

UNPACKING HUMAN RIGHTS: FREEDOM OF CONSCIOUSNESS, BODILY AUTONOMY & RIGHT TO LIFE IN THE CONTEXT OF WAR ON DRUGS CRIMES

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Abstract

This study explores the interplay between the right to life, right to development, bodily autonomy and freedom of conscience, and demonstrates how these factors collectively shape the concept of freedom of consciousness and simultaneously lead to increased access to altered states of consciousness, cognitive liberty, freedom of development, and the peak experiences that Abraham Maslow researched.

Second chapter delves into the intersection of human rights and drug policy, specifically examining the implications of the War on Drugs on individual freedoms. It argues that the War on Drugs has led to a violation of fundamental human rights, including cognitive liberty, bodily autonomy, and the right to life. Through an analysis of international human rights law and case studies from around the world, the paper demonstrates how drug-related crimes have resulted in mass incarceration, violence, and human rights abuses. It also explores decriminalization of drug use, end of War on Drugs and criminalization of its' crimes.

The research results provide insights into the interrelation between these three concepts, shedding light on how they intersect and influence each other and in context of War on Drugs hostile environment. Findings also suggest that the War on Drugs has resulted in a significant violation of fundamental human rights.

Keywords: Altered State of Consciousness, Cognitive Liberty, Freedom of Thought and Conscience, War on Drugs Crimes

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There is as much chance of repealing
the Eighteenth Amendment as there is
for a hummingbird to fly to Mars with
the Washington Monument tied to its tail
Morris Sheppard, 1930

Introduction

While the traditional approach in human rights law is to analyze each right individually, this study offers a comprehensive examination of freedom of conscience, freedom of consciousness, bodily autonomy, the right of development, the right to health and the right to life. This approach allows for a deeper understanding of the underlying content and interconnected nature of these rights. The holistic perspective presented facilitates the application of the multidimensional model outlined in the 1993 Vienna Declaration and Programme of Action, which asserts that: "All human rights are universal, indivisible, interdependent and interrelated" (1993, Art.5) even if its implementation yields unconventional/innovative outcomes and powerful shifts in public awareness and global policy.

The interrelation between three fundamental human rights - freedom of consciousness, bodily autonomy and the right to life - has long been a topic of interest in various fields. However, despite their significance,

these concepts have rarely been studied together in a comprehensive manner, moreover in the context of the *War on Drugs*.

This study aims to fill this gap by investigating the intricate relationships between these concepts and exploring how they intersect and influence each other in shaping individual happiness or grief.

The problem studied is multifaceted. On one hand, there is a growing concern about the erosion of individual autonomy in various aspects of life, which can have negative consequences on mental health and well-being (Kasser & Ryan, 1993). On the other hand, peak experiences are increasingly recognized as crucial for personal growth, motivation, and overall happiness (Csikszentmihalyi, 2008). Previous research has shown that freedom of thought and conscience is essential for promoting autonomy and self-awareness (Deci & Ryan, 1985), while peak experiences have been linked to increased feelings of fulfillment and life satisfaction (Kashdan & Ciarrochi, 2013). However, the relationship between these three concepts remains understudied.

The study employs a mixed-methods approach, combining qualitative and quantitative data from various sources: literature review, case studies, data analysis. The research results provide insights into the interrelation between these three concepts, shedding light on how they intersect and influence each other and in the context of War on Drugs hostile environment. By doing so, this study aims to contribute to a better understanding of what promotes overall human flourishing and of what makes human existence miserable.

Findings suggest that the *War on Drugs* has resulted in a significant violation of fundamental human rights. Specifically: violence, mass incarceration, and human rights abuses.

The study also highlights the need for alternative approaches that end *War on Drugs* and tackle with criminals and victims of this war.

1. Cognitive Liberty and Bodily Autonomy as Foundations of Right to Life and Peak Experiences

Cognitive liberty and bodily autonomy, two fundamental concepts, rarely intersect in the context of right to life and peak experiences. However, when combined, they reveal a profound interconnectedness that had previously gone unnoticed.

1.1. Freedom of Conscience and Thought – Ones of the Most Forgotten Human Rights

The libertarian philosopher and historian George H. Smith in his collection of essays *Freethought and Freedom*, emphasized that “without freedom of conscience no other freedoms are possible” (Vance, 2023). Thomas Jefferson, one of the founding fathers of the United States also highlighted the significance of this freedom in several statements, such as “No provision in our constitution ought to be dearer to man, than that which protects the rights of conscience against the enterprises of the civil authority.” (Wilson, 2015).

“Freedom of thought, along with one’s conscience and belief, is regarded as part of one’s forum internum – a person’s inner sanctum (mind) where mental faculties are developed, exercised and defined and which enable us to “perceive the truth, to choose freely and to exist.”. Notably, *Universal Declaration of Human Rights* (UDHR) drafters highlighted suppression of “free thinkers”, scientists and dissidents as paradigmatic violations of the freedom. Articles 4 and 18 ICCPR confirm the right’s significance, ascribing it absolute protection, even during public emergencies. Despite its proclaimed importance and absolute nature, the right’s scope and content remain largely underdeveloped and poorly understood.” (*U.N. Special Rapporteur, 2021*).

Although these freedoms are incorporated in several international human rights instruments: Article 9 of the European Convention on Human Rights (1950), Article 18 of the International Covenant on Civil and Political Rights (1966), Article 18 of the Universal Declaration of Human Rights (1948) and Article 10 of

the EU Charter of Fundamental Rights, their semantic and etymological analysis has been superficial, and their contemporary understanding and application overly canonized and require re-secularization (*Conscience*, 2016). For example, the Guide on Article 9 of the European Convention on Human Rights (2022, Para. 10) dedicates less than 1% of its 107 pages to issues of thought and conscience. Although these few sentences in Paragraph 10, allow us see the wider potential scope of these “dozed” rights in the context of “the living instrument” doctrine (*The Convention as a Living Instrument at 70, Judicial Seminar. Background Document*, 2020). General Comment 22 on Art.18. of the ICCPR (1993) provides a more detailed explanation and clear distinction between the three freedoms. Its Paragraph 3 emphasizes that these 3 rights are limitless, non-derogable and protected unconditionally like the right to hold opinions without interference in Article 19.1. and Paragraph 11 adds that “The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from Article 18” and “there shall be no discrimination against conscientious objectors”. Objection here means a refusal to comply with a mandatory provision of national law. The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (1985, para. 58) reaffirm that there can be no exceptions even in time of emergency threatening the life of the nation.

However, international law does not clearly reflect interdependence and interrelations between the three rights as well as beliefs that cover matters relating to personal convictions. However, it appears to create a chain of dependence: freedom of religion <= freedom of conscience <= freedom of thought. Conscience can afterwards control thoughts.

The practice to include the freedoms of thought, conscience, and religion within the same norm, and the use of the term *freedom* in the singular, seems to be a historical remnant that conveys the strong impression that thought and conscience still should be predominantly associated with religion. Furthermore, this legal *triumvirate set* went viral in numerous legal documents by the “copy & paste” practice, leading to the uniformly “canonized” freedom of conscience and underdeveloped freedom of thought. Leaders of the Catholic Church have clearly expressed firm views on *modus operandi* of freedom of conscience and those official views have not been retracted. For example, Pope Gregory XVI wrote in his encyclical *Mirari vos* on 15.08.1832 “From this musty source of indifference to faith flows that foolish and wrong view, better known as madness, to demand and defend freedom of conscience for everyone.”. Additionally, his colleague Leo XIII wrote in his encyclical *Immortale Dei* on 01.11.1885: “Accordingly, everyone can then think what he wants from religion, accept one at will, or none at all, if none of them suit him. What must necessarily result from this is clear: Conscience is released from any objective law; it is up to everyone whether he wants to worship God or not; a limitless arbitrariness of thought and licentiousness occurs in the publication of opinions.” (*Freedom of conscience*, 2004).

These and other prominent Catholic ecclesiastics were evidently unwilling to tolerate moral relativism or heresy, such as *freedom of conscience/thought* in others. The Catholic Church as a whole has opposed unrestricted personal freedom of conscience, instead favoring strict obedience and censorship. This may suggest that the Christian clergy has not been the driving force behind individual freedoms and can pose risks of manipulating peoples’ mind though the freedom to religion.

As Abraham Maslow put it: “Most people lose or forget the subjectively religious experience, and redefine Religion as a set of habits, behaviors, dogmas, forms, which at the extreme becomes entirely legalistic and bureaucratic, conventional, empty, and in the truest meaning of the word, anti-religious. The mystic experience, the illumination, the great awakening, along with the charismatic seer who started the whole thing, are forgotten, lost, or transformed into their opposites. Organized Religion, the churches, finally may become the major enemies of the religious experience and the religious experienter.” (Maslow, 1983).

1.2. Interdependence and Interrelation of Consciousness and Conscience

While the protection of the right of conscience is widely recognized, the concept, nature and qualities of conscience are often not fully revealed and discussed. The Catholic Church Catechism Article 6.II, titled “The Formation of Conscience” states that “Conscience must be informed”, “the education of the conscience guarantees freedom and engenders peace of heart” and “[t]he education of the conscience is a lifelong task” (*Catechism*, n.d. Art 6 II).

Where does conscience originate from? It is most likely based on consciousness. There is a general consensus that conscience cannot exist without consciousness (Bhagawati, 2022). This idea is also supported by the fact that some animals have a basic form of consciousness, but only a few and to a small extent exhibit conscience (in the form of guilt). All humans possess consciousness, but only some have conscience. The absence of consciousness leads to zombies (individuals with no *awareness* of their *awareness*, with brain processes and corresponding experiences being separate), while the absence of conscience leads to psychopaths/sociopaths (Purse, 2012). Official legal commentaries do not address whether the right to conscience includes a negative aspect – the right not to have/use conscience, giving psychopaths *carte blanche*. A conscience cannot develop in an individual who is not conscious, but it may most likely manifest.

Consciousness can be viewed as prerequisite for conscience. Conscience, as a product of consciousness, inherits its properties, including freedom. A free conscience can only arise from a free consciousness, that is freely formed and informed.

Non-free consciousness leads to a compromised conscience and a violation of integrity. Therefore, it is irrelevant whether human rights norms guarantee freedom of consciousness or freedom of conscience alone, as they are inherently linked. Either both are free or both are not. As previously mentioned, General Comment 22 on Art.18 of the ICCPR “does not permit any limitations [...] on the freedom of thought and conscience” as on absolute rights, making freedom of consciousness an equally absolute and unlimited right. In the European Convention on Human Rights, the terms “conscience” and “consciousness” are both worded “conscience” in French, the second official language of the Council of Europe, strengthening their interrelation in area of legal interpretation.

Freedom of conscience includes the ability to independently operate both – the filling mechanism and the execution mechanism (symptoms/signs/expression) of conscience autonomously, without undue external influence such as imposed bans or manipulations. It also allows individuals to make decisions and take actions in a manner, that prevents the internal conflict known as cognitive dissonance (Villines, 2019) which may involve the fact that feelings of remorse, regret, guilt, fear, anger, shame or disgust do not arise. When no conflict arises, it is referred to as having a “clear conscience”.

When considering the *modus operandi* of conscience, there are a vast number of definitions of the concept, but most of them appear to be highly incomplete and one-sided. To summarize the essence of these definitions, a three-element architecture of conscience emerges: 1) the filling mechanism, 2) the content, and 3) the execution mechanism.

1) The filling mechanism or content creation process is likely dependent on the consciousness. According to certain criteria, it creates and updates the content by selecting data from available sources, including experiences, emotions, sensory organs, imagery, and intuition from both the internal and external world.

Schematically, this could be represented as follows: information [internal or external world] ➤ consciousness [in a certain state] ➤ mindfulness/awareness ➤ content of conscience.

2) Content is formed by a set of moral criteria / rules that are used in any situation to distinguish between good and evil, acceptable and unacceptable.

3) The enforcement mechanism compares potential actions or inactions with a set of rules contained within the conscience (similar to legal subsumption or the application of criminal law. If there is a match, it triggers feelings of guilt, anxiety, or a sense of duty being breached, regulating social behavior through

cognitive dissonance. If there is no match, there are no immediate consequences, and the conscience or moral self-control remains silent.

1.3. Freedom of Consciousness as Cognitive Liberty

Consciousness is a complex and multifaceted phenomenon with multiple definitions, theories, and a special *hard problem* that remains far from being fully understood. Of particular relevance to this study is the human ability to switch between different states of consciousness, some of which known as altered states.

Cognitive liberty can be defined as a comprehensive concept that includes freedom of thought, conscience, religion, consciousness as well as belief and opinion.

Like many other human rights concepts cognitive liberty includes both negative and positive aspect. The negative aspect (freedom from) says “leave me alone and don’t interfere”, meaning that there is no external coercion within the area where an individual could otherwise act. This raises questions about whether someone has to obey and, if they do disobey, whether they can be coerced.

The positive aspect (freedom to) is the freedom to create and choose one’s own preferences and actions which can be defined as self-determination. This requires the generation of ideas what to do and what to achieve. It’s also important to consider the wide range of options available to someone and what factors may reduce these options and constrain liberty (Berlin, I., 2002 [1969]). Actually, there are 2 liberties: freedom to define options, and – freedom to choose from them.

In his 1984, George Orwell depicted a future in which “nothing was your own except the few cubic centimetres inside your skull.”. This is not true anymore due to advancements in neurotechnology, such as EEG headsets and AI-enhanced decoders. No exceptions.

Restrictions of the positive aspect include limitations on the use of tools to alter brainwaves, neural activity, to promote growth of synapses and dendritic spine, increase dendritic arbor complexity, activate receptors etc. Tuning for defect correction (medical use) is allowed, while it is restricted for religious rites, healing, enhancement, enlightenment, experimentation, and recreational use to alter perception, cognition and mood. Thus, information uptake – restricted and the release of full potential – prohibited.

The negative aspect that manifests as the right to mental privacy serves to protect individuals from unconsented intrusion, including emotional surveillance, into their brain data and the unauthorized collection of such data.

Hazards to the negative aspect include psychosurgery (such as trephination, lobotomy; *write*), compulsory administration of mental health drugs (*write/read*), brain scans for forensic purposes (*read*), military equipment like sonic weapons emitting fear/ghost frequencies (e.g. 19Hz), and neuroweapons (*read/write*) (*Redefining neuroweapons: Emerging capabilities in neuroscience and neurotechnology*, 2020), wearable brain tracking devices being used by employers (military, factories, hi-speed railways in China), etc. Threats to the negative aspect: potential to read and decode correlates of mental states including hidden intentions, visual experiences and dreams (Ienca, 2017). Behavioral microtargeting is also a concern, which may, probably, be mitigated through the application of UNESCO’s precautionary principle (Alegre, 2017, 230).

Table 1: Manifestations/Manipulations of Cognitive Liberty

	By oneself (positive liberty)	By others (negative liberty)
Read (output)	standard allowed	possible / not regulated
Write (input)	standard allowed	possible / not regulated
Execute (give task)	allowed	possible / not regulated
Tune (calibrate, configure, change mode)	restricted	possible / not regulated / used in practice

Classified human subject research (*writing/tuning*) such as – MK-Ultra, Edgewood Arsenal human experiments, Project 112, The Tuskegee Experiments and Operation Midnight Climax etc., has been conducted regularly (Hewitt, 2018; Walter, 2012). Experimental mRNA jab studies have shown that it crosses blood-brain barrier, “reaches the brain, infects astrocytes, and triggers neuropathological changes that contribute to the structural and functional alterations in the brain” (Mathur, 2022). It’s well known that mRNA is used to program (*give task to*) cells, including (brain) dendritic cells (Lee et al., 2013). Depending on the stimulus of consciousness, an individual's perception changes, the range of experiences is enriched and the information passed to conscience is different. Therefore, the right to occupy different states of consciousness is also recognized as a part of the freedom of consciousness. Altered states of consciousness by reaching the subconscious mind, particularly a “psychedelic experience is a journey to new realms of consciousness. The scope and content of the experience is limitless, but its characteristic features are the transcendence of verbal concepts, of space-time dimensions, and of the ego or identity. Such experiences of enlarged consciousness can occur in a variety of ways: sensory deprivation, yoga exercises, disciplined meditation, religious or aesthetic ecstasies, or spontaneously.”. “There are those who [...] are able to bring the subconscious into the realm of discriminative consciousness and, thereby, to draw upon the unrestricted treasury of subconscious memory, wherein are stored the records not only of our past lives but the records of the past of our race, the past of humanity, and of all pre-human forms of life, if not of the very consciousness that makes life possible in this universe.” (Leary et al, 2000).

	Criteria	Conscious	Subconscious
MEMORY	Accessible memory (data) amount	LOW working (short term) memory	HIGH declarative (explicit) memory, nondeclarative (implicit) memory and probably usage of quantum entanglement
CPU	Processing power	LOW ~ 80 bps (bits per second)	HIGH ~ 11 Mbps (27500 times faster)
MULTITASKING WORKLOAD	Multitasking potential Tasks performed	WEAK / SPLIT ~ 5%	PERFECT ~ 95%
CREATIVITY LEARNING	Creativity potential Learning (as a result)	NO NO	YES YES
BRAINWAVES	Brainwaves (Hz)	BETA / ALPHA (13-30 / 8-12)	THETA / DELTA (3.5-7.5 / 0.1-3.5)

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Figure 1: Elements of Consciousness

In essence, both psychedelics and meditation are powerful tools capable of inducing powerful shifts in consciousness, from dissolving ego barriers to fostering self-awareness. They provide distinct routes towards the shared goal of self-discovery – each with its unique nuances, offerings, and challenges (*Meditation vs psychedelics: A comprehensive comparison*, 2023). Psychedelics as a cure for alcoholism have been effectively used by the Native American Church and Bill Wilson, one of the co-founders of A.A., to achieve required “spiritual awakening”.

Psychedelics (as well as MDMA) can be viewed as a shortcut (more efficient alternative) to otherwise resource-consuming practices and training. Furthermore, combining various methods can increase synergistic potential, leading to quicker and deeper cognitive benefits – creative cognition, malleable memories, healing.

Unfortunately, the most direct pathways to these benefits are made unavailable by the warlords of *War on Drugs*. “Looking back, we remember that every middle-eastern and European administrator (with the exception of certain periods in Greece and Persia) has, during the last three thousand years, rushed to pass laws against any emerging transcendental process, the pre-mortem-death-rebirth session, its adepts, and any new method of consciousness-expansion.” (Leary et al, 2000).

1.4. Bodily Autonomy as a base for exercise of freedom of consciousness and the right to life

The term *autonomy*, derived from ancient Greek, refers to *self-government/governance/legislation*. Its Antonym is *heteronomy* - the action of an individual being influenced by external power, in other words, it is a state in which control, guidance, and management is externally manipulated/governed. Immanuel Kant considered it to be immoral (Reath, 2006, p.36).

The concept of autonomy has been incorporated into human rights law from bioethics, medical law with a focus on the rights of patient to make choices (including informed consent) regarding own body, and inviolability of a patient’s bodily sovereignty.

Inter alia, through the right to the highest attainable standard of physical and mental health, autonomy is firmly incorporated into human rights catalogue and closely intertwined with other human rights, particularly due to blurred line between health and life.

Bodily autonomy encompasses both, active and passive manifestations - the right to influence oneself and right to not be influenced by others in regard to actions that affect the body or restrictions placed on one's own body. The active manifestation includes, *inter alia*, both the right to make mistakes and to intake of substances into one’s body.

Bodily autonomy is also closely linked to freedom of consciousness. Consciousness is the realm in which our *ego* operates, and is believed to be the source of autonomous will. In order for this source to operate and express its free will unhindered, it requires the *autonomy* and integrity of the body in which it is housed.

For example, in Roman law, private autonomy was recognized as essential, requiring free will to be exercised without deceit, fraud, or duress. However, would it be possible to exercise classical private autonomy without *bodily autonomy* (being coerced or under undue influence)? What would be the validity of a contract signed by a drugged or tortured individual?

A conclusion can be drawn that bodily autonomy plays an essential role in the exercise of both freedom of consciousness and the right to life.

1.5. Right to Life: Meaning and Relationships

How does all of this relate to the *right to life*?

The term *life* has multiple meanings, so it is crucial to determine which one is most pertinent to the human rights concept of the *right to life*. Traditionally, the *right to life* has been narrowly interpreted – as the *state of being alive* rather than the *way of living*.

It's not surprising as human rights was shaped with inherent conflict of interest. On one hand, government acts as the central violator of human rights, while on the other – government (and its agents in international (quasi) judicial bodies) act as a protector and judge to determine if violation has occurred. In this self-judgement setting, it is only natural self-interest (Moore & Loewenstein, 2004) that leads to the applicable legal norm being automatically interpreted in the narrowest possible way to identify clashes less frequently.

Death in the Western tradition is often viewed as the opposite of life/living, despite being a natural, integral and inevitable part of the life. It will occur even under the most optimal circumstances. From a canonical perspective the concept is less ambiguous. Christian Old and New Testaments teach that when a human dies, only the body dies, while the spirit is immortal (Original gospel truth, 2018). In Buddhism, death is viewed as a part of life (Rinpoche, 2002, p.11).

The government's commitment to or guarantee of an *eternal state of being alive* for a mortal being can be seen as a clear deception. However, a guarantee to have *own way of living* (including not to be killed and hindered, at least by state agents) appears a much more trustworthy promise that can be kept. Therefore, it is more reasonable to interpret *life* in the context of *way of life* and rather not simply *state of being alive*. This idea aligns with Edward J. Stieglitz's quote: "And in the end, it's not the years in your life that count. It's the life in your years."

Life is the foundation for making conscience-based decisions in the autonomous human body, in order to self-actualize most optimally by progressing through the lower stages of Abraham Maslow's hierarchy of needs: physiological > safety > love/belonging > esteem and achieve fulfillment in life. Life is development.

If the *state of being alive* is viewed as a prerequisite for all other human rights, then one's *own way of living* can be seen as the goal of benefiting from the entire set of human rights. The pursuit of the highest attainable standard of physical and mental health (*International Covenant on Economic, Social and Cultural Rights*, 1966, Art 12.1) and development is the way to pursuit of the highest attainable standard of living (1966, Art 11.1) that mirrors US "human rights core" of the *Right to Life, Liberty, and the pursuit of Happiness*.

As Abraham Maslow recognized that "peak experiences are the main way in which our "higher and transcendent nature" attains fulfillment in this life" and "fulfillment of this higher and transcendent nature results in the psychological, emotional, and spiritual development of the individual and therefore society at large" by which we can separate "two groups of human beings: the explorers of the depths and heights, and those who forever remain in a state of being "tranquilized by the trivial"" (*Abraham Maslow, peak experiences, and the spirituality of the solitary individual*, 2016). With the brain being in its wakeful beta frequencies, none of these experiences are possible.

Abraham Maslow (1983) also stated that "... so many people find this so great and high an experience that it justifies not only itself but even living itself. Peak-experiences can make life worthwhile by their occasional occurrence."

2. Dark Side of War on Drugs

Usually, warmongers tend to glorify bloody wars. Similarly, the *War on Drugs* has been shrouded in propaganda, backed by powerful financial/political interests. However, this does not preclude us from

applying critical thinking and scrutinizing the situation more closely. By doing so, we may initially notice the application of a twisted 'no pain - no gain' principle (whereby one can only achieve their own gains by inflicting harm on others). Mathematically speaking, this approach is equivalent to $0 = +1 - 1$. Upon further examination of the *War on Drugs*' underlying dynamics - including its tremendous scale, goals, motivations, unsupported assumptions, no quality control, no transparency, false flags waving, outcomes, real beneficiaries, and those who are negatively impacted - it becomes starkly apparent that this political campaign is nothing more than a big scam. A serial governmental *solution* designed to solve a non-existent problem, with devastating consequences.

2.1. War on Drugs as A Major Source of the Gross Human Rights Violations

War on Drugs is a huge and barbaric issue, originating from the US nurtured and then internationalized concept, with pretext and cause largely being apart. Pretext – to address public health concerns. Cause – to advance political national/international interests and fight adversaries through securitization, prohibition, criminalization. The longest and most expensive war of US ever fought – tribute to Nixon's ideals.

"The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and Black people. [...] We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. [...] Did we know we were lying about the drugs? Of course we did" (LoBianco 2016).

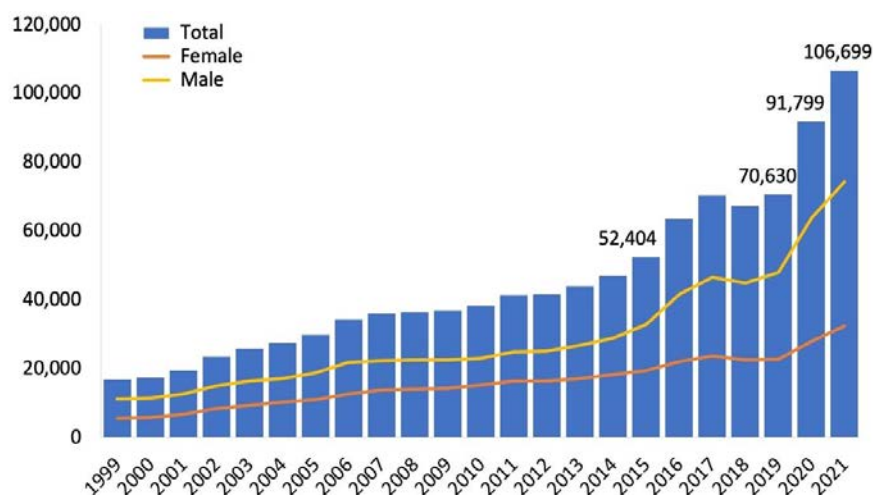


Figure 2: US Drug Involved Overdose Deaths, All Ages
(<https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>)

The outcome of the *War on Alcohol* triggered by the 18th Amendment to the US Constitution resulted in the destruction of an entire industry, including loss of jobs and tax revenue, and general lawlessness. However, results of *War on Drugs* have been much more devastating. Thousands and thousands of civilians killed, tens of millions incarcerated, deaths from overdose rising exponentially, more than trillion in wasted tax dollars (just by US), poisoned nature, an ideal environment for crime and violent gangs crafted, *War on Terrorism* created, gross human rights violations and discrimination widespread.

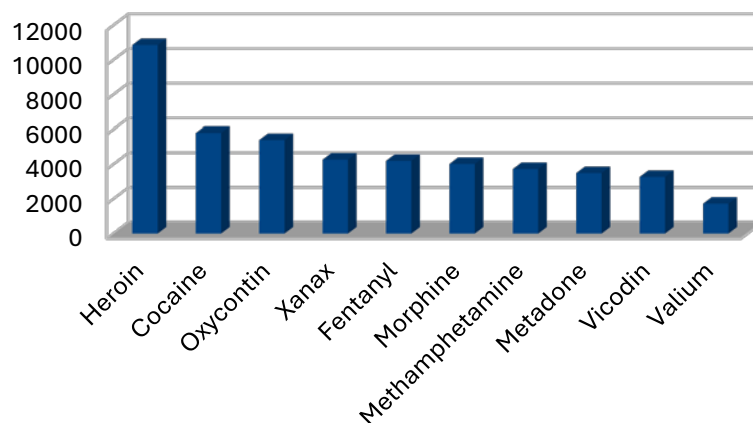


Figure 3: Drug overdose deaths 2014 (US National Centre for Health Statistics)

International drug convention system is evidently controversial, chaotic, corrupt.

By 2008 even the Executive Director of the UN Office on Drugs and Crime, Antonio Maria Costa admitted, that consequences of War on Drugs include a huge criminal black market, shift of public health to the background and ineffectiveness. Thanks to the War on Drugs, record production of cocaine soared in 2022 and even the Colombian president criticized the failed US-led and funded “so called war on drugs”. As of today 41, US states have legalized marijuana, despite US international commitments, indicating that War on Drugs is US federal (foreign-oriented) interest.

Notably, the US heavily funded World Health Organization (WHO) has played a significant role in shaping global drug policies, including the flawed and biased classification system that benefits the pharmaceutical industry.

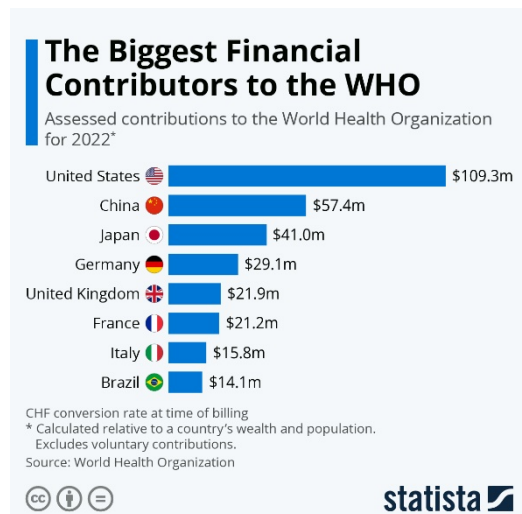


Figure 4: WHO Funding 2022

(<https://www.statista.com/chart/21372/assessed-contributions-to-the-world-health-organization/>)

According to Art. 2.5 of the 1971 Drug Convention, WHO is the only treaty body with a mandate to carry out medical and scientific assessment of substances. WHO, through the Expert Committee on Drug Dependence (ECDD), evaluate the impact of psychoactive substances on public health by evaluating their dependence producing properties and potential harm to health, as well as considering their potential medical benefits and therapeutic applications. The ECDD then makes recommendations for the scheduling (or de-scheduling) of substances according to international drug conventions (*Role of the WHO under international drug control conventions*, 2018).

The lack of a standardized method for assessing addiction (measuring/comparing drug cravings) underscores the true intentions behind the War on Drugs, as it hinders objective comparisons between substances and perpetuates speculation (Sayette et al., 2000). Plants having medical properties and traditional usage were/are misleadingly classified as not having them and most of the eradication budgets went this way. On the other hand, DEA Administrator Anne Milgram (*DEA releases 2024 National Drug Threat Assessment*) said: "The shift from plant-based drugs, like heroin and cocaine, to synthetic, chemical-based drugs, like fentanyl and methamphetamine, has resulted in the most dangerous and deadly drug crisis the United States has ever faced,". No consequence at all.

Even usually diplomatic EU emotionally pointed out deep flaws (actually illogical mess) of US-pushed triumvirate drug conventions system. Some of the critique: "The 1988 Convention is most controversial", "1971 Convention have led to certain illogical effects" and "establishes an international control which is clearly less rigorous for the so-called "psychotropic" substances, generally produced by the pharmaceutical industry", "plants or substances [...] are automatically considered as particularly dangerous", "classifications of narcotic drugs and psychotropic substances does not in the least coincide with the health and social danger posed by the products concerned. Substances that only engender a slight dependence are classified amongst narcotic drugs whereas highly addictive substances are classified amongst psychotropic substances." etc. EU asked to make evaluation which "provide an accurate understanding of the effectiveness of the UN Conventions" in regard criminality/criminalization, consequences on the entire society et al. and even proposed "reclassify them as a psychotropic substance, or by purely and simply deleting them from the list of internationally controlled substances." (Buitenweg, 2003).

However as Einstein concluded: "War cannot be humanized. It can only be abolished."

2.2 War on Drugs: Cui bono?

As we delve into the *War on Drugs*, a stark portrait unfolds, shedding light on who truly benefits from this decades-long campaign. The answer becomes clear: it is not the general public, but rather special interest groups and corrupt entities that reap the rewards. Designers of the *War on Drugs* has created a system where certain groups benefit at the expense of others, perpetuating violence, social injustices and economic inequalities.

False Beneficiaries: This group includes the general public who are often told that they are benefiting from the *War on Drugs*. However, in reality, this group is actually comprised of taxpayers who are pushed to heavily fund all the aspects of War on Drugs (cover all costs) through taxes and are not actually gaining much from the War on Drugs. Instead, they are being misled into believing that their interests align with those of the actual gainers.

Gainers: This group includes individuals and organizations that have benefited from the War on Drugs. They include:

- Politicians who gain support for their anti-drug policies and use it to increase their influence.
- Law enforcement agencies and security agencies: Increased influence, power, control, funding, personnel, corruption possibilities, and equipment for drug-related activities.
- Pharmaceutical companies: Maintain their monopoly on the market, profit from expensive alternatives, influence policy and regulation.
- Drug businesses: Flourish as *War on Drugs* grant never, ever seen profits.
- Non-state combatant groups such as violent gangs and organized criminal networks: The *War on Drugs* has created an environment where these non-state combatant groups have boomed. Many of these non-state combatant groups have become full-fledged members of the *War on Drugs*, with their own agendas and interests. They are no longer just criminal organizations; they are key players in a complex warfare that involves multiple actors and interests. A close relationship between those non-state combatants and state actors have emerged. Deals are made, alliances are formed, and mutually beneficial arrangements are struck.

- Prisons (private and public): Huge business to house prisoners convicted of drug-related crimes, boosted incarceration rates.
- Military and their private contractors: Plenty of job opportunities, no accountability, billions and billions of cash.

and some others.

Losers: This group includes individuals who have been negatively impacted by the *War on Drugs*. They include:

- Low-income communities and most vulnerable populations: Increased poverty, unemployment, and lack of access to healthcare and food.
- Drug users: Criminalization, imprisonment, and social stigma for drug use or possession instead of harm reduction or health care.
- Environmental, indigenous and human rights activists: Wide scale human rights abuses. Many tortured and assassinated by state-trained mercenaries from non-state combatants.
- Poor farmers who make living by growing plants and general public (chemical contamination, violence, control, lack of funding in other essential areas) as a collateral damage⁴.

This leads to the conclusion that the general public faces significant risks and losses due to the *War on Drugs*, including increased risk of violence from gangs or professionally trained mercenaries for advocating indigenous rights, human rights, or environmental protection, as well as economic costs (including financial burden of the war through taxes), massive incarceration rates, overdose/poisoning deaths, social damage, and environmental damage. The war also perpetuates corruption among government officials and law enforcement agents, further exacerbating these negative consequences. On the other hand, the gain (reduced harm) may not be tangible for those who bear the brunt of the *War on Drugs*. So, the pains and the gains produced by skillfully crafted *War on Drugs* are carefully separated, with one group consuming the former and another group benefiting from the latter.

2.3. Revelations When Using Science and Metrics in the Domain of War on Drugs

After tens of years of total prohibition, extensive research has been conducted in recent years to mitigate the effects of past lobbying, nihilism and other *achievements* of the *War on Drugs*. Studies on psychedelics have shown convincing improvements in various areas, such as health, including the mitigation of depression (*Psychedelic spurs growth of neural connections lost in depression*, 2021), the leading cause of suicide in Latvia (Vārna, I., 2019), reduction of alcohol dependence. The UK government commissioned a study “Drug harms in the UK: a multicriteria decision analysis” by the Independent Scientific Committee on Drugs which found that widely available non-prohibited mind-altering substances are much more harmful than prohibited ones (BBC News, 2010), debunking myths about addictiveness and other alleged harmful properties and risk levels of substances. Similar studies in the EU, Australia, and New Zealand have yielded comparable results. However, governments have largely ignored these findings (*David Nutt: We’ve got a government run by idiots who don’t understand the value of science*, 2023).

⁴ Unintentional, but foreseen killing, injuries or other harm done to people, animals, or property.

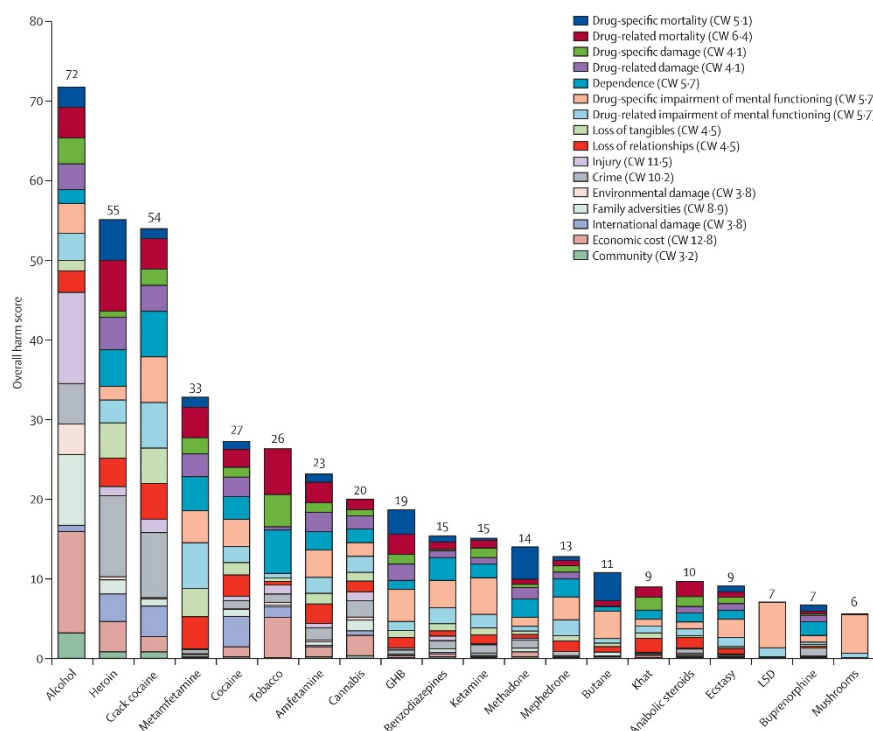


Figure 5: Harm Caused by Drugs.
(Drug Harms in the UK, by David Nutt et al. The Lancet, 2010)

The EU Drug Strategy 2021-2025 includes priority “10.1 [...] to strengthen and broaden capacities in information gathering, monitoring, evaluations, modelling and analysis and to encourage the greater sharing and use of the results on the various aspects of the drug phenomenon and on responses” and “9.7 The protection and promotion of human rights should be fully integrated into, and a specific objective of, the EU’s external action on drugs issues”.

Therefore, the invitation from the EU Parliament and EU Drug Strategy, along with a uniform, logical methodology devised by prof. David Nutt and real-time data, can be seen as a way for at least less corrupt and brave governments to begin basing substance use policy on real-world data and eliminate evil consequences of the imperialistic political War on drugs. Study, inter alia, could include a SWOT analysis assessing the benefits and harms of various states of consciousness / mind-altering substances as well as reevaluate legitimacy of victimless crimes in general. These issues should be shifted from a securitized and militarized approach to health domain. Science/evidence-based regulation instead of ideology/opinion-based regulation should be introduced. Harm reduction policies should be implemented to minimize negative health, legal and social impacts. Products, services, and practices should be controlled according to the level of risk they pose to consumers, after a risk assessment is done. While it’s not, moratorium on punishment for drug use, possession, sale, except those substances that have caused death, introduced and drug related incarcerations – suspended. International “drug system” needs to be completely revamped.

Recent breakthroughs in neuroscience and conscious-altering substances trials have shown promising benefits for domains like health, well-being and cognition, therefore their prohibition not only hindered individuals' exercise of right to health, but also violated their fundamental right to development (including access to basic resources like consciousness and hindering states' obligation to undertake all necessary measures to contribute it) enshrined in Article 8.1 of the 1996 UN Declaration on the Right to Development.

As the *War on Drugs* has led to a wide scale gross human rights violations, it shall be ended and then retrospectively examined through the lens of international criminal law, with perpetrators held accountable for their actions. Potential legal frameworks that could apply include genocide (codified in the

1948 Genocide Convention), crimes against humanity and war crimes (both codified in Articles 7 and 8 of the Rome Statute).

The victims of the War on Drugs, including those who have suffered human rights violations, imprisonment, and other forms of harm, are entitled to fair compensation for their losses and injuries. Additionally, they should be provided with comprehensive rehabilitation programs aimed at addressing the physical, emotional, and psychological trauma caused by this misguided campaign. These rights are safeguarded by 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and 1983 European Convention on the Compensation of Victims of Violent Crimes.

Conclusions

1. Absolute freedom of conscience should be re-secularized, recognizing its inherent link to absolute freedom of consciousness.
2. Human rights norms establish that freedom of consciousness arises from and is intertwined with freedom of conscience, encompassing the liberty to explore altered states of consciousness, which enables the development of hi-end conscience, ultimately ensuring individual autonomy and promoting inner peace, as Abraham Maslow's concept of peak experiences suggests.
3. Bodily autonomy grants positive right to make decisions in relation to oneself (and a negative right - not to be influenced by others), including right to enter (and not to be pushed into) altered states of consciousness by wide range of means, without discrimination.
4. The right to life is to be viewed in the context of *way of life* and cannot be properly implemented without interplay of cognitive liberty, bodily autonomy and right to development and health.
5. An independent and science based analysis of the influence of states of consciousness, brain frequencies, consciousness altering substances to reach peak experiences and self-actualize (as part of right to development), is advised
6. New evidence/science based international drug regulation system (classification, methodology) shall be shaped.
7. *War on Drugs* shall be phased out, its criminals shall be prosecuted, effective protection and redress to victims of human rights violations by *War on Drugs* shall be provided.

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