

EDITORIAL

The production and use of psychoactive drugs are no new phenomena. For decades, there have been national and international attempts to control the problems related to drugs. These problems occur on the individual level – think of health problems, financial issues or social isolation as a result of drug addiction –, the national and the international level. As noted in the 2010 Annual Report of the United Nations Office on Drugs and Crime (UNODC), there are strong links between drugs, (international) crime and terrorism. Drug control systems are thus necessary, yet it seems that the systems in place are not always effective and, sometimes, even counterproductive. This issue of Amsterdam Law Forum gives an insight in the problems related to drug control systems on the international, national and regional level, thanks to the contributions from experts from all over the world.

Four authors share their insights concerning the national drug control systems in Canada and the Netherlands. Patricia G. Erickson and Elaine Hyshka discuss the dilemmas related to the criminalisation of cannabis in Canada, specifically related to the individuals convicted of cannabis possession and the implications of criminalisation on their lives. Ton Nabben notices a shift in the drug policy in the Netherlands – from a relatively lenient attitude towards zero tolerance. In his article, he examines some critical questions: What are the practical effects of the zero tolerance policy? What has been the reaction of drug users and drug dealers to the repressive measures related to the zero tolerance policy, and what developments have occurred in the drug trade and in the use of recreational substances? Martijn A. Boermans uses an economic perspective to analyse the effects of prohibition and legalisation of soft drugs in the Netherlands. He recommends a liberalised soft drug market that requires inter alia taxation complemented with various health measures like quality controls and public campaigns.

Others use a more theoretical approach to explain the ineffectiveness of drug control systems. Axel Klein, for example, argues that the international drug control system, despite the many flawed and counter-productive policies it has produced, is dedicated to maintaining itself. Policy makers are ideologically convinced of the necessity to fight drugs, thereby overlooking the potentially more effective alternatives available to counter some of the critical problems related to drugs. Timothy A. Hickman makes a similar argument. He criticises the proponents of the de-regulation of illicit drugs who argue that greater harm is done by the laws than by drugs themselves. They miss a key point, says Hickman: economically secure, mainstream voters whose chief concern is to keep themselves and especially their children off drugs are in favour of strict drug control policies, which makes it attractive for politicians to push for harsh drugs laws, regardless of their effectiveness. According to Joseph F. Spillane, the process of (re-)scheduling new and existing drugs – one of the most critical elements of the drug

control system – is deeply flawed. A better understanding of the role of the law and corporations in the sorting process is crucial in order to arrive at a truly effective drug abuse liability assessment.

Peter Cohen criticizes the commonly upheld assumption that the number of drug users, the variety of drug use patterns and the severity of drug-related problems correlate with drug policy in place. As an alternative to the ‘ideological explanation’ used by among others the United Nations, Cohen proposes a series of variables that could be used to explain drug use conditions in a particular region.

Amsterdam Law Forum proudly presents this year’s fourth issue: Drugs and the Law. We hope to fuel the ongoing changing perspectives by presenting a diverse range of articles. We welcome all reactions and offer a platform for discussion.

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