



conceptions of the 'evil' inherent to addiction. While the detriments of many recreational drugs have been wildly overblown, there is no doubt that drug abuse can claim and ruin lives. The question for lawyers should not be whether drugs cause harm, but whether prohibition is a rational or effective means of addressing those harms. However the question is addressed, the answer is consistently negative.

The questions for socialists are more ambitious. Decriminalisation offers a mitigation of the harm caused by the war on drugs. Legalisation, however, offers wealth. So, what will the political economy of legalised cannabis be? Who will own the means of production? Looking beyond cannabis, how will the rediscovery of the benefits of psychedelics affect

the provision of public mental health services?

Internationally, do we have the institutional competence to foster sustainable development in (for example) Colombia or Afghanistan while maintaining the drugs war? Can the supply of coca leaves or poppy seeds be engineered to do what they already via illicit means, i.e. provide sorely needed income to the oppressed and marginalised? How will reform of narcotics law influence or be influenced by a wider revolution in our political, moral and economic life?

According to the ideology of the Single Convention, Afghanistan's woes cannot be addressed until, in the words of the INCB, its 'illicit drug economy is effectively controlled'. Yet the historical record, globally as well as

within Afghanistan, strongly indicates that the demand for narcotics will persist no matter how heavily supply is policed. Further, according to the Lancet, 'the richest 10 per cent of the world's population live in countries that receive nearly 90 per cent of the opioid pain relief medications.' Inadequate supply of opiates is one driver of this shocking inequality in access to palliative care, with rich countries sitting on a hoard of the stuff. A greater number of 'off-patent medicines, particularly immediate-release oral and injectable morphine' is considered 'essential'. The world needs Afghanistan's poppies.

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# The Misuse of Drugs Act: 50 years of failure

Drug prohibition was predicated on social control and racist principles, a legacy that continues in the 21st century, argues **Niamh Eastwood**

The 27th May 2021 marked the 50th anniversary of the Misuse of Drugs Act. This was not the first piece of legislation in the UK to criminalise possession of certain substances, but it is the one that criminalises many of our young people today.

When the 1971 Act first came into force, Release, the charity I work for, was four years old. The organisation was established to respond to the policing of young people who were part of the countercultural movement, described at that time in parliamentary debates about the new drugs legislation as those with 'long hair and a scruffy exterior'.

The Release founders were also enraged by what they saw as the racist element of policing

with newly arrived migrants, people who were Black and brown, being repeatedly searched and arrested by police. These groups were seen as a threat and the 'other', with the easiest way to harass them being through the drug laws and by being selective about the substances controlled.

A similar scene was playing out across the Atlantic in the US where President Nixon, who had just launched his own 'War on Drugs', used the drug laws to harass and criminalise civil rights activists and anti-war protestors. As we learned decades later, this declaration of war had little to do with drugs themselves. A former aide to Nixon told a journalist '[we] had two enemies: the anti-war left and Black

people... We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalising both heavily, we could disrupt those communities'.

Fifty years on and communities of colour are still at the frontline of the drug war, both in the US and the UK, and in countries around the world.

In the UK, Black people are nine times more likely than White people to be stopped and searched for drugs, despite being less likely to use these substances. They are also less likely to be caught in possession of drugs when searched by police, but when they are caught in >>>

>>> possession Black people are subject to harsher sanctions.

In London, drugs stop and searches are most concentrated in areas of deprivation, whilst the highest rates of racial disparity are in affluent areas – speaking to a policy that is more about social and racial control. This all matters because drugs stop and searches dominates street policing, accounting for over 60 per cent of all searches across England and Wales – with similar patterns in Scotland (77 per cent of all searches) and Northern Ireland (65 per cent of all searches).

Beyond street policing, the racialised narratives play out in the new bogeyman of ‘County Lines’; feeding the propaganda machine which legitimises the failed ‘tough on drugs’ rhetoric we hear from successive governments. Whilst there are new elements to the supply model – mainly relating to the use of technology and distribution patterns – the involvement of children in the drugs trade, the involvement of vulnerable drug dependent people, and the use of violence, are certainly not new.

Feeding into this narrative and failing to deconstruct what is being presented by law enforcement and policy makers allows for the good old war on drugs to continue, and we have been here before – whether it was the so-called ‘crack epidemic’ of the 1980s or the threat of ‘lethal’ legal highs throughout the last decade. A new threat to our young people emerges on a regular basis, evidence surely of a failed policy, but yet authorities continue to surveil, harass, arrest, criminalise and imprison in an attempt to reduce or eliminate the market.

This failure is evidenced by the Government’s own research which found that despite spending £1.6 billion on drug law enforcement every year it had ‘little impact on availability’ of drugs, and described the market as ‘resilient’. This Home Office evaluation of the 2010 Drug Strategy goes on to state that current drug law enforcement, that is prohibition, creates ‘unintended consequences’ including: increased violence in the market place resulting from enforcement activities; criminalisation negatively impacting on employment prospects; and parental imprisonment – which can have dire consequences for children by increasing their risk of offending, mental health problems, and problematic drug use in later life.

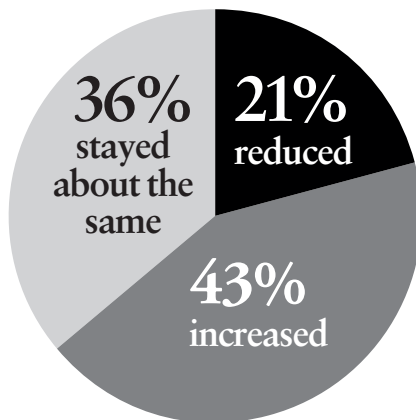
Beyond the failure and litany of damage outlined above, our current drug policies have also resulted in significant health harms, including the highest level of drug related deaths on record, a statement that we have made for eight years in a row.

The UK accounts for a third of all drug related deaths in Europe and Hepatitis C (HCV) continues to be a major problem among people who inject their drugs in the UK, with around one in every four currently infected with HCV. Whilst the prevalence of HIV remains relatively low, there have been notable outbreaks of HIV among people who inject drugs in Glasgow. We are all currently experiencing a public health crisis as a result of the COVID-19 pandemic, but for people who use drugs – especially those dependent on heroin and crack cocaine – they have been experiencing a similar crisis for over a decade.

We cannot afford another five minutes of punitive drug laws, let alone another fifty years.

# 50 YEARS OF THE MISUSE OF DRUGS ACT

Changes in drug use compared to ‘before the pandemic’ (n = 2587)



## Monitoring the UK drug market during the pandemic

Since the beginning of the first UK national coronavirus lockdown, Release has operated a public, online survey designed to monitor how people are buying their drugs during the COVID-19 pandemic. Release’s interim report presents findings from the first 2,621 responses, received between the survey’s launch on 9th April 2020 and 17th September 2020.

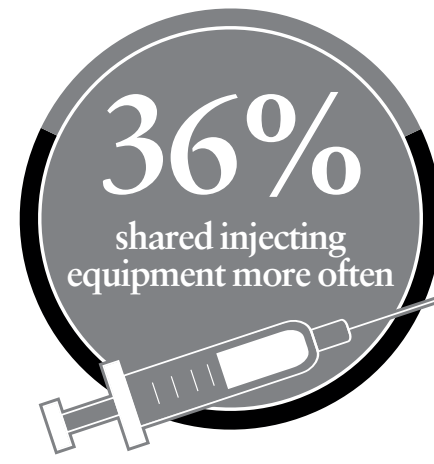
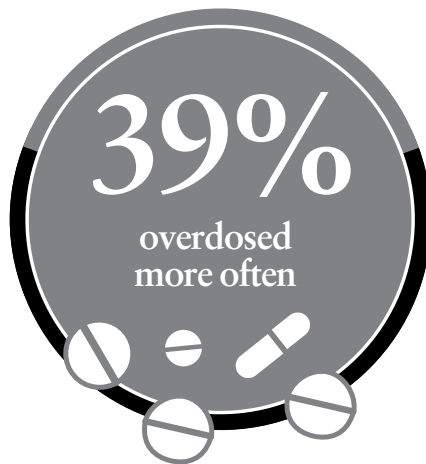
Survey findings indicate remarkable stability in the drug market during the first lockdown, in the face of unprecedented restrictions to movement. However, more difficulty finding

a desired supplier, or desired drug, as well as increases in price and variations in quality, were more often reported when that first lockdown eased and lifted.

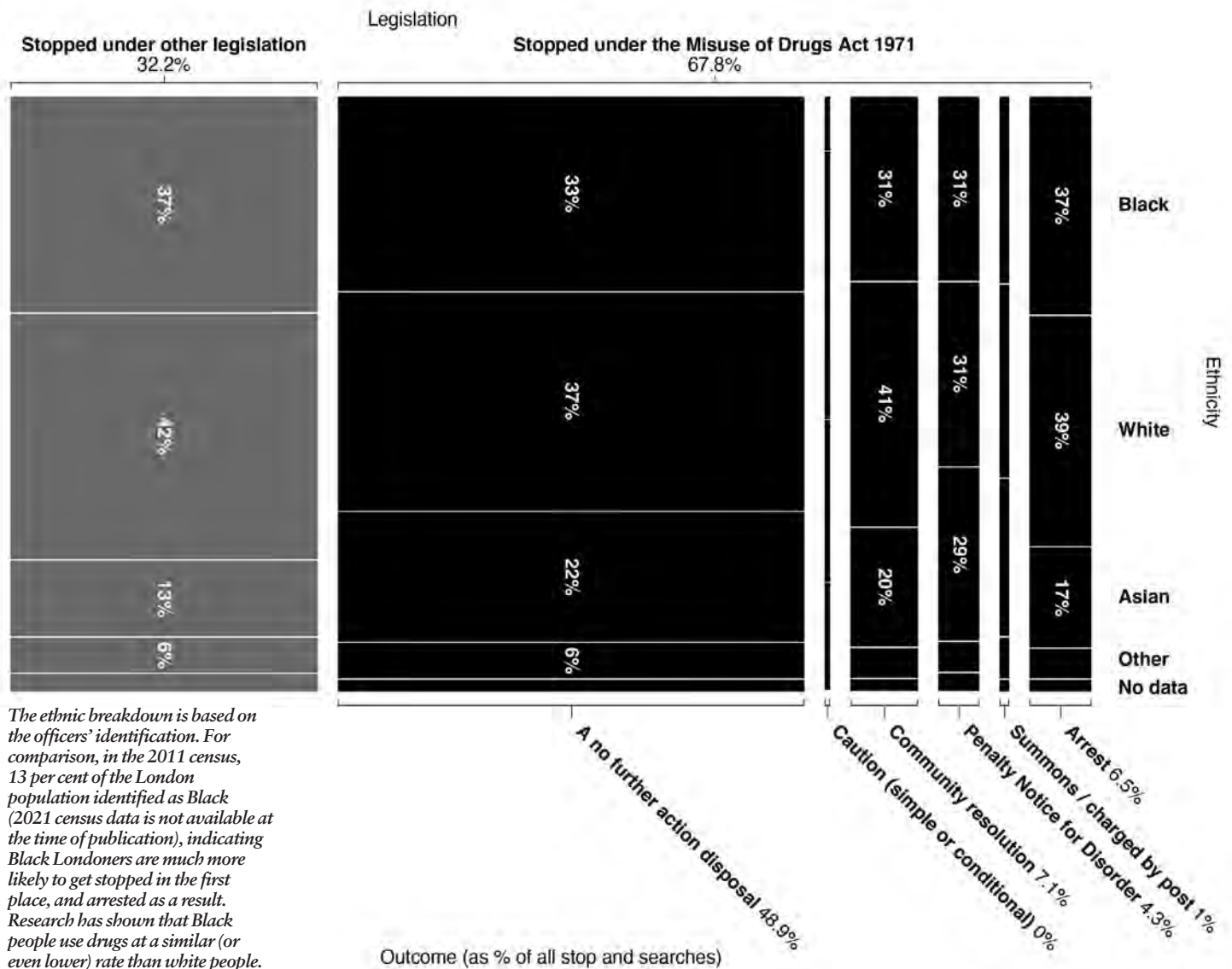
Overall, a higher proportion of respondents said that their drug use has increased as opposed to staying the same or decreasing since the start of the pandemic. People who use drugs also reported having experienced more harm – including withdrawal symptoms, non-fatal overdoses, and increased contact with the police – compared to their experiences before the pandemic.

[www.release.org.uk/coronavirus-drug-purchases-impact-survey](http://www.release.org.uk/coronavirus-drug-purchases-impact-survey)

Change in individual and social harms compared to ‘before the pandemic’



# London, February 2021: 25,082 Stop and Searches



If we want to support racial justice, we have to support drug law reform to allow for one tool of oppression to be lifted. If we want to protect some of our most vulnerable, then we must have policies grounded in public health and social justice.

To start with we need to decriminalise people who use drugs, meaning that they are no longer subject to criminal sanctions for possession of drugs. However, for the policy to work effectively, we need to ensure that they are not subject to policing or any mandatory state intervention, rather, we need to provide people with routes to accessing support if they need it (and remember, only an estimated 10 per cent of people who use drugs are dependent, the rest use for fun, for relaxation, for medicinal purposes). We need to scale up harm-reduction responses including overdose prevention sites, access to substitute medications like diamorphine (heroin assisted treatment) or methadone, and drug checking.

And yes, we have to regulate and legalise drugs. Cannabis is the first drug that will be regulated in the UK for recreational purposes, despite our current Prime Minister's supposed reluctance. With a third of US states having legalised recreational cannabis use, along with Canada, Mexico, and Uruguay, trust us it is going to happen in the UK too – and when it

happens we must ensure that the framework is predicated on principles of social and racial justice.

A number of US states have developed what are known as social equity models of cannabis regulation. These models expunge criminal records for cannabis-related offences in recognition that those from Black and brown communities have been disproportionately criminalised. Many of these states prioritise licenses for people from communities that have been over-policed and over-incarcerated, whilst also providing technical and financial support to facilitate market participation.

**“Cannabis is the first drug that will be regulated in the UK for recreational purposes, despite our current PM’s supposed reluctance.”**

This approach will also enable illicit suppliers to transition to the licit economy, because whether you like it or not, the drugs trade provides vital income to many families living in deprivation. Finally, taxes from the regulated cannabis market in some of these states will be used to invest in communities who have suffered at the hands of a racist war on drugs.

In recent months, the State of New York has successfully passed what has been described as the ‘most ambitious reform yet’ with the Marijuana Regulation and Taxation Act. Crystal D. Peoples-Stokes, the Democratic majority leader who sponsored the Bill, is quoted on the chamber floor as saying that ‘equity is not a second thought, it’s the first one, and it needs to be, because the people who paid the price for this war on drugs have lost so much’. This is the approach that the UK must adopt when cannabis legislation and regulation comes knocking. Who knows, perhaps these cannabis markets will provide wider learning for how we run our economies.

Niamh Eastwood is Executive Director of Release. She is a non-practising barrister who started at Release in 2002 as a legal advisor. A fully-referenced version of this article can be obtained by email: [socialistlawyer@haldane.org](mailto:socialistlawyer@haldane.org)