

S U M M A R Y

UNITED NATIONS DRUG CONTROL SYSTEM AND RECENT TRENDS IN LITHUANIAN AND GLOBAL DRUG POLICY REGARDING PERSONAL DRUG USE

National drug control policies and strategies are heavily dependent on the international legal framework. International standards set by United Nations drug control conventions serve as basic principles for the development and shape of national drug control systems. International drug control system has its own, a very specific history and dynamics of development in which the United States definitely did play a very important role promoting prohibitionist approach based on the abstinence paradigm. According to this paradigm drug use is acceptable only for scientific and medical purposes. Unsurprisingly, recreational or experimental use of drugs is considered as unacceptable and inevitably leading to addiction. This hard-line approach dominated in public discourse during the 20th century and the drug use was seen either as a sin or as a disease.

However, it seems that from the beginning of the 21st century, international drug control regime, ideologically based on the abstinence paradigm, is facing big challenges and it is not entirely clear what to expect in the future. Ironically, the United States is the most important player again, but this time in quite the opposite role. Moralising teetotaller Dr. Jeckyll suddenly turned in a pothead Mr. Hyde. So-called “cannabis capitalism” process in several states of USA, when the sale of recreational cannabis was fully legalised, raised serious questions about the perspectives of international drug control system, because such practice is obviously in breach of the international law. Also it is important to note other signs of moving towards the drug policy with a human face, especially raising the popularity of the harm reduction approach to the drug problem and process of “soft deception” related to that. The latter means that some countries are choosing more tolerant approach theoretically not infringing legal boundaries set by the conventions.

Considering the context provided above, the main purpose of this study was to make the analysis of the peculiarities of global drug control system and their interrelation with the national drug control policy in the light of personal drug use. In order to fulfil this goal historical analysis of the development of United Nations global drug control system was made, peculiarities and characteristic features of the legal framework of this system as well as legal boundaries set for countries by the conventions were analysed. Particular attention was paid to

the international legal framework regarding personal drug use, different national practises in this perspective as well as possible directions of the future development of global drug control system were discussed. Finally, Lithuanian drug control policy in the context of United Nations drug control regime was discussed.

Main research methods were: logical-linguistic, systemic, comparative as well as analysis of documents and secondary data. Moreover, relevant scientific literature, national and international legal acts in the area of drug control were studied. The drug control and drug policy primarily were explored from criminological and sociology of law perspectives. In author's point of view these interdisciplinary social sciences enable to achieve deeper understanding of drug control phenomenon than it is possible to attain using only narrow legalistic analysis of laws and legal norms.

According to the findings of the study the drug control policy (national, regional or global) is a complex phenomenon influenced by many cultural, social and other factors as well as different interest groups (physicians, law enforcement agencies, etc.) operating in the drug control field. It is important to stress, that usually legal control has a very limited (if has at all) influence to the prevalence of illicit drug use, which is mostly determined by the culture, social policy and social context. On the other hand, the drug control remedies are significant when dealing with the high-risk/problem drug use.

The United Nations conventions set legal boundaries to the countries, but there is a certain room of interpretation. United Nations institutions (especially International Drug Control Board) support the narrow interpretation of the treaties and usually criticise countries (as sending "wrong signals") that are leaning towards less strict drug policies. Accordingly, various harm reduction practises are on the edge of violation of international law but this is a matter of interpretation. The United Nations conventions and European Union documents make a clear distinction between drug dealing and activities attributed to personal use. The drug dealing is always a matter of criminal law; accordingly criminal sanctions should be strict enough. As regards to the personal drug use countries have more flexibility and other measures (administrative sanctions, medical treatment, etc.) could be applied. On the other hand, legal market of substances controlled by the Schedule IV (e.g. cannabis) could not be created at the same time not infringing international law.

In the 21th century a gradual weakening of international drug control regime could be observed. The main feature of this phenomenon is a soft deception, which is related to the increasing popularity of the harm reduction doctrine. It goes hand in hand with the decriminalisation and/or the depenalisation of activities related to personal drug use shifting from punitive approach to the more health oriented.

The main challenge to the existing global drug control system is *de jure* legalisation of cannabis in several USA states. It is related to the process of cannabis use "normalisation"; then such practice is not regarded as a pathological behaviour anymore. It is important to stress that this

approach contradicts the abstinence paradigm, which is an ideological core of the United Nations conventions. It creates a high tension and the future of international drug control system in existing framework becomes uncertain. In order to maintain the stability of the system in particular and the trust in international law in general, the revision of UN drug control conventions seems to be inevitable.

Lithuanian drug control policy is oriented to the strict control measures and prevention. As regards to the personal drug use till 2017 the drug gaining and possession were partially decriminalised because such activities were subject of either criminal or administrative liability. From 2017 onwards such activities are subject of criminal law only without any explanation of this change of law. Therefore, the Lithuanian drug control policy is moving to the opposite direction than in the Western world, i.e. to more strict measures regarding personal use of drugs. In this context, it is important to stress, that criminal law is considered as *ultima ratio* measure which has multiple side effects, thus criminalisation of certain activity or introduction of criminal sanctions must be strongly grounded. Preferably, not only by arguments, but also by hard empirical data supporting those arguments.

It could be concluded, that decriminalisation in the sphere of personal drug use has legal and pragmatic assumptions. Such policy does not violate legal boundaries set by the United Nations conventions and reflects the newest tendencies of how modern drug control policy should look like. Last but not least, it is important to stress, that effective drug control policy should be evidence based. That means that drug policy changes should be supported by science innovations, empirical data, cost-benefit analysis, etc.