

# Protecting Public Health through Global Prohibition and Control on Narcotic Drugs and Psychotropic Substances.

*Asst.Prof.Vidhya Shetty  
TMV's Lokmany Tilak Law College,Pune.*

## **Abstract:**

Humans are exposed to a variety of opportunities as well as challenges in this age of globalisation and worldwide accessibility, each with its own collection of benefits and drawbacks. Opportunities are great, but challenges aren't. Challenges make humans weak and vulnerable, and they resort to aberrant behavior leading to crime involvement and resorting to drug addiction, smuggling, and other illegal activities. To live peacefully in a society, such unlawful actions should be prevented. The problem of drug abuse is becoming a menace in this modern society which can be attributed to several factors. Many countries have come together to protect public health through global prohibition and regulation of narcotic drugs and psychotropic substances, not just on a national level but also globally. This paper describes how the foundation was laid for the system of international control on narcotic drugs and psychotropic substances and how this system evolved over the years, and its current position.

**Keywords:** Addiction, Drugs, Expert Committee on Drug Dependence (ECDD), New Psychoactive Substances (NPS), Prohibition, Protection.

**Introduction:** “A drug is any substance (except for food and water) which, when taken into the body, alters the body’s function either physically and/or psychologically. Drugs may be legal (e.g., alcohol, caffeine, and tobacco) or illegal (Heroin Cocaine or Crack Cocaine, Methamphetamine, Ecstasy, Marijuana, LSD ((Lysergic acid diethylamide), Mushrooms, etc.). These illegal drugs are also known as psychotropic or psychoactive substances.”<sup>1</sup>

“A psychotropic drug may be described as any drug that affects behavior, mood, thoughts, or perception. It’s an umbrella term for a lot of different drugs, including prescription drugs and

---

<sup>1</sup> Available at <https://drugaware.com.au/getting-the-facts/faqs-ask-a-question/what-are-drugs/#how-are-drugs-grouped> last seen on 03/03/2021.

commonly misused drugs.”<sup>2</sup>The five major legal psychotropic medications are anti-anxiety agents, antidepressants, antipsychotics, mood stabilizers, and stimulants.<sup>3</sup>

**Reasons for Abuse of Drugs:** There are a variety of explanations why people resort to drugs and abuse them. The youth are the most impacted group of people, who use drugs for the reasons mentioned below.

- **Peer pressure:** They want to fit in the group of their peers, or their peers are pressuring them to do so..
- **Curiosity:** They are enthralled by the prospect of seeing what happens.
- **Enjoyment:** After consuming the drugs, they enjoy the physical effects of it, such as feeling energised or comfortable, and calm.
- **Challenges:** They help them cope with stressful circumstances by reducing discomfort and relieving tension..
- **Dependency:** They become overly reliant on drug consumption, which contributes to addiction, and they need increasing amounts of drug consumption to prevent withdrawal symptoms.<sup>4</sup>

Both internal and external factors influence how drugs affect people. Different characteristics of an individual, such as gender, age, height, exercise, diet, and health, will be internal factors. External factors include how these drugs are ingested and where the individual is (i.e. in which environment) when consuming them. Some people become depressed, angry, violent, sleepy, unmotivated, paranoid, anxious, or talkative as a result of using drugs. Drug abuse can lead to social and emotional issues, as well as a deterioration in family and friendship relationships. It also causes people to feel depressed, angry, violent, tired, unmotivated, paranoid, anxious, or sometimes talkative.<sup>5</sup>

Excessive drug use leads to addiction, which can result in social and emotional problems as well as degradation in family and friendly relationships. Drug abuse is on the rise around the world, with extremist (terrorist) groups producing, distributing, and selling narcotic medications and psychotropic substances. This trafficking of illicit drugs and psychotropic substances transcend national borders amounting to transnational crimes. This vicious cycle of drug manufacture, distribution, and illicit trafficking needs to be broken. The drug trade is a growing industry with deep

<sup>2</sup> Available at <https://www.healthline.com/health/what-is-a-psychotropic-drug> last seen on 04/03/2021.

<sup>3</sup> Available at <https://www.healthline.com/health/what-is-a-psychotropic-drug#fast-facts> last seen on 04/03/2021.

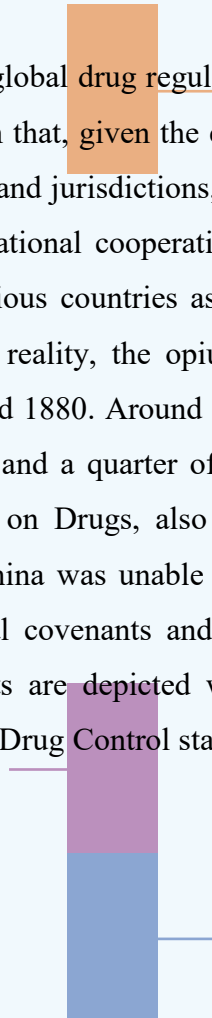
<sup>4</sup> Available at <https://www.health.gov.au/health-topics/drugs/about-drugs/what-are-drugs> last seen on 05/03/2021.

<sup>5</sup> Available at <https://www.health.gov.au/health-topics/drugs/about-drugs/what-are-drugs> last seen on 05/03/2021.

roots in every society's political and social structure. It's a collaborative effort involving law enforcement agencies, courts, corrections, education, health care, and various political and self-help groups.<sup>6</sup>

**Journey of Global Control:** The current global drug regulation scheme has been in place for over a century. It was prompted by the realisation that, given the ease with which these commodities could be acquired and distributed across borders and jurisdictions, no single nation could regulate drug use. Effective control would necessitate international cooperation among states. Around a century ago, opium was peddled across borders of various countries as it yielded huge profits amounting to as much as half of the national income. In reality, the opium trade provided 14 percent of India's national income during colonial rule around 1880. Around 10 million people in China were addicted to opium at the peak of the opium trade, and a quarter of the adult male population used it. As a result, the First International Conference on Drugs, also known as the "Shanghai Commission," convened in Shanghai in 1906, because China was unable to address the drug problem on its own. After that, many countries ratified several covenants and conventions to contribute to the global control regime. These international efforts are depicted with the help of a timeline which is as follows. Thus the Timeline of 100 years of Drug Control starting from 1909 to 2009 is given below<sup>7</sup>

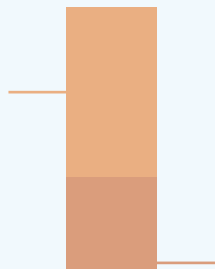
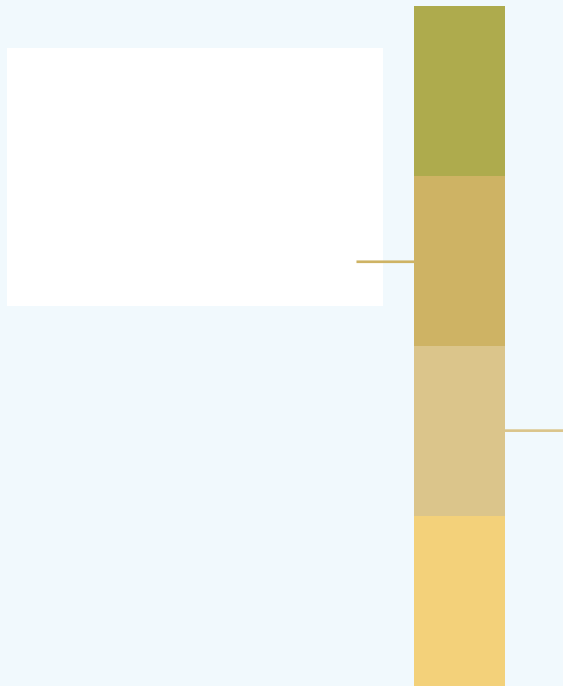
u Internationala



Source: [https://www.unodc.org/documents/data-and-analysis/Studies/100\\_Years\\_of\\_Drug\\_Control.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/100_Years_of_Drug_Control.pdf)

<sup>6</sup> Available at <https://www.originsrecovery.com/what-is-drug-addiction/> last seen on 05/03/2021.

<sup>7</sup> Available at [https://www.unodc.org/documents/data-and-analysis/Studies/100\\_Years\\_of\\_Drug\\_Control.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/100_Years_of_Drug_Control.pdf) last seen on 05/03/2021.



Source: [https://www.unodc.org/documents/data-and-analysis/Studies/100\\_Years\\_of\\_Drug\\_Control.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/100_Years_of_Drug_Control.pdf)

**Role of World Health Organization (WHO) in global drug control:** The World Health Organization (WHO) is assisting policymakers in establishing a control system that ensures both an adequate supply of regulated drugs for medical and scientific purposes, as well as the prevention of drug abuse and trafficking, as part of the United Nations (UN) universal drug regulation process. This is to ensure that people around the world have the best possible health and to protect human well-being. The World Health Organization's (WHO) contribution is as follows:

- Promoting the development of adequate guidelines to support the establishment and improvement of national and international programmes for the detection, planning, control, and proper use of narcotic and psychotropic substances, including those extracted from plants.
- THE WORLD HEALTH ORGANIZATION (WHO) has founded the “Expert Committee on Drug Dependence (ECDD),” which makes recommendations for changes to the scope of substance control in order to reduce the risk of abuse, ensure medical availability, and comply with the terms of the drug conventions.
- THE WHO works with Member States and partners to ensure safe access to necessary pharmaceuticals for issues such as pain relief, as well as to provide guidance to health care

professionals and policymakers on the availability and use of controlled drugs based on studies and local circumstances.

- The WHO is actively working to improve cooperation between "WHO Programmes," "Drugs Addiction Control and Management," and other opioid and psychotropic drug-related initiatives.
- WHO makes ongoing attempts to work with concerned NGOs in order to implement global drug control policies.
- WHO also takes into account applicable regulatory body decisions.<sup>8</sup>

**Efforts of the latest 43<sup>rd</sup> "The Expert Committee on Drug Dependence (ECDD)" on Global Drug Control:** The 43rd ECDD met from October 12<sup>th</sup> to 16<sup>th</sup>, 2020, to determine whether 11 New Psychoactive Substances (NPS) pose significant public health risks, necessitating their global control.

The Committee proposed that 8 NPS be placed under global control. Isotonitazene, a potent synthetic opioid that has recently appeared on the illegal drug market and has been linked to a high number of opioid overdose deaths, was among them.

The Committee further proposed three synthetic benzodiazepine medications, clonazepam, flubromazepam, and diclazepam, be classified as psychotropic agents and put under international supervision. These three benzodiazepines are often marketed as falsified prescription benzodiazepines, have been linked to overdoses, and have been included in cases of drug-assisted sexual abuse.

The recommendations of the 43rd ECDD will be accepted for a vote by the 64th CND in April 2021. These synthetic drugs would be subject to international agreements if the CND (United Nations Commission on Narcotic Drugs) follows the advice of the WHO ECDD.<sup>9</sup>

**Significant Conventions of International Drug Control Law:** The overall objective of the conventions remains as it was specified a century ago - **to limit the production, distribution, and use of drugs to scientific and medical purposes.** The three conventions provide the mandate and underpin the functioning of the UN agencies most involved in drug control:

<sup>8</sup> Available at <https://www.who.int/our-work/access-to-medicines-and-health-products/controlled-substances> last seen on 27/03/2021.

<sup>9</sup> Available at <https://www.who.int/news/item/07-12-2020-recommendations-made-by-the-43rd-who-expert-committee-on-drug-dependence> last seen on 09/03/2021.

## 1) **The 1961 UN Single Convention on Narcotic Drugs**

The 1961 United Nations Single Convention on Narcotic Drugs consolidated established drug-control laws and laid the legal groundwork for a modern global drug-control regime. The 1961 United Nations Single Convention on Narcotic Drugs is an international treaty that restricts the manufacture and distribution of fresh (nominally narcotic) drugs and drugs with similar effects to specific uses such as medical care and science. Treaties previously only controlled marijuana, coca, and derivatives such as morphine, heroin, and cocaine. The 1961 Single Convention consolidated these treaties and broadened their scope to include cannabis and substances with similar effects to the drugs mentioned. The World Health Organization and the Commission on Narcotic Drugs were given the authority to add, remove, and transfer drugs between the four Schedules of the treaty and treat these substances as controlled substances. The International Narcotics Control Board was charged with implementing regulations governing cocaine manufacturing, international trade, and distribution. The United Nations Office on Drugs and Crime (UNODC) took over the Board's day-to-day job of monitoring the situation in each country and working with national authorities to ensure compliance with the Single Convention. This treaty also includes the United Nations Convention on Psychotropic Substances, which controls LSD, Ecstasy, and other psychoactive pharmaceuticals, as well as the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which strengthens prohibitions against money laundering and other drug-related crimes.

The Single Convention continuously emphasises the value of controlled drug medicinal use. According to the Preamble, of the said convention, "medical usage of narcotic drugs is necessary for the treatment of pain and suffering," and "adequate provision must be made to ensure the availability of narcotic drugs for such particular purposes." The use of controlled drugs for "medical and scientific purposes" is addressed in Articles 1, 2, 4, 9, 12, 19, and 49 of the said convention."<sup>10</sup>

## 2) **The 1971 UN Convention on Psychotropic Drugs**

On February 21, 1971, a conference of diplomats in Vienna signed a new Convention that was worded to include almost any imaginable mind-altering substance. g drug. The Convention came into effect on August 16, 1976, which included import and export restrictions as well as other laws aimed at limiting drug use to research and medical purposes. There are currently 175 signatories to the treaty. It has consistently responded to the diversification and spread of opioid addiction by placing restrictions on a variety of synthetic drugs based on their potential for abuse on the one hand and their

---

<sup>10</sup> Available at <https://polis.osce.org/single-convention-narcotic-drugs> last seen on 20/03/2021.

therapeutic usefulness on the other. The Convention creates a global framework for the regulation of psychotropic drugs..<sup>11</sup>

### 3) [The 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#)

The 1988 Convention lays the groundwork for international precursor control. It contains safeguards against money laundering and the diversion of precursor chemicals, as well as other tough anti-drug regulations. It promotes international cooperation by, among other things, allowing for the extradition of drug traffickers, the monitoring of deliveries, and the transfer of trials. After the 1998 Convention was established, a commentary was written that provided a detailed summary of the convention's various articles and clauses. Government signatures, accession, acknowledgement, ratification, formal registration, and succession to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 are all included in the United Nations Treaty Collection Data.<sup>12</sup>

**Latest Development in Global Drug Control Policies:** On the 14th of April, 2021, Mr. Cornelis P. de Joncheere, President of the International Narcotics Control Board (INCB), delivered the Board's 2020 Annual Report, Supplement, and Precursors Report to the 64th session of the Commission on Narcotic Drugs, which took place in Vienna from 12 to 16 April.

The President briefed the Commission under agenda item 5 (b), "Challenges and potential work of the Commission, World Health Organization, and INCB to study substances for possible scheduling guidelines, following the ceremonial opening section on 12 April."<sup>13</sup> He emphasised the difficulty of dealing with the proliferation of non-scheduled chemicals and the rise of "designer benzodiazepines." He also mentioned the Board's collaboration with the Member States to implement guidelines on cannabis and cannabis-related drug reporting standards. The INCB President, speaking to the Commission under agenda item 5 (c) on the work of the International Narcotics Control Board, drew attention to the secret problem of drug use among the elderly, which is the subject of the first thematic chapter of the [Annual Report](#). He also listed the Board's investigation into the impact of the COVID-19 pandemic on international controlled substance supply, access to treatment for people with substance use disorders, and illicit drug trafficking. Mr. De Joncheere had also delivered the 2020 Precursors Study and the annual report supplement, which reviewed the accomplishments of the

<sup>11</sup> Available at <https://polis.osce.org/convention-psychotropic-substances> last seen on 21/02/2021.

<sup>12</sup> Available at <https://www.incb.org/incb/en/precursors/1988-convention.html> last seen on 23/03/2021.

<sup>13</sup> Available at [https://www.incb.org/documents/Speeches/Speeches2021/CND\\_item\\_5b\\_INCB\\_President\\_-\\_2021\\_04\\_13\\_Posted\\_to\\_website.pdf](https://www.incb.org/documents/Speeches/Speeches2021/CND_item_5b_INCB_President_-_2021_04_13_Posted_to_website.pdf) last seen on 23/04/2021.



1961 and 1971 conventions and highlighted issues that the international community would solve. Mr. De Joncheere also spoke of international collaboration to ensure the supply of narcotic medications and psychotropic substances for medicinal and research use, thus avoiding their diversion under item 5 (d) of the agenda. He called attention to the COVID-19 pandemic's influence and the Board's and international community's response.<sup>14</sup>

**Conclusion:** Globalization and continuous developments in Commerce, banking, information, transport, communications, and all types of services and customer trends are all accelerating daily. As a result, every debate concerning the operation of the international drug regulation mechanism in the 21<sup>st</sup> century must take these new conditions into account. Building on recent success, forward progress is feasible if at least three goals are advanced, as mentioned below

- The fundamental principles must be reaffirmed; the drug distribution system's effectiveness must be improved; and adverse effects must be confronted, contained, and dealt with.
- Improving the performance of the opioid regulation system necessitates four things at the same time: law reform, substance-related behaviour avoidance, care of those that are not deterred or discouraged from engaging in illegal drug use, and elimination of the harmful effects of narcotics, particularly for those that are trapped in the cycle of abuse in the entire world.
- The cultivation, trafficking, and use of illegal drugs can only be fully understood if all of their political, social, economic, and cultural dimensions are taken into account.

To name a few, regulation, criminal justice, civil rights, development, international humanitarian law, public health, and the environment all intersect with the drug crisis. Each of these factors is addressed by the United Nations' laws, customs, treaties, and procedures.

The international drug control system is a valuable diplomatic asset that has great universal support. It has been effective in containing the illicit drug crisis over the last decade and for more than a century. Despite this, it has not able to achieve the desired result for which it was developed. The criminal black market, policy displacement, territorial displacement, product displacement, and consumer marginalisation are all unforeseen effects of implementing the Global Drug Control System.

---

<sup>14</sup> Available at [https://www.incb.org/incb/en/news/news\\_2021/incb-president-presents-annual-reports-and-anniversary-supplement-to-the-commission-on-narcotic-drugs.html](https://www.incb.org/incb/en/news/news_2021/incb-president-presents-annual-reports-and-anniversary-supplement-to-the-commission-on-narcotic-drugs.html) last seen on 23/04/2021.