

ECOSOC

CIMUN

Topic 1: The question of legalising the recreational use of cannabis

Matteo Piccini and Roumpini Moulavasili



Introduction

The legalization of the recreational use of cannabis is an ongoing discussion between UN members where they take into consideration the health and social effects marijuana can have. This report covers information on the risks of cannabis as well as the stances of certain countries. Furthermore it explores UN reports and resolutions and some goals that the UN has in order to resolve this issue. Finally, possible solutions and methods are being suggested to the delegates.

Definition of Key Terms

Cannabis/marijuana: it is a psychoactive drug that comes from the plant cannabis

CND: The Commission on Narcotic Drugs, an annual gathering of representatives from all UN nations to discuss issues relating to the global drug control system (“Commission on Narcotic Drugs”)

Background Information

The legalization of recreational cannabis is an ongoing debate between officials in national governments and the UN. Many countries have legalized the medical use of cannabis but not its recreational use due to a variety of factors. Few countries have legalized the recreational use of marijuana while others have decriminalized it and set down regulations for its use.

Cannabis use has short term effects on certain psychophysiological functions such as consciousness, cognition and behaviour, while its long term effects include dependence, the appearance of mental disorders, and a variety of physical health effects (respiratory cancers, pulmonary disease etc.) (The health and social effects).

Several European countries, such as Portugal and the Netherlands, have decriminalized the use of several drugs while also taking a health oriented approach rather than persecuting consumers (“A New International Legal”). Likewise, certain US states have decriminalized the possession of small amounts of cannabis (“A New International Legal”). A study done by the Pew Research Center supports that the majority of Americans in different age groups under 78 years of age believe that marijuana should be legal for both recreational and medical use (Van Green).

The CND is still debating the issue and countries like Equador support the WHO recommendations and want to establish regulations for proper use which countries like Chile are

against cannabis legalization in any regard (United Nations). Their discussion is ongoing with the contrasting opinions of the CND members and the WHO's evolving classifications.

Major countries and groups involved

CND: They are responsible for taking global measures and setting down regulations for drug use

WHO: The World Health Organization assists the issue by providing information on the effects that cannabis can have on people. They work together with the CND to provide insight on global regulations and guidelines.

Relevant UN resolutions and reports

Amongst the resolutions passed by the ECOSOC Committee over the years, some have deliberately addressed the changing of classification of Cannabis from a the list of the world's "most dangerous drugs" to one of legalisation in certain fields such as research and medicinal purposes (United Nations).

The UN has not formally ever voted on any specific resolution regarding the recreational use, however has taken decisions such as the following which might in the future expand the potential marijuana has in becoming a legal recreational drug.

Commission on Narcotic Drugs (CND) + World Health Organisation (WHO) DECISION 2020/63/14 ("Drug-related resolutions and decisions 2010 to 2019"):

- 53 member states of the commission voted to remove Cannabis from its designed consideration as a "highly dangerous drug", one of the first major changes on how the UN considered marijuana in 59 years.
 - Medicinal and therapeutic usage has been legalised by 27 member states voting in favour.
- Non-scientific purposes remain illegal.
- Regarding recreational usage: The United States, in spite of voting against, stated "cannabis itself continues to pose significant risks to public health and should continue to be controlled under the international drug control conventions".
 - Chile and Japan expressed similar opinions mentioning increased rates of depression, cognitive deficit and anxiety.

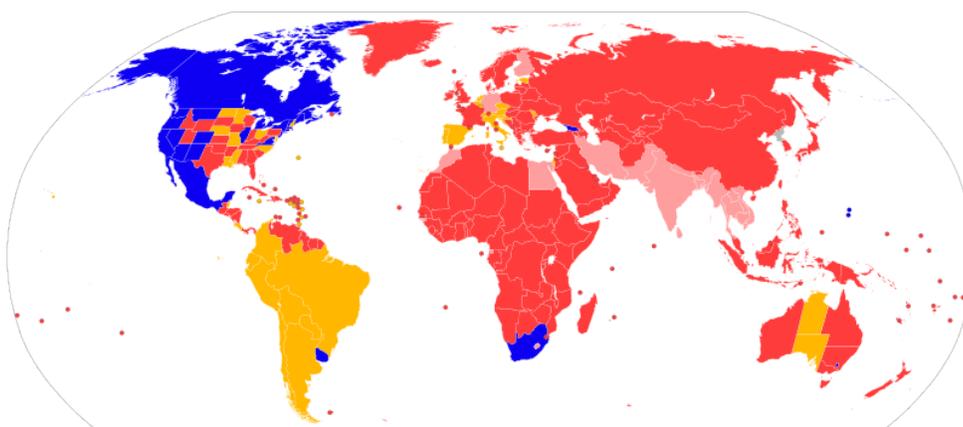
Resolution 63/3 of the CND (UN):

- Promoting awareness-raising, education and training as part of a comprehensive approach to ensuring access to and the availability of internationally controlled substances for medical and scientific purposes and improving their rational use:
 - Particularly Operative clause n2: This clause calls upon member states to implement a systematic approach in order to limit the recreational use of cannabis by strengthening controls and allowing only for medicinal and scientific uses, in accordance with decision 63/14.
 - In ways such as but not limited to: legislation (legalising or rendering laws more lenient), regulatory systems, health-care systems, affordability, the training of health-care professionals, education, awareness-raising (government/UN-backed campaigns), estimates, assessments and reporting, benchmarks for consumption of substances under control and international cooperation and coordination (a unified approach to dealing with cannabis).

Previous attempts at resolving the issue

As mentioned there haven't been any direct and explicit dealings by the UN in considering cannabis as a legal for recreational usage. Individual member states have legalised it for recreational use, still remains illegal but has been decriminalised (offense is no longer a crime and there are little to no punishments by law), remains illegal but is virtually unenforced, or remains fully illegal where possession, usage and cultivation/selling is punishable by legislation.

The legality of cannabis for medical and recreational use in most countries has been regulated by three main United Nations: The **1961 Single Convention on Narcotic Drugs**, the **1971 Convention on Psychotropic Substances** and the **1988 Convention against Illicit Traffic in Narcotic drugs and Psychotropic Substances**. Under the first single convention treaty, all signatories classified Cannabis as a "Class I" drug. This means that signatories can allow medical usage yet still be considered an addictive drug with a high risk of serious abuse ("Legality of cannabis").



Legal

Illegal but
decriminalised

Illegal but unenforced

Illegal

Countries that have legalised cannabis not under any previous attempts by the UN include: Canada, Georgia, Mexico, South Africa and Uruguay. 18 US states have also adopted a similar approach, as well as Washington DC and the Australian Capital Territory (“Legality of cannabis”).

The main reasons why a member state of the certain UN bodies push towards some form of unanimous legalisation of Cannabis is to limit the war on drugs, such an approach was what pushed Uruguay, replacing the links of organised crime and cartels, to a form of taxation and state regulation. The second is health. In Canada for example, children suffering from a rare form of epilepsy were treated with cannabis oil which was confiscated by the authorities, following severe health issues to these children, it was legalised. The third and main final reason is the Cannabis market. It makes more financial and economic sense for such drug to be legalised, such as Canada which earns over CAD\$ 2 billion a year from cannabis taxation sales (Collins).

Similarly, countries such as Morocco and Algeria also earn much revenue from supply their grown cannabis to nations such as Canada and the Netherlands, providing employment and economic growth.

Possible solutions/examples of Operative clauses

Member states that fit a more progressive foreign policy must evaluate well the options between uncontrolled legalisation and hard and enforced prohibition. While legalisation may have its positive effects such as better access for medical usage and a growing new industry, marijuana is still a dangerous substance that is highly addictive. To which governments spend large sums of their GDP for rehabilitation, enforcement and valuable justice times including a decreased labour force if found guilty and end up in prison. For instance, Police in US states where Marijuana is illegal spend up to \$3.6 billion on possession laws, and defending a marijuana charge can cost up to \$20 000, something not economically viable for many Americans (Hickey and McLaughlin).

- A possible solution would be increased awareness of the benefits of cannabis and the negatives, with strong attention on the economic benefits as well as health as well as addictive negatives. Public education, UN-backed campaigns and other

government-mandated programs in order to familiarise the public with what is legal and encouraged such as medical research, and the destructive health effects for abuse.

- Create a group of individuals that will ensure the programs are benefiting the community and aren't being exploited for economic interests, as well as put into action.
- Make sure countries provide evidence and are moderated over efforts by some sort of moderator and/or foreign observers over handling of cannabis legalisation practices, in order to avoid corruption or bribery.
- Allow certain cases of Cannabis abuse to be handled by the UNICRI or the International Court of Justice in order to establish the reliability of a nations' justice system in countries subject to strong cultural norms that prohibit any kind of drug.

Works Cited List:

"A New International Legal Regime for a New Reality in the War Against Drugs." *Harvard International Law Journal – The Oldest and Most-cited Student-edited Journal of International Law, the Harvard International Law Journal Covers a Wide Variety of Topics in Public and Private International Law*, harvardilj.org/2017/01/a-new-international-legal-regime-for-a-new-reality-in-the-war-against-drugs/.

Collins, John. "Why are so many countries now saying cannabis is OK?" *BBC News*, BBC, 11 December 2018, <https://www.bbc.com/news/world-46374191>.

"Commission on Narcotic Drugs (CND)." *Transnational Institute*, 29 Nov. 2017, [www.tni.org/en/collection/commission-on-narcotic-drugs-cnd#:~:text=The%20Commission%20on%20Narcotic%20Drugs,UNODC\)%20and%20the%20International%20Narcotics.](http://www.tni.org/en/collection/commission-on-narcotic-drugs-cnd#:~:text=The%20Commission%20on%20Narcotic%20Drugs,UNODC)%20and%20the%20International%20Narcotics.)

"Drug-related resolutions and decisions 2010 to 2019." *Office on Drugs and Crime*, UN, https://www.unodc.org/unodc/en/commissions/CND/Resolutions_Decisions/Resolutions-Decisions_2010-2019.html. Accessed 8 July 2021.

Hickey, Walt, and Kelly McLaughlin. "Despite legalizing simple possession, marijuana arrests still inflict tens of billions of dollars in economic damage on Americans annually." *Insider*, 25 June 2019, <https://www.insider.com/marijuana-arrests-are-costing-the-us-billions-2019-6>.

"Legality of cannabis." *Wikipedia*, Wikimedia Commons, https://en.wikipedia.org/wiki/Legality_of_cannabis. Accessed 10 July 2021.

The health and social effects of nonmedical cannabis use. World Health Organization, 2016.
apps.who.int/iris/bitstream/handle/10665/251056/9789241510240-eng.pdf?sequence=1&isAllowed=y.

UN. "Promoting awareness-raising, education and training as part of a comprehensive approach to ensuring access to and the availability of internationally controlled substances for medical and scientific purposes and improving their rational use." *Resolution 63/3*, UN Commission on Narcotic Drugs, 2019,
https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2020/Resolution_63_3.pdf.

United Nations. "UN commission reclassifies cannabis, yet still considered harmful." *UN News*, UN, 2 December 2020, <https://news.un.org/en/story/2020/12/1079132>.

Van Green, Ted. "Americans Overwhelmingly Say Marijuana Should Be Legal for Recreational or Medical Use." *Pew Research Center*, 16 Apr. 2021,
www.pewresearch.org/fact-tank/2021/04/16/americans-overwhelmingly-say-marijuana-should-be-legal-for-recreational-or-medical-use/.