

IDPC Advocacy Note

Review of issues for the CND Intersessional and the Special CND Segment on preparations for the 2016 UNGASS in December 2014

December 2014

The UNGASS on drugs in 2016 will be an important moment in the international drug policy debate. The preparations for this crucial meeting have been much discussed by UN member states, starting with the negotiations of CND resolution 57/5 in March 2014.¹ The negotiations of the ‘omnibus resolution’ in the Third Committee of the General Assembly over the past few weeks have been the latest forum for agreeing the ‘modalities’ of the UNGASS and as these negotiations draw to a close, two of the most contentious procedural issues have now been provisionally agreed. Ahead of the Special CND Segment on preparations for UNGASS, scheduled for 3rd December 2014, the current state of play on these two issues are summarised below:

1) Division of responsibilities between UN fora in Vienna and New York in preparing for the UNGASS

In terms of UNGASS preparations, finding the balance of activities and agreeing the level of responsibility between structures in Vienna and New York has been a challenging issue for member states. There have been expressed concerns around ensuring openness and inclusiveness in the UNGASS debates if all the preparations are based in Vienna, and the desire to engage the broader UN family and New York-based country missions has led to some member states to call for the greater participation of structures in New York. The General Assembly, by adopting the recommendations in CND resolution 57/5 (L.8) confirms the mandate for the CND to ‘lead’ on the UNGASS preparations, while the President of the General Assembly is invited to ‘support, guide and stay involved’ in the process, without further specification about how the different mandates of ‘leading’ and ‘guiding’ translate in practice to a division in terms of specific roles and activities to be undertaken in Vienna and New York. It is therefore important that there are ongoing efforts to ensure that mission representatives in New York are progressively sensitised to drug control issues and debates, as the UNGASS gets closer. This is particularly important as around 70 member states (i.e., more than one-third of the 193 UN Member States) do not have permanent representation in Vienna, so are effectively excluded from most of the CND discussions. The decision, in the omnibus resolution, to hold ‘a high level thematic debate’ in New York in 2015 is welcome news in this regard as this will give this wider audience the opportunity to review all materials and perspectives at diplomatic and expert level, before the UNGASS begins and the political leaders are present.

2) Ensuring broad and inclusive participation in the UNGASS and its preparations

The critical need for the UNGASS process to be broad and inclusive has now been reaffirmed by the General Assembly and the mandate for making this happen falls to the CND as the lead body for the preparations:

‘Reaffirms its decision, as recommended by the CND, that the Special Session of the General Assembly on the World Drug Problem in 2016 will have an inclusive preparatory process that includes extensive substantive consultations, allowing organs, entities and specialized agencies of the United Nations system, relevant international and regional organizations, civil society and other relevant stakeholders to fully contribute to the process in accordance with the relevant rules of procedure and established practice;’ (Omnibus resolution, para. 45)

¹ Available here: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/2014/28>

The CND and its secretariat now need to ensure that this mandate is fulfilled, with specific reference to:

UN Agencies:

It is important that all relevant UN agencies are meaningfully engaged through the following mechanisms:

- Inviting all relevant UN agencies to have a full presence, and full speaking rights, at each of the preparatory workshops
- Holding a 'UN Agency Session' as part of the 58th CND timetable, at which each agency can present its report on the impact of drug control on its mandate and areas of responsibility
- Maintaining regular two way communication with the UN System Task Force on Transnational Organised Crime and Drug Trafficking. This Task Force should also be mandated to develop a collective 'one UN' statement on drug control policy to inform the UNGASS debates.

Civil Society:

We welcome the written commitment to ensure the meaningful involvement of civil society. This commitment must be fully realised through support for the Civil Society Task Force (CSTF)² in the following ways:

- Ensuring that the CSTF receives the funding it requires so that it can ensure the participation of a broad and geographically diverse cross-section of civil society actors in the UNGASS process
- Ensuring the adequate presence, with full speaking rights, of civil society experts in each of the workshops
- Inviting suitably qualified non-governmental experts to give introductory presentations to each workshop, and ensure that a true debate is possible by avoiding the presentation of pre-determined country statements and speaking lists
- Holding a formal civil society hearing in New York at least three months before the UNGASS itself, with a summary of the hearing to be prepared by the President of the General Assembly, to be issued as a document of the General Assembly prior to the UNGASS.
- During the UNGASS, there must be meaningful and visible speaking slots for civil society representatives and a civil society marketplace within the venue. This includes ensuring several seats for civil society representatives alongside expert speakers at the high-level workshops.
- Allowing non-accredited NGOs to observe the UNGASS proceedings on a non-objection basis.

The other key item for debate at this Intersessional is the 'non-paper' circulated by the current Chair of the CND, Ambassador Shamaa, covering the 'modalities', and including a draft provisional agenda with substantive high-level workshop topics to take place during the UNGASS. There are a number of considerations to take into account when discussing these proposals from the perspective of seeking to ensure a broad, inclusive and forward-looking debate:

- There is still a clear push from the CND Chair to limit the terms of the debate to a review process that focuses on the operational implementation of the 2009 Political Declaration and Plan of Action. This will detrimentally pre-determine the scope of debate, and the potential impact, of the UNGASS and conflicts with its original conception – which was to be a forward-looking and open debate on the future of international drug control.³ There should be dedicated space within the UNGASS agenda for a genuine discussion of 'what works and what does not' (as stated in para. 7 of the non-paper) which leads to proposals for future options and actions that should not be confined to the implementation of existing policy documents, but actually looks beyond them.
- The role of the scientific community within the proposed agenda does not seem to be as prominent as would be necessary to ensure that the UNGASS debates be grounded in evidence. At the 57th Session of the CND, the scientific consensus statement that was presented at the start of the high-level meeting was crucial to informing the deliberations that ensued. The format for the UNGASS should create a similar

² The CSTF will be launched by the Vienna NGO Committee and the New York NGO Committee in Vienna on the 3rd December during the lunch recess.

³ The provision was made in General Assembly resolution 67/193 paragraphs 44 -47 (http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/193)

opportunity for the deliberations to be informed by evidence. This should be formalized in some way as part of the process, independent of the political interventions by member States.

- There is a serious need to review the proposals for the outcome document and the proposed final session, 'Conclusions – outcome of the Special Session' (UNGASS agenda item 10). The wording here (and within para. 7 of the non-paper) indicates that the CND would prepare recommendations, which would then simply be adopted by the General Assembly at the end of the UNGASS, when there would also be a presentation of 'summaries of the salient points discussed during the workshops'. Firstly, to limit the UNGASS outcomes to the 'adoption of the action-oriented recommendations prepared by the CND' both appears to negate the need for deliberations to take place at the level of the General Assembly and excludes the possibility that the General Assembly may also wish to consider recommendations provided by others (not via CND). Secondly, for the summaries of the workshops to be presented at the same time that the outcome is adopted suggests that they would have no bearing on the actual contents of the outcome document even though the workshops are likely to be when the substantive debates on the most pressing issues of concern will take place. There should be some mechanism built into the process for recommendations to be put forward and debated not just from the CND, but from other stakeholders (e.g. scientific experts and civil society) which could be through the series of proposed preparatory workshops that will take place prior to the UNGASS.
- Given the experience of negotiating the 2014 High Level Statement, member states are understandably not keen to spend months of negotiations over the exact wording of a long UNGASS declaration. The wish to avoid lengthy negotiation of a bland consensus statement seems reasonable, but to ensure that the UNGASS is productive, any political statement emerging from the UNGASS could be supplemented by a small number of Action Plans in areas where it is clear further work is needed – for example in facilitating access to essential medicines, or disseminating evidence and best practices in demand reduction.
- The proposed substantive topics for the workshops are generally welcome in the breadth of the subjects they cover, but a separate 'fifth workshop' that is specifically dedicated to the issue of access to essential medicines should be considered – there is general acknowledgement that this 'second responsibility' under the Conventions has received far too little attention for decades, with disastrous consequences in many parts of the world. The UNGASS is an opportunity to make a step change in the international community's commitment to facilitating access to controlled drugs for medical purposes, and this challenge should not be relegated in discussions to a sub-item on the health workshop.

The International Drug Policy Consortium (IDPC) is a global network of more than 120 civil society organisations that come together to promote objective and open debates on national and international drug policies. The network has agreed five main 'asks' that the Consortium members will collectively call for between now and 2016. These 'asks' have been developed through detailed consultations with IDPC members and partners will each be the subject of more detailed briefing papers in the coming months:

- **ASK 1: Ensure an open and inclusive debate**
- **ASK 2: Re-set the objectives of drug policies**
- **ASK 3: Support policy experimentation and innovation**
- **ASK 4: End the criminalisation of the most affected populations**
- **ASK 5: Commit to the harm reduction approach to improving health and welfare of drug users**

For more detail on the IDPC UNGASS asks please see this link: <http://idpc.net/publications/2014/10/the-road-to-ungass-2016-process-and-policy-asks-from-idpc>.

International Drug Policy Consortium
Fifth Floor, 124-128 City Road, London
EC1V 2NJ, United Kingdom

Tel: +44 (0) 20 7324 2975
Email: contact@idpc.net
Web: www.idpc.net