

Marijuana in the United States and the international drug control regime: Why what is promoted abroad is not applied at home

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Introduction

Anti drug policies are being increasingly questioned in Latin America, parts of the United States and in other parts of the world. In the United States nearly 20 States allow medicinal marijuana and Colorado and Washington State have made recreational marijuana use legal in clear violation of the United Nations conventions. In Latin America a group of former presidents and a few current ones have argued for a debate to rethink international drug policies. Uruguay is advancing legislation to allow recreational marijuana use under a controlled system that includes a government monopoly of its production and distribution. In May 2013 the government of the Republic of Georgia introduced a bill to legalize marijuana. In April 2012 the Summit of the Americas mandated the Organization of American States to produce a report based on scientific evidence that may allow exploring new policy options. On May 2013 such report was issued suggesting several ways in which traditional policies may be improved that could include some recreational use of currently controlled substances.

Any fruitful debate requires an understanding of all the stakeholders' positions. This is why it is important to understand how come the United States, that has been the main promoter of the international drug control regime (IDCR), does not apply it domestically?

The first section of this essay explores the historical relationship between the United States and the IDCR and shows how the U.S. has been its main sponsor that has always insisted that Parties to the U.N. drug conventions adhere strictly to them. In order to understand the apparent contradictions between domestic and international policies, the following section analyzes the U.S. Constitution and shows how it limits the powers of the federal government and generates great ambiguity about the U.S. government's ability to enforce its laws on the states. The third section highlights the

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