

# LEGAL REGULATION OF DRUGS THROUGH A SOCIAL JUSTICE LENS

15 key priorities to be included in legal regulation policy that will directly impact and strengthen sustainable development and global equity

We stand at a unique moment in history. We have a once in a lifetime opportunity to create an unprecedented legal framework that reconfigures one of the world's major illegal trades – to make it work for social justice rather than against it.

We have identified 15 key priorities to be included in legal regulation policy that will directly impact and strengthen sustainable development and global equity.

This paper is an invitation for organisations and advocates to get involved in the process of developing legal regulation and by doing so begin to address the harms caused by years of prohibition.

A World  
with Drugs



**Since the mid-20th century, global drug policy has been dominated by the dogmatic pursuit of prohibition.**

The direct and indirect consequences of this have been: fragile states, armed conflict and violence, increased and sustained levels of poverty, unaccountable governance and corruption, racial and gender injustice, weak and underfunded services, and a major sector of the global economy that (being illicit) is neither taxed nor regulated. It is a policy that has not only undermined, but worked in direct opposition to the **Sustainable Development Goals (SDGs)**. The so-called 'war on drugs', has been a war on human dignity, life and health.

Today there is another option, which has the potential to work as powerfully for social justice as prohibition has worked against it.

This is the approach of legal regulation; regulating the global drug market to promote equitable development, champion public health, safeguard human rights and protect the environment.

It is an opportunity governments across the world are beginning to explore. **Legal regulation is happening.**

But here lies both the opportunity and the threat. Designed well, with social justice, human rights and public health at its heart, and including the voices of those most impacted and harmed by prohibition, **legal regulation could be transformative** – and strengthen our global duty towards the SDGs.

However, it has to be the **right kind of regulation**, designed through a social justice lens. If legal regulation and the new markets it creates are captured by corporate and neo liberal political interests – legal regulation could perpetuate or intensify many of the same problems caused by prohibition.

This paper summarises learning from a ground-breaking series of global webinars, exploring what we must prioritise to achieve legal regulation through a social justice lens – and what we must avoid.



## Prohibiting the production and consumption of drugs has only ever been the shop front to the so-called 'war on drugs'.

"A drug free world" – the slogan of the United Nations International Drug Control Programme – is neither possible nor realistic. Drugs have always and will continue to be used for traditional purposes, for medicine and for recreational use. Prohibiting them has never, and will never work.

In fact, drug policy has been used by governments for over 60 years as a successful tool of control and oppression for particular groups of people. Its motivation has always been and remains racist – resulting in policing, criminalising and mass incarceration that is disproportionate in both scale and approach towards communities of colour, indigenous people and marginalised groups.

Drug policy is the sharp edge of institutional global racism. What's more, it undermines democracies, threatens gender justice, undermines public services and diverts money from sustainable development.

Fortunately the call to support rather than punish people and address the harms of prohibition is getting louder from the grassroots to intergovernmental bodies. Legal regulation of drugs presents an opportunity to address and begin to reverse the harms caused by prohibition and is beginning to be trialled around the world in different guises and jurisdictions.

To safeguard this reform as one that *improves* people's lives and protects the planet, it is essential that legal regulation policy is designed with the full participation of impacted communities and relevant stakeholders, equipped to exert real influence, and hold regulators to account. Drug policy intersects with a plethora of social justice areas including: **trade justice, tax justice, race and gender justice and public health.** To give legal regulation its greatest chance of success people working in these specialist areas must commit and contribute to designing the new legal regulatory models.

From impacted communities and civil society, to national and international NGOs, and all working for social justice: **drug policy reform needs to be part of your agenda.**

*"We started our relationship with Ganja (as we call it) in the Caribbean, long before the rules for psychotropic drugs and the UN Convention came along. We use the herbs for healing and for spiritual and religious practices. The cultivation of Ganja is also a means of sustainable economic development for our community. We need legal regulation that respects our cultural rights but equally supports us in entering the new economic markets."*

### Vicki Hanson

Coordinator, Interdisciplinary Centre for Cannabis Research, Jamaica  
(Panellist from the webinar series *A World With Drugs*)

*"We are already seeing the corporatisation of these emerging markets and policymakers need to match that corporate speed and confidence with a creative and visionary framework, which will work to reduce inequality and poverty and not perpetuate them. Central to this is finding ways to make sure that those whose livelihoods are dependent on the illegal drugs trade can be supported to transition into the legal markets and that drug policy reforms will make their lives better, not worse."*

### Helen Clark

Chair, Global Commission on Drugs Policy and former Prime Minister of New Zealand  
(Panellist from the webinar series *A World With Drugs*)

The global justice and sustainable development sectors have a duty to stand in solidarity with the most vulnerable in this transition and advocate alongside them for their rights. Those who have been most subject to poverty and exploitation during prohibition will still be at risk in a post-prohibition world if legal regulation is co-opted and driven by corporate interests and exploitative trade practices.

Without strong advocacy and engagement for social justice approaches, corporate exploitation could pick up where organised crime left off. **Now is our time to organise to deliver a just transition.**

## Key priorities for legal regulation

From a ground-breaking series of global webinars, bringing together drug policy reform with global justice and sustainable development actors, Health Poverty Action has identified 15 key priorities to be addressed in legal regulation. These are set out graphically in the lens below.

If these 15 areas are adopted as priority goals for legal regulation (and the effectiveness of the regulations monitored and evaluated against them), then legal regulation of the drugs trade will contribute powerfully to strengthening equitable and sustainable development. It will impact substantially on progress towards at least 11 of the 17 SDGs.

This lens also serves as a call to action and guide for inter-sector collaboration where the contribution and expertise from people working to improve **Social and Environmental Reform, Justice, Economics** and **Governance** is required to design appropriate legal regulation that will deliver social justice.

Our collective responsibility, as the global justice and sustainable development sector, is to ensure the process of transition is driven with full participation and leadership from the many impacted communities and stakeholders. Legal regulation designed with a social justice lens can reverse the harms of prohibition that

have impeded development and negatively affected whole countries. It will benefit not just people who are currently involved or suspected of involvement with the drugs trade, but anyone negatively impacted by corrupt and unaccountable governance, by dysfunctional and underfunded state services (such as healthcare and education), and by armed conflict and violence.

This needs to be done from the start and throughout.

To contribute towards achieving a more sustainable and equitable world, legal regulatory frameworks must be considered for the whole supply chain from cultivation, production, trade, possession and use. It is important these regulations are culturally appropriate, and respect traditional use. This sector has experience in doing this. This time however, we do not have to do it retrospectively. The window of opportunity to create the new market is now.

*“The shaping of a legal framework in South Africa needs to design licensing regimes that would be inclusive of farming families. These communities need to be engaged with formally and meaningfully”*

**Philasande Mahlakata**  
Project Coordinator, Umzimvubu  
Farmers Support Network, South Africa  
(Panellist from the webinar series *A World With Drugs*)

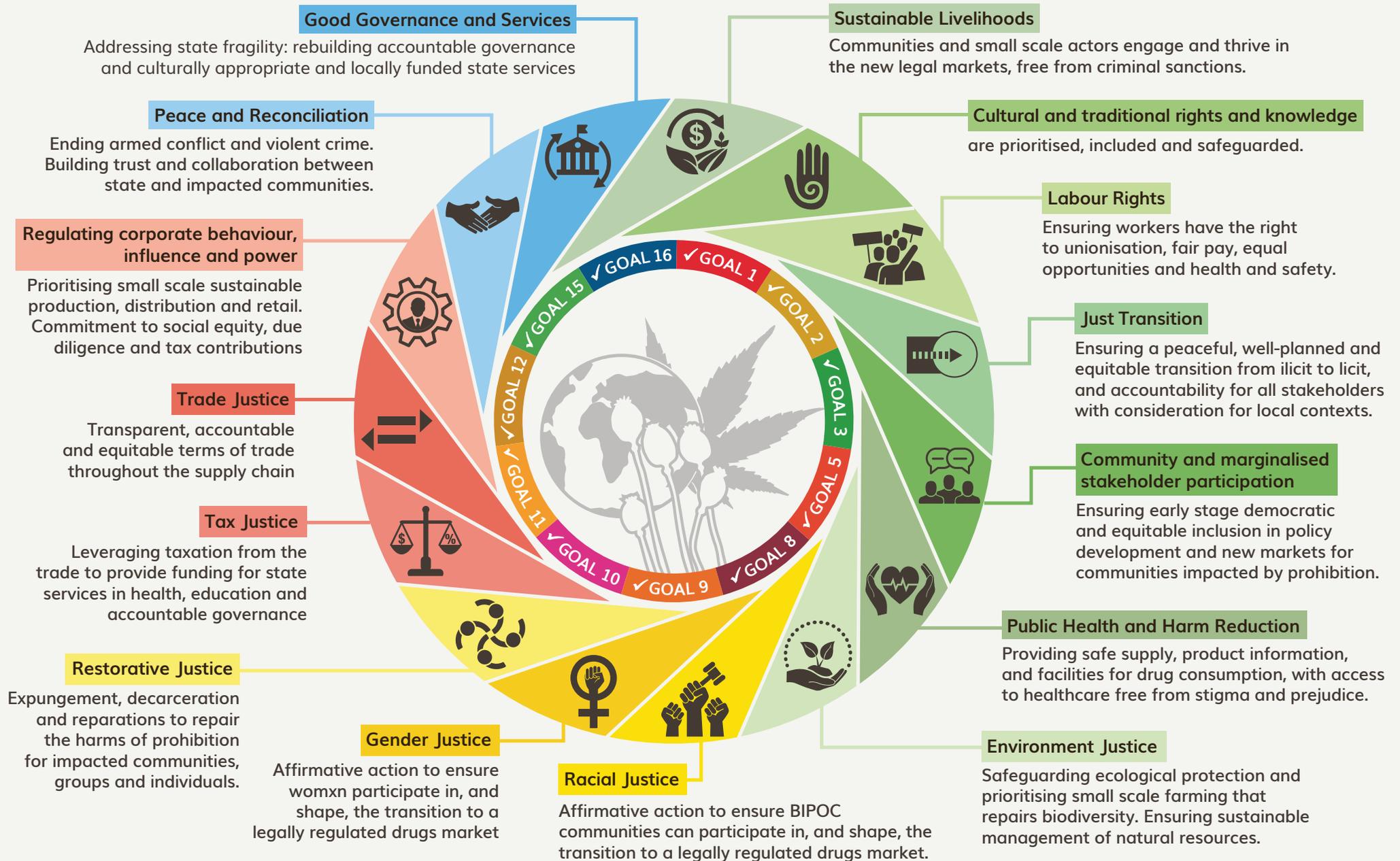
### KEY: Sustainable Development Goals that will be strengthened by Legal Regulation

- Goal 1** End poverty in all its forms everywhere
- Goal 2** End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3** Ensure healthy lives and promote well-being for all at all ages
- Goal 5** Achieve gender equality and empower all women and girls
- Goal 8** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9** Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10** Reduce inequality within and among countries
- Goal 11** Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12** Ensure sustainable consumption and production patterns
- Goal 15** Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

COLOUR CODING: **Greens:** Social and environmental reform  
**Yellows:** Justice **Pinks:** Economic  
**Blues:** Governance

# LENS 1

## Legal regulation of drugs through a social justice lens: 15 key priorities to be addressed that will directly impact and strengthen sustainable development and global equity





**To prevent abuse and co-option by powerful vested interests, it is essential focused attention is given to the regulation of large corporations.**

Small scale producers and traders need equitable access to the new markets and governments must remove technical, legal and financial barriers to enable this. Many current legal trades, such as coffee, cotton, tobacco, minerals and medicine, are by no means blueprints to replicate. Historical colonial legacies, which are rooted in these trades, permit corporations to operate using similar practices of unchecked extraction and exploitation such as forced labour, child labour and unsafe working conditions.

We must learn from the extractive models of other commodity markets, where raw materials are sourced cheaply from poorer countries and the larger profits from processing gravitate to the rich. Instead industrial development strategies should be produced by poorer countries to retain as many benefits as possible in the country. The sector should be taxed fairly and progressively.

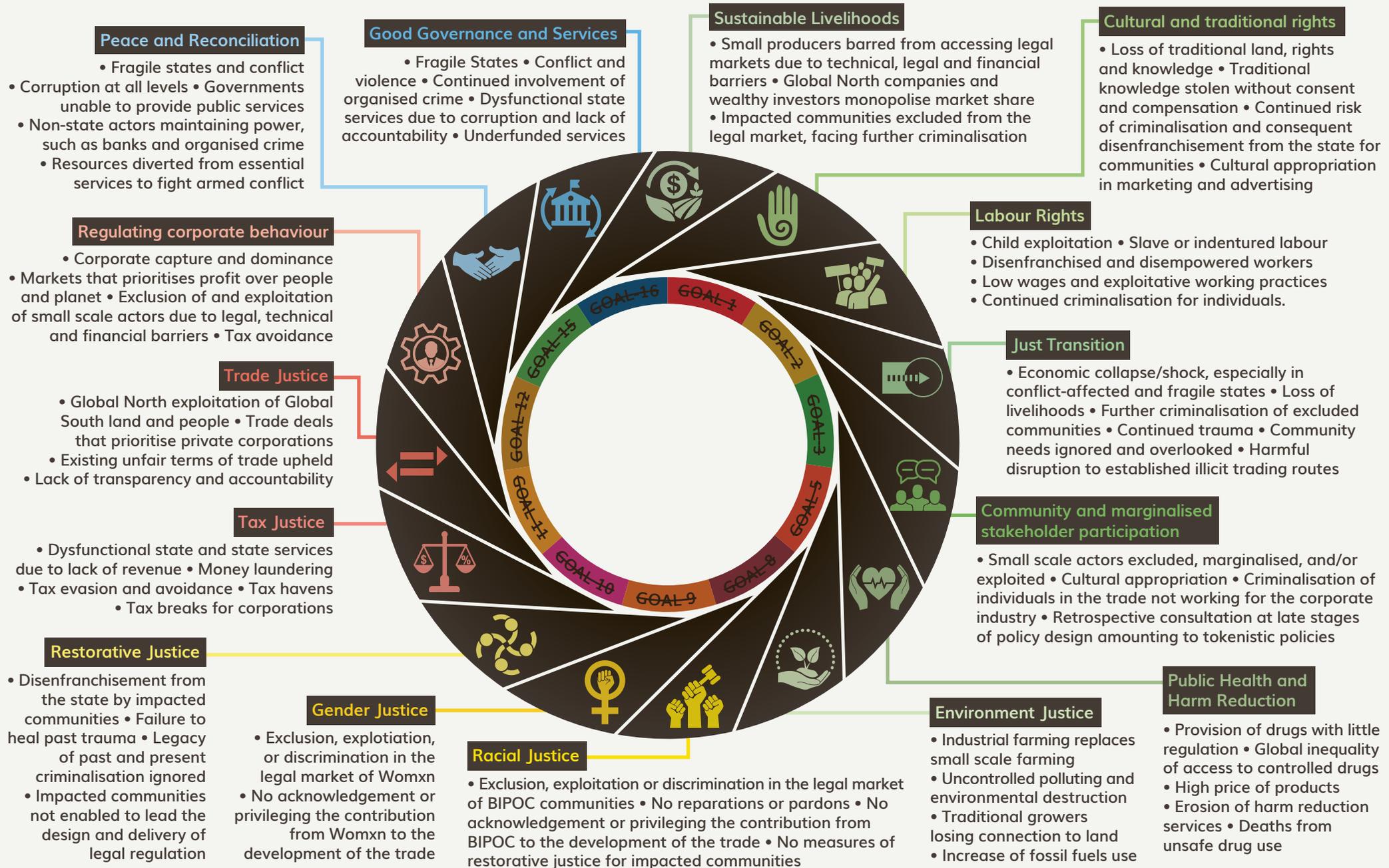
Weak regulation, that benefits big business and newly formed stakeholders and does not privilege the communities impacted by the war on drugs or recognise the trauma inflicted upon them, risks causing more harm than prohibition itself.

This lens demonstrates the consequences of poor regulation, a landscape that gives free reign to powerful vested interests to establish and ensure neoliberal free market capitalism thrives. This has already begun in many US states and Canada.



# LENS 2

## The risks of weak legal regulation co-opted by large corporations and other powerful elites could replicate similar harms to prohibition



## Conclusion

**Drug policy is changing. This is a good thing, and long overdue.**

We stand at a unique moment in history. We have a once in a lifetime opportunity to create an unprecedented legal framework that reconfigures one of the world's major illegal trades – to make it work for social justice rather than against it – and potentially sets a powerful precedent that could eventually be used as a model for other sectors.

However this opportunity is time limited. Large corporations and powerful elites are rapidly mobilising and positioning to take us down a very different road.

Now is our time to pool our expertise and our strengths – to mobilise and unite across justice and rights based sectors and movements.

**Put drug policy firmly on your agenda.**



## Legal Regulation of drugs through a Social Justice Lens

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