that those who accept such stupidity “deserves neither freedom nor security and shall soon lose both”.³³
- Indeed we have. And we are now stuck with an oversized government apparatus consisting of incompetent and corrupt officials who no longer are content with being mere civil servants. Instead, they not only think it's their natural right to meddle with the most intimate aspects of our lives — our own consciousness — but when we complain about their abusive policies and seek recourse in the H.R. Conventions, they also see to it that we are denied this.
- It is, in other words, clear by now that our giving up our freedoms (as the founding fathers

promised us) was a one way deal, for as a consequence of our leaders' backward policies (the war on drugs and the war on terror) we are less secure than ever.

- The war profiteer's search for enemies — real and imagined — has not only increased instability and unaccountability in political and social systems around the world, but it has also taken its toll on ecosystems and financial systems as well.
- Another unfortunate aspect of the drug war is that the criminalisation of drug use has increased harm to users. As a consequence of the lack of quality control one never knows what one ingests and this again dramatically increases the amount of health-related problems and overdoses/deaths.
- The criminalisation also creates patterns of drug use which are highly unfortunate. One reason for this is that the more potent the drug, the more profitable it is to smuggle it. As a result of this heroin and cocaine is available everywhere, while the less harmful version of these drugs (opium and coca leaves) is impossible to get hold of.
- Another reason is that there is no credible information from authorities available on the proper use of illicit drugs. As a result of this people are more likely to experiment with them in senseless ways.
- The unfortunate patterns of drug use have led to increased spread of infectious disease. It is for example estimated that drug use/shared needles is the cause of one out of every three new instances of HIV/Aids in the world (except for the area south of Sahara in Africa).³⁴
- Another problem caused by prohibitionist reasoning is that it gives the illicit drugs a reputation of having some form of devilish power which is supposed to make the user a mindless victim under its spell. The user himself is prone to accept such myths and so chances are that 1) he will use these drugs less responsibly than he normally would; 2) he will more easily become addicted; 3) he will more likely stay addicted; and 4) he will be encouraged to blame the drug for all his stupidities rather than himself.
- The criminalisation of users also exposes them to a downward spiral being that they not only now are criminals by definition, but also must deal with criminals. If they, for example, for some reason end up owing money, which they most probably at some point will, (either as a result of police arrests or a thousand other factors) or are unable to afford their expensive habits, they are likely to become dealers themselves or engage in other criminal activities (stealing, robbery, prostitution) to survive.

- Prohibition, in other words, generates *a lot* of crime.
- The backward and unscientific classification of the illicit drugs vis-à-vis the legal ones have not only created irrational fears regarding the illegal ones; it has also diverted attention from the dangers of alcohol and tobacco, being that most people are under the false impression that these drugs somehow are safer and less harmful.
- Many of the illegal drugs (e.g. cannabis, heroin, cocaine, LSD, mushrooms, amphetamines, ecstasy) have medical properties and the criminalisation of them makes these drugs unavailable for such use.
- The criminalisation of such drugs has held back medical research.
- It has also caused many thousands of terminally ill people to die in unnecessary agony just because doctors are afraid to lose their licence — or go to jail — if they prescribe effective pain medicine to them.
- The criminalisation of these drugs has also forced people to use legal prescription drugs which in many cases are worse than the illicit ones — and less effective.
- The line between medical and recreational use is a blurry one. Most recreational use can be considered medical being that it makes people feel happier, more focused, more content, more comfortable, more relaxed, less in pain, etc.
- Our strict separation of medical and recreational use not only makes no sense but it has made it impossible for people to deal with their pains and illnesses properly.
- In fact, it's a curious coincidence that we have outlawed those drugs which people for thousands of years have used to heal themselves. And that we in criminalising self-medication — which was the norm until the beginning of the 20th century — have created a highly lucrative business for the medical profession and the powerful pharmaceutical companies.
- In giving up our right to self-medication we have given away the responsibility for our health to a higher authority. We have done so in much the same way as Christians in the old days (and some still) gave away the responsibility for their salvation to the Church, and even though there are plenty of good and decent doctors out there (just as there are good and decent priests) this was a very foolish thing to do. After all, every time we give our power away we become a little more enslaved. And we should know by now that whichever class of people we put on a pedestal and blindly put our faith in will take

advantage of its privileged position and seek to expand its sphere of influence.

- The result of us giving up our powers is today evident everywhere. We have already seen how politicians and other civil servants have misused the power entrusted them, but also the medical profession has been eager to take advantage of the drug laws. The rehabilitation clinics and the addiction maintenance/treatment programs are examples of this. And while there are many medical professionals who have had enough wisdom and integrity to expose the myths which prohibitionist drug-lore is built upon, most people in this profession have accepted these myths as truths. For instance, very few of them have complained about the absurdity of classifying any use of illicit drugs as “misuse”; instead they have argued for more rehabilitation clinics, and the fact that most people have been forced into them as a result of prohibitionist reasoning has apparently been lost on them.
- In addition to this, the addiction maintenance programs have been a laughable and rude practice being that all it has done is force the users to give up their favourite opiate (heroin) in exchange for another and more harmful one (methadone). Thomas Szasz, a distinguished professor of psychiatry, pointed out the ridiculousness of such practices like this:

“The modern zeitgeist [is] our seemingly limitless fear of *and* faith in drugs. The fear explains our timidity towards opiates; the faith, our belief that the habitual use of one narcotic (heroin) is a disease, which can be successfully treated with another narcotic (methadone). Grounded in pharmacomythology, not pharmacology, these fears and faiths cannot be dispelled by common sense or medical experience. Instead, we live according to the old adage *credo quia absurdum est* (I believe because it is absurd), which we find comforting because the credo lists the burden of responsibility for our bad habits from our shoulders. Using one narcotic to cure the addict by taking another narcotic authenticates the doctor's expertise about habit-forming and habit-curing drugs, legitimises them as pharmacological miracle workers, and makes them steadily more indispensable suppliers of *new* controlled substances”.³⁵

The sum of all this makes prohibition not only a laughable but highly dangerous and inhumane practice. And even though much of this may be news to you, I can assure you that these points do not in any way exaggerate the destructive consequences brought upon us in the wake of prohibition. The further evidence for this is available in the books you have received — and the evidence being both unambiguous and overwhelming, you would do wisely in recognising the serious nature of this complaint.

For as you may know — and this is my final point — even though these laws have been quite profitable for everyone involved with enforcing them, the police, the politicians, the courts, the prison authorities and the jurists, like everyone else, would be far better off without them. Prohibitionists of course may disagree, but no one is really served by the enforcement of

inhumane laws. And as it has steadily chipped away at such enforcers' credibility for more than 50 years, you have an obligation not only towards the civil population and the Conventions, but also to everyone involved with the law as a profession to deal with these allegations properly.

The evidence being what it is, any policeman, judge, politician or jurist who cares about the legality of his actions will salute you for doing so. And if you, yourselves, are decent people who care about the integrity of your profession, you will consider it a privilege and an honour to take part in determining the nature of these laws.

Come to think of it, that officials within the Norwegian justice system and the ECtHR both have failed to do so, not only speaks volumes about the enormity of the explanatory problem these institutions are left with, but also about the unfortunate situation they have put themselves in. For, as you can see from the summary so far, there can be no doubt that these laws represent a widespread and systematic attack upon the civil population.

These alleged violations on the Conventions, in other words, constitute *a crime against humanity* and so it was no small crime these officials committed when they — well aware of this — decided to do what they did instead of helping me expose these laws for what they are.

Now bear in mind that this list is not complete. It just sums up the most obvious of the side-effects of prohibition and we have so far said nothing of the perverse consequences that is the result of its *explicitly* stated goals — namely to put as many drug law violators as possible behind bars for the longest possible amount of time.

For we must not forget that the criminalisation of hundreds of millions of non-violent people around the world has deprived a steadily increasing percentage of the population of their freedom. Their numbers are at the present measured in millions, and we have not only made life a living hell for those people, but also their families and loved ones. The hardships, the pain, and the suffering these people have had to endure because of prohibition is not only unspeakable but a sad testimony to the price our officials are willing to pay in order to preserve their ignorant policies and their image of themselves as some kind of moral crusaders fighting some form of righteous cause. After all, imprisonment is the worst and most punitive measure the State can avail itself of and any decent society would wish to limit its use to a bare minimum.

(As any thinking criminologist will confirm, prisons are places where the most destructive social mechanisms set into swing and to the degree we avoid exposing people to such conditions we as a society will be better off.)

Our willingness to expose non-violent people to such hardships is therefore perhaps the most visible and concrete example of how prohibitionism messes with our minds. After all, very few of us have any problem accepting it, and empathizing with these unfortunate people would indeed

seem like a strange and foreign concept to most prohibitionists. The simple reason for this is that they are overwhelmed by the power of an exaggerated enemy image and therefore have lost their ability to put two and two together. We have already been introduced to their confused reasoning, being that as they prefer to see it the drug users are the victims of a menacing and evil force which threatens to destroy us all. In their minds, therefore, these people should be thrown in prison or forced into rehabilitation for their "own good". And while they may have some pity left with these "victims", the people who provide them with their drug of choice are seen to be the ultimate enemy.

Many countries consequently have death penalties for such "crimes" and even if authorities in more civilized parts of the world won't go that far, they see no problem in dealing out sentences which are more severe than those offered murderers and rapists. The viciousness and manifest absurdity of such laws is lost on them because according to their line of thought the victims of their trade are measured in the millions. Still, it is an undeniable fact that it is exactly the same supply and demand mechanisms unfolding when it comes to the illegal drugs as with the legal ones.

This, of course, is something they are most unwilling to comprehend. But if they did, they would recognise the dim-witted and inhumane policies they have been promoting/supporting for what they are. It would then be embarrassingly clear to them that the drug law violators, those "evil and cynical dealers in death", were in fact no more cynical and depraved than anyone involved with the supply-chain of alcohol and tobacco. And that they just as well, therefore, could support criminal policies which sought to put people like this (the farmers, the brewers, the truck drivers, the salesmen, the bar-keepers, and — most likely — themselves behind bars for the longest possible amount of time.

This simple logic is of course infinitely hard for them to grasp. But understanding this, the next logical step would be to come to grips with the fact that the drug law enforcers actually were a lot more "cynical" and "evil" than the drug law violators could be said to be.

While the violators merely have provided people with a service they want, the drug law enforcers have done so much worse; in their enforcement of these laws they have tapped people's phones, opened their mail, spied on them, searched their houses, stripped them naked, performed cavity searches on them, demonised them, discriminated them, stigmatised them, terrorised them, fined them, confiscated and destroyed their property and their valuables, forced them into "rehabilitation", jailed them, taken their children from them, destroyed their education and work possibilities, threatened them, beaten them, shot at them, killed them — and at last, after more than 50 years of these despotic and discriminatory practices, when the drug law violators finally have had enough of such abusive behaviours and sought to set things straight in accordance to H.R. Law, they have set aside the rule of law in an attempt to perpetuate their unlawful and unjust policies.

This of course may be tough words for any prohibitionist to hear.

Nevertheless it is nothing but an accurate description of the situation, and even though this summary may leave us with an unflattering image of the prohibitionists, it is important to emphasize that I do not consider them to be “evil” at all. After all, “evil”, as we think of it, is only ignorance in effect. And for most of them their only “sin” is falling prey to the influence of an oversized enemy image — and that is really all it takes for otherwise decent people to take part in such inhumane practices.

In fact, when we look at history, it's the same story which repeats itself behind every war and atrocity; proponents of the inquisition were convinced that Satan lived within everyone who didn't conform to their way of life, the Nazis saw the Jew as a threat against everything they considered good and decent in the world, Eastern fundamentalists see the West as an immense evil and corrupt force which threaten all that is dear to them, and the Western fundamentalists think exactly the same — just the other way around.

No matter where we look it's always the same. And behind every war and every atrocity ever committed we find the influence of an exaggerated enemy image which, in turn, seemed to validate the absurd belief that the end justifies the means. The war on drugs is in this way no different than any other war. And as we are born into a society at war with itself, it is only natural that most of us fall prey to the sloppy thinking that got us into this mess in the first place (what Mills called the despotism of custom).

After all, most people will start out with the presumption that we are part of a decent society and that our leaders are intelligent people who honestly want what is best for us. No matter the time and place, this is the basic assumption citizens everywhere share. Our upbringing and our education seems to confirm this and so it is only logical that we take for granted that our wars are fought for some greater good and that our laws are in place for good reasons.

It is only with experience we grow wiser. And so it is that some people figure out that the drugs they have been raised to fear aren't nearly as evil and dangerous as they thought; that they in most cases, instead, provide people with an experience they desire and find pleasant; and that the war on drugs, on the other hand, is a highly unpleasant and destructive campaign which isn't desirable for anyone but the war profiteers and the gangsters. In other words, it becomes obvious to them that they had it all wrong and that their leaders — the proponents of this war on ourselves — aren't necessarily the good guys.

As soon as their childish faith in authority is somewhat diminished, they suddenly begin to see more clearly. Their old world of black and white begins to crumble and they begin to see the shades of grey which before were invisible; they start thinking about the enormity of the drug

trade; the fact that it, together with oil and arms, is the world's biggest commercial enterprise; they begin to imagine what this gigantic underground economy of some \$ 400-700 billion a year actually does to us as a society; the corruptive influence it must have and how many politicians, judges, policemen, bureaucrats, elite players, corporations, agencies, banks — and even entire countries — which in fact are part of it and deeply involved in profiteering from it; they think about it and they realise that tens of trillions of dollars must have been whitewashed by our banks during the last decades and that no one has gone to jail for this; it dawns on them that the black and white economy isn't really separate at all and that drug barons like Pablo Escobar aren't at the top of the food-chain; instead people like him must be only players in a greater game of shadows where the secret services rule supreme, deeply involved in shaping all aspects of this enormous market in whatever fashion that suits the needs and power-political ambitions of their elite masters.

This line of thinking slowly manifests itself. And as the shades of grey becomes clearer, suddenly the parallels between (and the mechanisms behind) every war our leaders ever fought and presently are involved with is revealed. For as they look closer into the reality behind our leaders' official reasons for going to war, they begin to understand that every time they start a war, their pretexts for doing so is always a series of half-truths and straight up lies; they then reflect upon the fact that they had to figure this out by themselves and that even though these lies and falsehoods are easily exposed, no one in authority seems too eager to do so; instead, for some reason, the major players in academia, media, and even the political opposition parties seem more concerned with burying the truth than in exposing the lies which are said to validate our reasons for going to war.

This at first puzzles them. But as their vision sharpens further and they begin to understand how powerful the war-profiteers are and the stranglehold they have on society, they begin to see more clearly our wars for what they are; they understand that they are not benevolent attempts to spread freedom and democracy fought for the greater good of humanity, but that they instead conform to historic precedent and power-political reasons³⁶ enabling, as they do, the elite to grab control of precious resources abroad while strengthening control of the population at home.

After accepting this, they then begin to realise that maybe the war on drugs isn't the result of the ignorant thinking it seems to be; maybe our leaders actually couldn't care less if "drugs" aren't the threat they are said to be; maybe they don't mind if our drug laws' credibility is the result of a moral panic; maybe they don't care if the oversized enemy image behind it destroys our ability to think clearly; and maybe they don't mind the destructive social mechanisms it sets into swing — could it in fact, when all was said and done, be that the wide range of unfortunate consequences this war has exposed us to weren't unintended at all?

Could it be so simple that the whole thing was a charade, a campaign whose real purpose was to keep doing what it does — filling war-profiteer's pockets while feeding the destructive

mechanisms which undermine our liberties and keep them in power?

Such reasoning as this would, of course, just seem like conspiratorial and silly rambling to prohibitionists. They are still under the spell of an oversized enemy image and having not yet lost their childish faith in authority they still see the world in the old black and white. And so, to them, their leaders are never bad or wrong; they are instead always good, their enemies always evil, and begging to differ is somehow unpatriotic and suspect. Still, the evidence is contrary to their beliefs. And the more one learns about the world, the more pressing such “conspiratorial” thinking and “unpatriotic” questioning becomes; and the more one accepts such reasoning, the more one's old worldview is turned upside down — until suddenly, everything seems to fall into place.

So it is that more and more people begin to speculate that maybe the purpose of fighting this war isn't a drug-free world at all, and that maybe instead the whole point of it is war for war's sake — a so-called eternal war for eternal peace.

After all, our leaders cannot possibly be so stupid that they believe in their prohibitionist policies; they have been caught time and time again burying the evidence, faking it, misrepresenting it, manipulating it — doing, in fact, everything to turn black into white in order to fit their agenda for war;³⁷ and while they officially stand before us as dedicated war-mongers in private they tend to agree that the war effort has failed.³⁸ As Julian Chritchley, the former director of the UK Anti-Drug Coordination Unit confirms:

“What [I think] was truly depressing about my time in the civil service was that the professionals I met from every sector held the same view: the illegality of drugs causes far more problems for society and the individual than it solves. Yet, publicly, all those people were forced to repeat the mantra that the government would be “tough on drugs”, even though they all knew that the policy was causing harm”.³⁹

Chritchley quit his job because he “was sick of having to implement policies that I knew, and my political masters knew, were unsupported by evidence.”⁴⁰ And as any thinking person in government service knows this for a fact, one is left with the seemingly inescapable conclusion that our leaders must be 1) a spineless bunch of hypocrites without a shred of integrity left or 2) must owe their ultimate allegiance to gangsters or war-profiteers. It could of course be a little bit of both. But either way it should be obvious by now that our entire government apparatus has been so corrupted by this war that our civil servants are either incapable or unwilling to end it. And as our civil servants, for some reason, are so eager to keep these policies in place that they are willing to set aside the rule of law in order to do so, it is of paramount importance that the UN human rights apparatus takes proper action.

This would simply mean that you grant us an effective remedy against these horrible policies so that our fundamental human rights again come under the protection of the rule of law. And as you

have already seen how these laws violate the equality principle. I will in the following conclude with an elaboration on their incompatibility with the principle of proportionality.

The Proportionality Principle and The Drug Law

From what you have already seen it should be quite obvious how our drug laws violate this principle. After all, while the negative consequences you have been introduced to are rather disturbing, they are neither controversial nor disputable when we take the evidence into consideration. Many — if not most — of them are in fact even acknowledged by the prohibitionists. It's just that they will argue that without these laws everything would be worse and so they tend to believe that as unfortunate as all this collateral damage is, it's actually worth it.

Still, they hold this belief contrary to the evidence. For it's an indisputable fact that prohibition has been as unsuccessful in curbing the supply as it has been in reducing the demand for illicit drugs, and there is much evidence to suggest that we would be far better off in legalising the drug trade and regulating the sale of these substances.

This evidence indicates that the law has had little or no significance at all being that the degree of criminalisation appears to be irrelevant to the prevalence of use.⁴¹ The Netherlands, for example, has in effect legalised the sale of cannabis for more than 30 years, but still its population uses this drug to a lesser extent than many of the neighbouring countries — and far less than the Americans, who for so long have been subjected to very strict penalties.

This type of evidence is corroborated by many other decriminalisation experiments. And when we take this evidence into account, the common finding is that the further away from the punitive law and order approach we go, the better off we are. As professor Nutt points out: “Drug users are part of society and when we treat them as such, the outcome improves for everybody, including non-drug users”.⁴²

In other words, the conclusion seems inescapable that all the damage prohibition has done — all the misery and death it has caused the drug law violators and all the collateral damage it has caused society — has been for nothing! And while the prohibitionists refuse to recognise this fact and instead, in a last effort to preserve their policies, will try to defend their war on the premise that we do not know the consequences of peace, this is nothing but a fool's last stand. After all, the law is clear here, and the burden of evidence rests not upon the proponents of peace. It is instead the prohibitionists who must justify their war — and this they have never been able to do.

They have of course attempted to do so arguing that the illicit drugs are a threat to our mental health, physical health, moral health, a threat to our children, our community, and so on — and

that the law is needed to protect us from such harms. But theirs are arguments of faith rather than reason, and as Douglas Husak and many others have shown, none of them are convincing.⁴³ In fact, when we stop relying on the exaggerated enemy image which “drugs” to a prohibitionist's mind represents, we find that the illegal drugs not only pose a lesser threat to us than the legal ones do but, when all is said and done, that our leaders might just as well criminalise unhealthy foods and start throwing overweight people in prisons (or forcing them into “rehab”).

This, of course, seems absurd. But eating not only provides many people with a “high” which can make them crave more and more and become “addicted”; it also can lead to serious health problems, and health-related issues like diabetes and heart disease not only kills many more people every year but they also cost society much more than the use of illicit drugs do.⁴⁴

As you can see, the idea of criminalising it and having the “obesity-police” arrest these people is by no means any more absurd than criminalising drug users and having the narcotics-police arrest them. I am obviously not advocating either. I am just pointing out the manifest stupidity of our current policies, and the fact that their inherent shamelessness is lost on the populace today is in itself a testimony to the damage prohibitionist propaganda has done to us as a society.

After all, until a century ago, most people would consider the idea of a drug law as the laughable piece of impudence it is. And even jurists back then knew how to recognise vices from crimes. Today, unfortunately, this important distinction is lost on most, but Lysander Spooner reminds us of the difference:

“Vices are those acts by which a man harms himself or his property. Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice towards others, and no interference with their persons or property.”⁴⁵

This is a very important distinction to make. For while we may disagree with other people's lifestyle and think it's better if they drank less, spent less time watching TV, playing video games, surfing the internet for porn, and instead exercised more, ate more healthy foods, cared more for others, and so on, we cannot possibly, in a decent society governed by reason and the rule of law, enact laws against such behaviours and call them crimes. Spooner, again, explains why:

“The object aimed at in the punishment of *crimes* is to secure, to each and every man alike, the fullest liberty he can possibly have — consistently with the equal right of others — to pursue his own happiness, under the guidance of his own judgment, and by the use of his own property. On the other hand, the object aimed at in the punishment of *vices* is to *deprive* every man of his natural right and liberty to pursue his own happiness, under the guidance of his own judgment, and by the use of his own property.

These two objects, then, are directly opposed to each other. They are as directly opposed to each other as light and darkness, as truth and falsehood, or as liberty and slavery. They are utterly incompatible with each other; and to suppose the two to be embraced in one and the same government, is an absurdity, an impossibility. It is to suppose the object of a government to be to commit crimes, and to prevent crimes; to destroy individual liberty, and to secure individual liberty.”⁴⁶

Back then, not only scholars but even politicians recognised this important distinction, and the idea of a drug law would be seen as a violation of the Constitution. As Abraham Lincoln himself said:

“Prohibition goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and makes crimes out of things that are not crimes. A prohibition law strikes a blow of the very principles upon which our government was founded.”⁴⁷

Even though there are still a few scholars and politicians around (for example Ron Paul⁴⁸, one of the Republican Party's candidates to the Presidency) who recognise this fact, we have indeed come a long way since then, The American Supreme Court, for instance, has ruled that lifetime imprisonment is not an unconstitutionally severe sentence for the “crime” of cocaine possession, some 30 countries has capital punishment in place for drug “crimes”, and there are plenty of prohibitionists around who are prepared to bring us back to the dark ages and beyond, advocating as they do corporal punishment and other absurdities in order to win their war on drugs.

I see no point in spending more time here on their reasoning, but their attitude is summed up neatly by Daryl Gates, who as Chief of Los Angeles Police Department stated that “casual drug users should be taken out and shot. We are in a war and drug use is treason.”⁴⁹

As you can see, the prohibitionists’ propaganda has really made a mess of things. And not only is the fundamental distinction between vices and crimes lost on us, but we have as a society also lost our way completely in our sentencing practices. For even if the examples just mentioned belong to the more extreme end of the spectrum, there seems to be no end to the lengths most countries will go to when it comes to punishing the drug law offenders. And while most jurists today seem to think that all is well and that none of this constitutes “cruel, inhumane or degrading punishment”, hopefully they would consider if it were alcohol drinkers, tobacco farmers or simply obese people we exposed to such hostile treatment.

After all, it's already an established fact that they cannot say anything sensible about why we should treat the illicit drug users differently than these groups of people. And when it comes to alcohol drinkers, the ECtHR, in *Witold Litwa v. Polen*, has said a great deal about what the principle of proportionality entails in the area of drug policy.

In this case, the Court considered the appropriateness of throwing extraordinary drunk people into prison. It accepted in its verdict that the States parties could deprive us of our liberty if we were so intoxicated that we could be considered to be a threat to ourselves and our surroundings, but it concluded that 6.5 hours in a holding cell was an *inappropriate* interference and that the proper thing to do would have been to drive Litwa home, so that he could sleep it off in his own bed.

It was by any measure a good decision. And while it referred to alcohol users, it would, in a decent society governed by the rule of law, be considered a discriminatory and inappropriate practice to treat illicit drug users any differently.

Now, we all know that in reality it isn't so.

Instead, in our world the thought of granting the illicit drug users the same rights and the same dignified approach somehow seemed absurd — even objectionable. And so it is that we live in a society, in which each States party undertakes to respect and ensure to all individuals — except the drug law violators — the rights recognised in the Conventions; where all persons, except them, shall be equal before the law and be entitled to equal protection of the law; where everybody, except them, shall be recognised as a person before the Courts and entitled to a fair hearing by a competent, impartial and independent tribunal to have their rights determined; where everybody, except them, shall have an effective remedy against unlawful detention as well as abusive, discriminatory and degrading policies and where everyone, except them, shall have an enforceable right to compensation after being the victim of such practices. We live in a society, in which everybody, except them, shall have the right to self-determination and to freely pursue their social, cultural, economic and spiritual development; where every human being, except them, shall have the inherent right to life and to be protected from being arbitrarily deprived of it; where no one, except the drug violators, shall be subjected to cruel, inhuman or degrading treatment or punishment; where no one but them shall be subjected to arbitrary and unlawful interference with his privacy, family, home or correspondence, and where everyone but them have the right to be protected by law against such interferences; where everyone, except them, have the right to liberty and security of person and where no one but them shall be unlawfully deprived of their liberty; where everyone, but them, shall have the right to freedom of expression and to seek, collect and impart information and ideas of all kinds, regardless of frontiers; where any propaganda for war — except drug war — shall be prohibited by law; where any advocacy of hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law — except that which is directed against the drug law violators; and where any family, except theirs, are entitled to protection by society and the state.

While all of this, apparently, is an acceptable state of affairs to most people in today's world, it is, as you can see, quite an unfortunate one for those of us who take H.R. Law seriously. After all, there can be no doubt about our drug laws' violation of the equality principle. And when it comes

to the proportionality principle, it is also clear that these laws have failed to meet the standards of every criteria it raises.

First of all, we have committed the ultimate stupidity by making a crime out of non-crimes (vices); secondly, the laws intended to deal with these non-crimes have not only proven to be totally unfit for their purpose, but they have also increased harms to the users as well as society; and, thirdly, there are obviously much less invasive means available to achieve the desired ends.

In other words, the cure has proven itself to be many times worse than the disease, and the law cannot be said to strike a fair balance between the rights of the individual and the interests of the community. According to H.R. Law, then, there isn't a reasonable relationship of proportionality between the aim pursued by prohibition and the means deployed to reach its aim.

The drug laws, therefore, cannot be regarded as “necessary in a democratic and open society”. On the contrary, these laws are nothing but an arbitrary violence perpetrated against the citizens of the world; they have violated everything we as a society are supposed to stand for to such an extreme degree that they fulfil every criteria to be regarded as a crime against humanity — and the time has now come to recognise this fact and let the healing process begin.

You obviously have an important part to play here. And considering the enormity of the task before us, I fully appreciate if you feel somewhat overwhelmed or confused right now. After all, to the degree any of this is news to you, you have yourselves been victims of the drug war and the propaganda effort needed to fight it.

If you, like so many others, have been used to seeing the drug war as synonymous with all that is good and decent in our society, you may even feel a little angered or annoyed. And my request that you now do your duty and treat this complaint and the information handed you in a manner which is consistent with your obligations towards the Conventions may, indeed, also be considered a bitter pill to swallow. Still, there can be no doubt that you are in a highly unique position to do some good for humanity. And as the situation proved too much for the ECtHR to handle, the UN human rights apparatus now represents the human rights law's last defence against the disciples of tyranny and their police state-tactics.

In other words, great responsibility now rests upon your shoulders and there can be no doubt about your duties in a situation like this. The preamble of the Covenant you are supposed to protect says all, and so I feel confident that you will not stand by idly and see to it that tyranny rules supreme. After all, if you fail to comply with your obligations at this point in time, it will not only have grave consequences for yourselves, some 200 million drug users, as well as the rest of the world's population, but it will also seriously undermine the credibility of the UN as a benevolent organisation.

As you well know its reputation as a champion of H.R. Law and a protector of the dignity and worth of the human person is crucial to its standing in the world. And as it was through the UN-system the world's prohibitive drug policy regime not only was brought into being but has been maintained until today, humanity will one day come to consider it as an instrument of oppression more than anything else, *if* you fail to act.

Now that you have seen how I am a rightful complainant, how our drug laws violate the Human Rights law, and you've got a general idea about the seriousness of the situation, I will provide you with a historical context in order to clarify how this unfortunate situation came into being.

How We Ended Up Here

As you have already seen the idea of a drug law would, until the 20th century, not only be thought of as obscene by the populace, but it would also — in progressive countries — be considered unconstitutional by enlightened politicians and scholars.

The change from this line of thinking was gradual. It started in the last part of the 19th century with the increasing influence of puritanism and the temperance movement, and while the use of opiates and other drugs by then was beginning to flourish, it was alcohol which was seen as the great evil and became the target of prohibitionists.

This may seem strange, but historically speaking it has always been this drug that was considered to be the worst. A good example of this is the fact that while the opium trade accounted for between 10-20 percent of the Roman Empire's tax income, the Latin language has no word for "opiate abuse" and yet it has six for "alcohol abuse".⁵⁰ Heroin, of course, wasn't available back then. But even at the beginning of the 20th century, when it was well-known and frequently used, the great concern was still alcohol.

When the first drug laws came into being, then, it wasn't because of the dangers associated with the drugs per se, but it was rather *the users* which were considered to be the problem and needed to be dealt with. This is a historical fact and drug law historian David Musto explains further:

"The most passionate support for legal prohibition of narcotics has been associated with fear of a given drug's effect on a specific minority. Certain drugs were dreaded, because they seemed to undermine essential social restrictions, which kept these groups under control: cocaine was supposed to enable blacks to withstand bullets which would kill normal persons and to stimulate sexual assault. Fear that smoking opium facilitated sexual contact between Chinese and white Americans was also a factor in its total prohibition. Chicanos [Mexicans] in the South West were believed to be incited to violence by smoking marijuana. (...) In each instance, use of a particular

drug was attributed to an identifiable and threatening minority group.”⁵¹

In other words, it was nothing but racism that brought these laws into being. And Musto and others have also pointed out the “coincidence” that these drugs were criminalised at a time when there was an especially intense social crisis between the drug-linked group and the rest of society. For we must not forget that, while slavery had ended, the United States was still a highly racist society, and by criminalising these minorities' drug of choice, the drug laws became the perfect tool to control these populations.

The racist origin of the drug laws (and they being a furtherance of Jim Crow-laws and other unfair and discriminatory practices which, by that time, had become too obvious and crude to keep in place) is not lost on informed citizens. And for those with eyes to see these laws function as mechanisms of social control is still as apparent as ever. After all, the lower you are on the social ladder, the more likely you are to become the victim of these laws and the longer you will be jailed for violating them. And while our leaders will have us believe that this is just another unfortunate side-effect of these laws and not their intention, only a fool would take their word for it. For, as we all know, they say one thing in public and another in private, and Nixon, the American president who declared war on drugs, was quite frank about his reasons for doing so privately.

(According to Bob Haldeman, his Chief of Staff, “[Nixon] emphasised that you have to face the fact that the whole problem really is the blacks. The key is to devise a system that recognises this while appearing not to.”)⁵²

The question then arises, how were these racist and unconstitutional laws brought into being, and how is it that the UN came to be the ultimate defender of such policies?

When we look closer at this, we find that prohibition by and large was an American Crusade and that the UN became involved as a result of American pressure. The whole thing started with some American states passing their own laws. Then pressure began to build for some form of federal narcotics control law, but this was seen as unconstitutional and few believed it could be done. To make it more palatable, the prohibitionists worked hard to get some form of international regulatory framework in place so that international consensus, in turn, could be used to validate the crusaders' ambitions for a federal drug law.

The first federal law, the Harrison Act, then came into being in 1914. It was the result of a moral panic and the evidence presented to get it done was neither a balanced nor truthful presentation of the available evidence.

The constitutionality of such law was still disputed, but it seemed harmless enough, being that it appeared as an attempt to regulate — not outlaw — the trade in narcotics (heroin and cocaine) and it didn't grant the federal authorities any police powers whatsoever. The whole thing, then,

went largely unnoticed (it was approved in a few minutes and the newspapers didn't pay it any attention) and it wasn't until the 1920's that the law and order approach began.

By this time alcohol prohibition was in full swing, but while Congress had to pass an amendment to the Constitution in order to make it legitimate, no such thing was ever done when it came to narcotics. Still, the Supreme Court, in 1928, ruled that the Harrison Act was constitutional and by this time also the League of Nations was involved.

In 1924-25, after conferences in Geneva, this predecessor to the UN became the supervisor of an international regulatory framework which not only sought to regulate the trade in opiates and cocaine, but also attempted to limit the international trafficking of cannabis to medical and scientific consumption and use. It was, however, by and large a regulatory regime and the delegates could never in their wildest dreams have foreseen what was to come out of it. There was no agreement on a prioritised law and order approach and many countries were so uncooperative that the American delegation went home in protest. It is also important to note that this regulatory regime, too, was the result of a corrupt political process and that it came into being thanks to the crusaders' exaggerations and manipulation of the available evidence base. As Musto describes the hearings they “resembled the style and goal of the Marijuana Tax Act testimony thirteen years later”⁵³, which indeed says quite a lot.

You see, for those who have studied drug law history, the testimony and the Tax Act that Musto refers to is considered to be somewhat of a Rosetta Stone when it comes to figuring out how something as incredibly stupid as criminalisation of cannabis came to being. The reason for this is that the hearings were recorded and that they reveal a remarkable distortion of the evidence of harm caused by cannabis.

It was the testimony of Harry Anslinger, the narcotics police Commissioner, which were used to justify the Act; many of the politicians didn't even know beforehand what “marijuana” was (I am not kidding!) and while they listened attentively to Anslinger when he told them that “here you have a drug that is not like opium. Opium has all the good of Dr. Jekyll and all the evil of Mr Hyde. This drug is entirely the monster Hyde, the harmful effect of which cannot be measured”⁵⁴, that “in many cases one cigarette might develop a homicidal mania”, and that “all the experts agree that the continued use leads to insanity”⁵⁵, they completely ignored the findings of empirical inquiries. As Musto describes these hearings: “the officials ignored anything that qualified or minimised the evils of marijuana. The political pressure to put something “on the books”, and the doubt that it could be done, combined to make the marijuana hearings a classic example of bureaucratic overkill”.⁵⁶

All this is carefully documented. But it is important to note that while the result of a corrupt political process, this Act didn't say anything about *prohibiting* the sale or use of cannabis. It was nothing more than a Tax Act and its objective was nothing more than to regulate the trade.

So how then did the law and order approach come into being?

The answer is that it was “sneaked in the back door”. The drug laws’ unconstitutionality or the drug users rights were never considered, and by the logic of might-equals-right its proponents slowly escalated their persecution of the drug law violators.

The most important step in formalising this process was the establishment of the UN Single Convention on Narcotic Drugs in 1961. This classified and placed under international control the production, manufacture, export, import, distribution of, trade in, use and possession of different drugs. Little, however, is known about the drafting process or the bureaucratic manoeuvring which brought in into being. I have read a couple of hundred books on the subject of drug policy but none have elaborated upon it, and so it could seem as if history has left us with a little mystery when we are to try to make sense of the manifest absurdity of the classification system which until today have guided the UN narcotics control treaty bodies.

What we do know, however, is that it was the result of American pressure and that the American delegation was led by Harry Anslinger, the same man whose wilful ignorance and lack of concern for the evidence had led to the adoption of the Marijuana Tax Act twenty four years earlier. Apparently evidence-based drug policies weren't part of his agenda this time either. And when we also take into account that Dr. Gabriel Nahas was one of the principal advisors to the UN Narcotics Commission, it suddenly begins to make sense. You see, he is in our time and day first and foremost remembered as an ultra-prohibitionist who availed himself of highly unscientific means in order to demonise cannabis as a drug.⁵⁷ And as players like these called the shots the curious case of how the Single Convention ended up with categorising cannabis and coca leafs as the most dangerous drugs known to man (and with no medical properties) is somehow explained.

What remains to be explained is, on the other hand, why this system remains intact today.

It was, after all, established treaty bodies which were supposed to keep an eye on everything and see to it that the drug control system was as effective and evidence-based as it could possibly be. Back then the Single Convention came into being as a result of the expressed concern for the “health and welfare of mankind”. The prohibitionists claimed that these drugs were a threat to all of us and — as opposing views were barred from being heard — the law and order approach became the preferred solution in dealing with this threat.

The thinking back then was that this would create a drug-free world within the next 25 years. As we all know this didn't happen, but the fact that the means deployed had proven unfit to achieve the desired end didn't change anything. Instead, after evaluating the situation in 1998, the International Narcotics Control Board (INCB) and its partners in crime at the United Nations Office on Drugs and Crime (UNODC) and the Commission on Narcotic Drugs (CND) promised us more of

the same, and their thinking was that this new and more determined law and order effort would bring us a drug-free world by 2008.

Ten years later, in 2008, when it was time to re-evaluate their efforts, it became evident that they were more off target than ever. Still the INCB wouldn't reconsider its prohibitionist crusade and while admitting some serious "unintended consequences", they only promised us more of the same until at least 2019, when it's time for their next reality check.

Looking back then, the UN drug control apparatus hasn't really evaluated anything. And except for adopting a couple more Conventions, which criminalised and categorised more drugs with their usual reckless regard for the evidence, their chief concern has been to maintain the Status Quo and see to it that individual countries didn't stray too much from the strict zero-tolerance approach favoured by the drug war crusaders. This has not been easy for them. After all, these high-priests' bible has never been possible to defend rationally and as the gap between politics and science only has become more obvious with time, their arrogance and ignorance has also become more conspicuous.

As the presumption that prohibition is an acceptable and effective way to deal with society's drug "problem" hasn't really been contested by (influential) critics until more recently, their main problem has been cannabis. The reason for this is simple. For as Mark Leinwand noted only seven years after the Single Convention came into force:

"[Cannabis] does not belong — and, objectively, never did belong — in the provisions of a treaty whose stated purpose is to prevent "addiction to narcotic drugs". (...) The inclusion of cannabis (...) was a mistake based on erroneous scientific and medical information generally available to the delegates when the treaty was drafted".⁵⁸

The evidence for the backward and unscientific nature of the entire classification system has become increasingly overwhelming over time. The premises and nomenclature the Conventions are built upon (e.g. "narcotic" and "psychotropic" drugs, "medicinal use" versus "misuse", the "evils" of "drugs" and "addiction") has become more and more contested as they are so vague and imprecise that they, in fact, are meaningless. As Bewley Taylor confirms:

"Even a cursory examination brings into question the very terms "narcotic" and particularly "psychotropic" as anything more than political terms with only casual reference to pharmaceutical properties".⁵⁹

This, in turn, not only undermines the credibility of the Conventions (and their defenders) but it also reveals the arbitrary and embarrassingly absurd nature of the drug war. For as Douglas Husak says:

“War has been declared on *drugs*. If war is to be declared on something, one would hope that two conditions would be satisfied. First, the enemy should be clearly identified. Second, the special significance of the enemy should be demonstrated. Unfortunately, neither condition is satisfied by the war on drugs”.⁶⁰

As this is the case, Mark Leinwand's critique of the Single Convention most definitely applies to the other illicit drugs also. But as some 166 of the 208 million illicit drug users are cannabis users, this is the most well-known of these drugs — and hence the one with the most defenders. After all, the more we know about these drugs, the less “scary” they tend to be. And as most people are somewhat familiar with the effects of this drug, it's hard for them not to arrive at the inescapable conclusion that it is not the threat to the user or society that it is portrayed to be.

Today you would therefore be hard pressed to find any expert on drug policy willing to defend the classification system. In fact, very few of them even support prohibition anymore, and most of them are actively involved in the struggle for reform. A good example of this is found in the distinguished researchers Robin Room, Benedict Fisher, Wayne Hall, Simon Lenton and Peter Reuter. In their book “Cannabis Policy — Moving Beyond Stalemate”, they reviewed the situation in regard to cannabis and concluded thus:

“By an accident of history, cannabis was included in the international drug control regime that was constructed in the course of the twentieth century (...). Fifty years after the adoption of (...) the Single Convention on Narcotic Drugs, we face a very different world. The set of international rules and norms, which were adopted then have not proven effective in the modern world, and they have adverse consequences for those who get caught up in their provisions. (...) There is a clear need for change, and yet the international drug control systems seem increasingly paralysed and immobile.”⁶¹

As you can see, the international bodies' struggle to maintain the Status Quo hasn't gone unnoticed.

In fact, their resistance to evidence-based policies has been so great that Raymond Kendall, the former Secretary General of Interpol, has called the INCB “part of the problem”⁶² and Peter Cohen, when he was in charge of Amsterdam's Drug Research Project referred to these institutions as “bureaucratic fortresses” and “Ivory Towers developing a stone-age ideology.”⁶³

Cohen should know what he is talking about, for, as you may know, the Netherland's liberal drug policies have been a thorn in the eye to prohibitionists for some 30 years now. Recognising as they do the difference between soft and hard drugs, that users should not be criminalised, and that drug use per se does not equal misuse, their relative success has steadily undermined the credibility of the law-and-order reasoning.

If the INCB had any interest at all in evidence-based policies, one should think that they would

appreciate the success the Dutch experiment has had in reducing harm to the user and society. But not so. For as the executive director of INCB himself said when the Dutch confronted him with the fact that their policies were quite effective:

“I am not really interested in if it's working or not working. What I am interested in is what you are doing within the lines of the international treaty. That's what we have to check. We're not really interested if it works or not.”⁶⁴

This, of course, is a somewhat astounding comment to make. But it's an unfortunate fact of history that the INCB throughout its existence, in contravention of its mandate, has been far from an objective body and instead has acted as a defender of the regime's prohibitive norm. The Dutch experiment represents a giant threat to this norm and so the last thing the INCB wants is to recognise its success. The INCB therefore has not only, at least since 1982, exerted a great deal of pressure on the Dutch government in order to force it back in line, but it has also manipulated and twisted the evidence in an attempt to make its drug policy appear less successful than it really is.⁶⁵

The evidence, however is what it is. And so more and more countries have strayed from the zero-tolerance approach advocated by the INCB. Recognising, as they do, the unintended consequences of the prohibitionist crusade, they adopt policies somewhat similar to the Dutch's, and they call it the harm reduction approach. As they consider themselves bound by the provisions of the UN drug control Conventions, they have, however, limited options. For as they interpret their obligations to these Conventions, they cannot go all the way and deal with the root of the problem — prohibition — but they end up being stuck trying to limit its unfortunate consequences.

This is, of course, a rather backward approach, and so more and more people are coming around. For one, these people realise the utter stupidity of a policy whose main concern is to limit the extent of the damage done, instead of dealing directly with the problem itself — the rampant elephant in the room. And, even more importantly, in the last ten years they have begun to recognise the fundamental discord between their obligations to the drug control Conventions and the human rights Conventions. As David Bewley-Taylor explains this dynamic:

“When viewed through the optic of harm reduction, significant policy contradictions could be seen emerging between the operation of the UN drug control system and the UN's primary legal document, the Charter, as well as other key instruments. (...) [The reason for this is that] the regime's focus on combating the 'evil' of drugs as a threat to the 'health and welfare of mankind' in many ways threatened the very same 'health and welfare'.”⁶⁶

The INCB, for their part, will not recognise any such thing and every attempt made to make them rethink their policies have so far failed. This quote from a Beckley Foundation report summarises their behaviour neatly:

“The INCB has claimed, incorrectly, that it is 'unique in international relations', and has used this position to justify working methods that are out of step with the rest of the UN system, including the similarly constituted human rights treaty bodies. All meetings are conducted in secret. None of its letters to governments nor any minutes of its meetings are published. As noted above, the Board expressly refuses to engage with civil society and has also publicly stated that it will not discuss human rights, despite the specific mention of human rights protection in the 1988 drug Convention and the prominence of human rights in the Charter of the United Nations.”⁶⁷

This, then, is the situation as it stands today. As you have already seen the drug laws are fundamentally opposed to H.R. Law and yet, for some reason, neither our politicians nor the international bodies tasked with supervising the Conventions have been willing to confront this fact.

Instead, the bureaucrats within these fortresses seem to have lost their way in their own world of make-believe where they have become impervious to reason or outside influence.

Their inhumane policies and their ignorance have so far been the cause of hundreds of thousands unnecessary deaths, as well as an untold and unimaginable amount of human misery. And that civil society's patience with these so-called civil servants have come to an end is clear from such statements as the one delivered by the European Coalition for Just and Effective Drug Policies (ENCOD) to the 55th session of the CND. In this statement they blame the “UN and the governments of the world for the violence, disease and death that drug prohibition causes.” They claim that the “CND no longer matters on drug policy” and instead “has become a noxious industry.” Their negligence is so gross that they accuse the CND and UNODC of “criminal negligence in the management of the global drug problem.” And they conclude that:

“The CND and UNODC have become leaders of an industry with its own ends and gains. Its values and its conclusions no longer have a relation to what is happening in the drug field. Their agenda has eclipsed drug policy and is travelling towards an unknown end, benefiting large and growing systems that are not only 100% ineffective in improving the situation, but worse, that amplify drug problems anywhere they operate.”⁶⁸

It is this unfortunate situation you now have the privilege of being in a unique position to help solve. I have introduced you to it at a most opportune time being that it has now gone so far that the UN not only has become more and more divided on the issue (with UN agencies as the WHO, UNDP and UNAIDS on the one side and its drug control apparatus on the other) but that the evidence itself is so overwhelmingly against the current law and order approach that UNODC officials privately describe the system as “in turmoil” and “at breaking point”.⁶⁹

In other words, the interpretations of the drug control Conventions and their relationship to UN's primary legal documents, the Charter and the H. R. Conventions, are becoming more and more hotly contested. Any informed drug policy researcher will agree that the drug control Conventions

are not fit for purpose, and as the INCB has become increasingly isolated in its faith in punitive drug policies, it is the perfect time for the UN human rights apparatus to step in and see to it that the situation is satisfactorily resolved.

It is after all the UN's reputation as a benevolent organisation which brings an air of legitimacy to the current regime. As you can see from the information provided, there can be no doubt about the drug laws' explanatory problem when compared to the H.R. Law. And now that this issue formally has been brought to your attention, you obviously have an important job to do in determining if the drug control Conventions are compatible with the H.R. Conventions or not.

This means that you must take the evidence into consideration, and for the current approach to continue, the prohibitionists must refute it or you must present us with some kind of principled legal reasoning which explains to us *why* the principles of proportionality and equality are not relevant or applicable to the field of drug policy.

The Norwegian justice system as well as the ECtHR has shied away from this core issue, and so now it is imperative that you do not follow in their footsteps. After all, not only the credibility of the drug control Conventions, but also the law and the entire UN system is at stake. I therefore feel confident that you will not let us down. And if you, as I suspect, cannot present to us any detailed reasoning why H.R. Law should not be applied to the area of drug policy, let me, in closing, say a few more words about what it actually entails.

For as you well know, the principle of proportionality is fundamentally related to the principle of arbitrariness. This simply means that if the prohibitionists cannot defend the Status Quo, that not only shall the drug laws be removed but also that the millions of people currently imprisoned for the violation of these laws shall be freed. This is, of course, hard for prohibitionists to comprehend. But we have already seen that the drug laws' defenders have a lot more to answer for than its violators do, and as Lysander Spooner reminds us: "The seller [, producer, smuggler, etc.] is at most merely an accomplice to the drinker [/drug user]. And it is a rule of law, as well as reason, that if the principal in any act is not punishable, the accomplice cannot be."⁷⁰

We must also remember that, according to the H.R. Conventions, people are supposed to be protected from arbitrary imprisonment and that the imprisonment of drug law violators — no matter how "grave" their violations are — are a violation of ICCPR Article 9. For as the UN Working Group on Arbitrary Detention concludes:

"[The detention is arbitrary] when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty" (category I) and "when the deprivation of liberty constitutes a violation of international law for reasons of discrimination (...) and which aims towards or can result in ignoring the equality of human rights" (category V).⁷¹

Its category II explicitly mentions violations of ICCPR Article 26 in this regard, and so, while prohibitionists may disagree, this issue is beyond serious dispute. Whether or not these people also should be compensated for the hardships they have endured as a consequence of the prohibitionists' despotic rule — and how much — is a somewhat tougher question to answer, but at the very least the State's Parties owe them a big apology.

As you can see, the ramifications of applying H.R. Law to the field of drug policy will be enormous. In fact, not since the end of slavery have we seen anything like it, and this is a parallel the prohibitionists should note carefully, for as we have already seen, the drug laws and the race laws have exactly the same explanatory problem when compared to H.R. Law.

That it took us this long to figure it out may seem strange indeed, but history shows us how ideas about legitimacy come and go. This may seem paradoxical when we consider the fact that the principles our law is built upon can be said to be both simple and eternal. But as the individual, with birth, is blinded from the light of these principles by the cultural and moral climate he is born into, these principles are only gradually (re)discovered.

It is, after all, only by experience we grow wiser. And so it is that while the equality principle has been a part of our system of law since, at least, Cicero and Roman law, we have never seen its light fully materialise. Instead, we find that it has slowly but surely made its influence known — and the more humanity matures, the more its light also shines through. The establishment of the H.R. Conventions was an important milestone in this process. Since then the UN has been actively engaged in eliminating discriminatory practices of most — but not all — kinds. For while it has done a decent job in addressing such practices against homosexuals, women and racial minorities, even adopting Conventions as the CERD and CEDAW in order to deal with such issues, it has actively organised and encouraged it against drug users.

This unfortunate situation is becoming increasingly intolerable. The pressure for reform is building rapidly and it is extremely important for the UN's credibility that its H.R. apparatus now leads the way and sees to it that the systemic discrimination of the world's drug users comes to an end. As you can see from the appendices Kofi Annan, your former Secretary General, is among the many former officials actively engaged in this process and former justice ministers are arguing that “the case demonstrating the failure and harms of (...) prohibition is airtight.”⁷²

In other words, the evidence being what it is, it is really not the controversial issue it may present itself to be. And as the movement for change steadily gains momentum, it is only a matter of time before we reach a breaking point, where also more of the current officials will dare to stand tall and break the taboo which for so long has kept evidence-based drug policies at bay.

The prohibitionists, unfortunately, will do what they can to see to it that this doesn't happen, Our drug laws have, after all, corrupted the fabric of society to such a degree that the war profiteer's

and gangster's influence has become the foremost challenge for us as a civilisation. These dark forces will no doubt continue to use all their stealth and power in an attempt to prevent this dramatic change from taking place. And now that the time has come for you to help correct the mistakes of the past and see to it that H.R. Law rules supreme, your work in the service of humanity will probably elicit much anger and resistance from them.

The stakes, therefore, are as high as they could possibly be. And it admittedly takes quite a bit of courage and integrity from you personally to do what you now must do. This, however, is your lot as well as your destiny. You see, the universe has a plan for us all — and you now must decide whether to stand or to fall. If you choose wisely, though, you will see that this is really nothing but an opportunity for growth and for harvesting the greatest of rewards. You will not only be ensured a place in history — on the right side of history — but more importantly, you can help H.R. Law and humanity take a quantum leap forward.

The choice, then, should be quite simple, considering your duties. And so I leave you with a reminder of the ancient maxim *Fiat justitia ruat caelum* — let justice be done though the heavens should fall.

Yours sincerely,

Roar Mikalsen

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- ¹ Willy Pedersen & Helge Waal: *Rusmidler og veivalg* (1996), p. 68.
- ² Johs. Andenæs: *Straffen som problem* (1994), p. 81.
- ³ Roar Mikalsen: *Human Rising* (2010), p. 25.
- ⁴ At least 4500 Norwegian people have died of overdoses since the beginning of the 80's. In Ole Martin Larsen's book *Mellom Alle Stoler – narkomane og leger utenfor rusomsorgen*, a Norwegian doctor estimates that 90 % of these deaths are attributed to prohibition itself.
- ⁵ Johs. Andenæs: *Straffen som problem* (1994), p. 82.
- ⁶ These rights are articulated in the European Convention of Human Rights Articles 6 and 13. In the U.N. Conventions they are first and foremost elaborated upon in the Universal Declaration Articles 7, 8 and 10, but also the preamble and Articles 6 and 28 has something to say about this. Looking at the International Covenant in Civil and Political Rights we again find them implied in the preamble, as well as Articles 1 (3), 3, 9 (4), 16, 17 (2) and 26. But they are most clearly defined in Articles 2 and 14.
- ⁷ As the drug laws, in effect, represent a crime against humanity, I have filed such complaints against most officials who, with their disregard for the rule of law, have allowed these crimes to continue.
- ⁸ For a more detailed analysis, I refer you to my book *Human Rising*.
- ⁹ This principle is a fundamental part of the Human Rights Conventions. In the Universal Declaration of Human Rights we find it alluded or referred to in Articles 1, 2, 3, 6, 7, 8, 10, 21 (2), 23 (2). In the Charter it is found in the preamble as well as Articles 1 (2), 1 (3) and 55. In the ICCPR the same goes for its preamble and Articles 1, 2, 3, 14, 16, 24 and 26.
- ¹⁰ Mikalsen: *Op.cit.*, p. 111-116 and Sveinung Sandberg & Willy Pedersen: *Cannabis kultur* (2010), p. 19.
- ¹¹ Upton Sinclair: *I, Candidate for Governor: And How I Got Licked* (1935), p. 109.
- ¹² The only such government-funded research I am aware of is a study done in the Netherlands by the National Institute for Public Health and the Environments in 2010. Its conclusions were similar to the ISCD's, but as the ISCD study was more comprehensive I focus upon this here.
- ¹³ David Nutt: *Drugs Without the Hot Air* (2012), p. 43.
- ¹⁴ Mikalsen: *Op.cit.*, p. 29.
- ¹⁵ Nutt: *Op.cit.*, p. 1-7.
- ¹⁶ *Ibid.*, p. 7.
- ¹⁷ *Ibid.*, p. 280.
- ¹⁸ Gary Null, C. Dean, et al: *Death By Medicine* (2003).
- ¹⁹ Douglas Husak: *Legalize this! The Case for Decriminalizing drugs* (2002), p. 137.
- ²⁰ Mikalsen: *Op.cit.*, p. 111.
- ²¹ General Comment no. 18 (7).
- ²² *Ibid* no. 18 (12). Authors' emphasis.
- ²³ Like the equality principle it's a fundamental part of the H. R. Conventions; in the Universal Declaration of Human Rights we find it alluded or referred to in Articles 9, 12, 15, 17(2) and 29(2) and in the ICCPR the same goes for articles 2, 4(1), 5, 6(1), 7, 9(1), 11, 12(3), 17(1), 18(3), 19(3), 21 and 22.
- ²⁴ General Comment no. 18 (10).
- ²⁵ General Comment no. 18 (6).
- ²⁶ Douglas Husak: *Legalize this! The case for decriminalizing drugs* (2002), p. 163.
- ²⁷ As you can see from appendix 10, these consequences are so well known and obvious that the European drug reform

coalitions no longer call them unintended.

²⁸ Hugh Brogan: *Longman History of the United States of America* (1987), p. 518.

²⁹ David Nutt: *Drugs Without The Hot Air* (2012), p. 269-71.

³⁰ David Nutt: *Drugs Without The Hot Air* (2012), p. 271.

³¹ Roar Mikalsen: *Human Rising* (2010), p. 246.

³² “Doctors, lawyers and politicians started the War on Drugs and continue to wage it, and (...) they are its real beneficiaries. In contrast, the drug war's ostensible beneficiaries – the poor, the uneducated, the young, the old, and the sick – are its actual victims.” Thomas Szasz: *Our Right to Drugs* (1992), p. 157.

³³ A well known quote which is a paraphrase from a quote made by Benjamin Franklin in his *Poor Richard's Almanack* from 1738.

³⁴ *Count The Costs, The War on Drugs: Undermining international development and security, increasing conflict*, p. 7 (Appendix 11)

³⁵ Thomas Szasz: *Our Right to Drugs* (1992), p. 136.

³⁶ The American Navy recognized this taboo topic in a report to Congress some 50 years ago when they said:

“Realistically, all wars have been for economic reasons. [But] to make the politically palatable, ideological issues have always been involved. Any possible future war will undoubtedly conform to historical precedent.” Gerald Colby: *Du Pont Dynasty: Behind the Nylon Curtain* (1984), p. 408.

³⁷ Roar Mikalsen: *Human Rising* (2010), p. 22-166 and David Nutt: *Drugs Without The Hot Air* (2012), p. 45-46 and 271-73.

³⁸ “Has the War on Drugs minimised harm? The short answer is, no. In fact it has done the opposite: it has increased harm for pretty much everyone. This is well known amongst policy-makers, though rarely openly acknowledged.” David Nutt: *Drugs Without The Hot Air* (2012), p. 273.

³⁹ Roar Mikalsen: *Human Rising* (2010), p. 46.

⁴⁰ Roar Mikalsen: *Human Rising* (2010), p. 45.

⁴¹ “Fairly consistently, the finding has been that changes in penalties for use have little effect on rates of use, or on problems arising from effects of the drug. In general, the attempt at deterrence of use or possession though criminal laws have failed.” Room et al. *Cannabis Policy: Moving Beyond Stalemate* (2010), p. 148.

⁴² David Nutt: *Drugs Without The Hot Air* (2012), p. 24.

⁴³ Douglas Husak: *Legalize This! The case for decriminalizing drugs* (2002).

⁴⁴ David Nutt: *Drugs Without The Hot Air* (2012), p. 23.

⁴⁵ Lysander Spooner: *Vices Are Not Crimes*, p. 1 (Appendix 12).

⁴⁶ Lysander Spooner: *Vices Are Not Crimes*, p. 5 (Appendix 12).

⁴⁷ James P Gray: *Why Our Drug Laws Have Failed and What We Can Do About It* (2001), p. 122.

⁴⁸ As he says on page 226 in his book *Liberty Defined* (2011): “The entire drug war is an arbitrary prohibition that violates the Constitution, a process that has been going on for nearly seventy-five years. Great harm has occurred since the drug war was accelerated... in the early 1970's.”

⁴⁹ Ronald Irving: *The Law is a Ass* (2010), p. 269.

⁵⁰ Antonio Escohotado: *A Brief History Of Drugs* (1999).

⁵¹ David Musto: *The American Disease* (1973), p. 245.

⁵² Roar Mikalsen: *Human Rising* (2010), p. 60.

⁵³ David Musto: *The American Disease* (1973), p. 200.

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- ⁵⁴ Roar Mikalsen: *Human Rising* (2010), p. 157.
- ⁵⁵ Ibid. p. 158.
- ⁵⁶ David Musto: *The American Disease* (1973), p. 235.
- ⁵⁷ Roar Mikalsen: *Human Rising* (2010), p. 65.
- ⁵⁸ David R. Bewley-Taylor: *International Drug Control, Consensus Fractured* (2012), p. 285.
- ⁵⁹ Ibid. p. 284.
- ⁶⁰ Douglas Husak: *Drugs and Rights* (1992), p. 20.
- ⁶¹ Room, Fisher, Hall, Lenton, Reuter: *Cannabis Policy – Moving Beyond Stalemate* (2010), p. 145, 150.
- ⁶² David R. Bewley-Taylor: *International Drug Control, Consensus Fractured* (2012), p. 33.
- ⁶³ Roar Mikalsen: *Human Rising* (2010), p. 97.
- ⁶⁴ Ibid. p. 99.
- ⁶⁵ Roar Mikalsen: *Human Rising* (2010), p. 51 and 96-100.
- ⁶⁶ David R. Bewley-Taylor: *International Drug Control, Consensus Fractured* (2012), p. 137.
- ⁶⁷ Roar Mikalsen: *Human Rising* (2010), p. 51 and 96-100.
- ⁶⁸ ENCOD's statement to the CDN session (Appendix 4).
- ⁶⁹ David R. Bewley-Taylor: *International Drug Control, Consensus Fractured* (2012).
- ⁷⁰ Lysander Spooner: *Vices Are Not Crimes*, p. 11 (Appendix 12).
- ⁷¹ Mads Andenæs, Erik Bjørge: *Menneskerettene Og Oss* (2012), p. 33.
- ⁷² Appendices 1 and 2.