

Shifting from an illegal-drug policy to a psychoactive substance policy

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At present, the question of drug policy is not on the public agenda in Switzerland. Since the introduction of a bill for the revision of the Federal Narcotics Act (BetmG) was rejected by the National Council in the summer of 2004, the topic has barely made the headlines. Political actors appear to be at a loss as to what should be done next. Although efforts are being made to salvage at least the uncontroversial elements of the unsuccessful plans to revise the legislation, this is not sufficient from the perspective of public health. From this viewpoint, the aim should be to define harm and benefits across the entire spectrum of psychoactive substance use, and to pursue a policy designed to reduce the unavoidable harm as far as possible, both for the individual and for society. In fact, however, the consumption patterns of a substantial proportion of the population – irrespective of their potential to cause harm – continue to be regarded as unlawful and hence punishable. In addition, the law is largely unenforceable. The gulf between illegal and legal use of psychoactive substances remains unchanged. Apart from the public health concerns, the credibility of state institutions is damaged by the lack of coherence in the existing regulations. The Swiss Federal Commission for Drug Issues (EKDF) has now issued a report outlining fundamental principles for a future Swiss policy on substance abuse¹. Rather than offering solutions that could be implemented in the short term, the report adopts a medium- to long-term perspective. It seeks to present options for the future management of psychoactive substances in Switzerland. The social changes seen in recent decades have given rise to new consumption patterns for both illegal and legal psychoactive substances, creating

a need for a fundamental review of substance abuse policy. In Switzerland as well as in other, comparable countries, the shift in values that occurred in the latter half of the twentieth century has produced a pluralistic culture of individual development and experience. In this type of culture, a wide variety of value-systems coexist. New habits of consumption have arisen among different segments of the population, and the future will certainly bring even more profound changes. Increasingly, there will be a blurring of the boundaries between the medically indicated use of mental health medicines, recreational use of psychoactive substances and efforts to enhance cognitive performance with the aid of drugs. In this situation, it is hardly possible to reach a social consensus on the “correct” management of psychoactive substances. There is thus no alternative to a non-judgemental substance abuse policy that strives for pragmatic solutions. These acknowledge that the use of psychoactive substances answers a human need which is manifested in different forms in every culture of the past and present. The goal can then only be to find ways of managing psychoactive substances which – bearing in mind the motives for the various forms of consumption – are designed to reduce harmful consequences for the individual and for society. New approaches to this question are also being sought in other countries^{2,3}. The EKDF report presents a series of recommendations, calling in particular for the development of guiding principles for substance abuse policy to provide a basis for future

¹ Eidgenössische Kommission für Drogenfragen: Von der Politik der illegalen Drogen zur Politik der psychoaktiven Substanzen. Verlag Hans Huber, Bern, 2006. Preliminary versions of the expert report (in French and German) are available online at: <http://www.psychoaktiv.ch/de/downloads/index.php>

² Office of Science and Technology: Foresight, Drug Futures 2025? Executive Summary and Overview. UK Department of Trade and Industry, London, July 2005. Available online at: http://www.foresight.gov.uk/Brain_Science_Addiction_and_Drugs/Reports_and_Publications/Reports_and_Publications.html

³ Health Officers Council of British Columbia: A Public Health Approach to Drug Control in Canada. Discussion Paper, October 2005. Available online at: <http://www.cfdp.ca/bchoc.pdf>

legislation, and also for the adoption of a new model for a substance abuse policy, founded on the well-established fourfold approach (prevention, treatment, harm reduction, enforcement).

The guiding principles should be informed by scientific findings, health protection objectives and social realities in Switzerland, as well as ensuring the necessary coherence of state measures. In particular, the EKDF recommends that a policy focusing exclusively on illegal drugs should be abandoned. The goal should be to develop a realistic, coherent, effective and credible policy, encompassing all psychoactive substances. This would be implemented through market regulation, with the state drawing on a wide range of control options, including incentive taxes, and ranging from prohibition to legalization.

As well as expanding the fourfold approach that has characterized Swiss drug policy – by including legal substances such as alcohol, tobacco and psychoactive medicines – the new model refines the existing approach by taking various consumption patterns into account. As well as abstinence, three categories of substance use are distinguished on the basis of the associated risks: low-risk use, problematic use and dependence. The resultant three-dimensional model can be used for the evaluation of existing and the planning of future measures. For example, for the “Cannabis” substance class within the “Treatment” element, it is possible to assess whether measures are already in place or are needed to address the “problematic use” category. In the new model, the four elements are more broadly defined than hitherto:

- Prevention covers all measures in the areas of health protection, health promotion and early detection, with greater weight being attached to early detection in particular.
- Treatment includes not only classical abstinence-based programmes, but all options primarily concerned with social integration.

- Harm reduction not only addresses the consequences of substance abuse for the health of the individual but also encompasses the reduction of harmful consequences for society. Responsibility for reducing these concomitant adverse effects is thus assigned to all policy sectors.
- Finally, enforcement should no longer be primarily a matter for the police and the judiciary. In a regulated market, as envisaged by the recommendations for the medium term, responsibility would be shared by all the actors concerned. In future, therefore, enforcement should comprise all the various market control options, with particular attention being paid to the protection of young people.

At first glance, the policy reorientation recommended in the report may appear to be unrealistic. With regard to substances that are currently illegal, an approach based on regulation contravenes existing international agreements. In view of the many economic interests attaching to legal substances, it would still appear to be impossible to view alcohol and cannabis, for example, in the same light. Forced implementation of the recommendations would therefore be counterproductive; society needs to be ready to accept changes in substance abuse policy, and this may take a long time. However, the transformations that have occurred in relation to tobacco products in many countries – and latterly also in Switzerland – indicate that such developments are indeed possible. In the meantime, however, the priority for the Swiss political authorities is to achieve what is feasible in substance abuse policy and to develop joint strategies in cooperation with other countries that are contemplating a reorientation of policy in this area. Developments of this kind should be vigorously supported by public health actors.

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