

IDPC Advocacy Note

The United Nations drug control system: A time for carefully planned reform

December 2012

The International Drug Policy Consortium (IDPC), in collaboration with the Social Science Research Council and the Permanent Mission of Guatemala to the United Nations, is hosting a lunchtime seminar on December 7th.¹ This event is targeted at New York-based diplomats and UN officials and will highlight the issues emerging around drug policy debates, and to give details of some of the reform processes that are currently receiving press and political attention.

Sir Richard Branson will be speaking at the lunchtime seminar on behalf of the Global Commission on Drug Policy, and there will also be presentations on current initiatives from Mexico, Guatemala, Colombia, Uruguay and the USA. In this note, we try to place these specific processes in the context of a long term trend towards reform.

For decades, the United Nations Secretariat and agencies, as well as country delegations, based in New York, have largely left the discussion of drug control policy to the lead institutions based in Vienna – the United Nations Office on Drugs and Crime (UNODC), the International Narcotics Control Board (INCB), and the Commission on Narcotic Drugs (CND).² The last General Assembly Special Session on drugs was held in 1998, and the annual debate on drugs in the third committee has traditionally been a process of rubber-stamping the ‘omnibus resolution’ drafted in Vienna, and approved through ECOSOC.

For very good reasons, this ‘hands off’ approach in New York is changing:

- The negative consequences of a repressive approach to drug control on health, human rights and development is increasingly recognised, leading to calls for greater coherence between drug control strategies and other areas of UN activity.
- The law enforcement orientation of the Vienna structures leads to a bias in favour of enforcement perspectives and institutions when these strategic issues are discussed. The role of the Vienna based structures is to uphold and implement the system articulated in the 1961 Single Convention on Narcotic Drugs, so they are not well placed to lead a balanced debate on reforms.
- A growing number of initiatives at local and national level that directly challenge the provisions of the drug control conventions are emerging, creating the risk that, without carefully planned reforms, adherence to the system will become fragmented and unsustainable.

It is therefore welcome that the drug policy issue is now receiving much more attention in New York:

- The Global Commission on Drug Policy presented its initial findings³ in June 2011 to Ambassadors and senior UN officials, calling for ‘breaking the taboo’ on a more open drug policy debate.
- In 2011, the Secretary General established, within his Department of Political Affairs, a United Nations System Task Force on Transnational Organised Crime and Drug Trafficking.

¹ To access the invitation, please visit: http://dl.dropbox.com/u/64663568/events/Invitation_Drug-Policy-Reforms-at-national-and-local-levels.pdf

² For more information, please visit: <http://idpc.net/policy-advocacy/global-advocacy/global-drug-control-system>

³ Global Commission on Drug Policy (2011), *War on drugs*, <http://idpc.net/publications/2011/06/war-on-drugs-report-of-the-global-commission-on-drug-policy>

- The General Assembly held a one-day debate on Drugs and Development in June 2012, designed to illuminate the difficult interactions between drug trafficking, drug control strategies, and the achievement of social and economic development goals. IDPC ran a briefing session in the margins of this debate, pointing to situations where drug control activities were actually undermining development objectives.⁴
- In October 2012, the Ambassadors of Mexico, Guatemala and Colombia (countries that have suffered most from violence and insecurity associated with drug markets) wrote to Ban Ki-moon emphasizing the urgent need for reform, and calling on him to take an initiative in that regard.
- The third committee has recently concluded a more meaningful debate on the omnibus resolution that commits the General Assembly to holding a Special Session on Drugs in 2016.

The current UN drug control system is enshrined in the 1961 Single Convention on Narcotic Drugs, supplemented by two further conventions – the 1971 UN Convention on Psychotropic Drugs and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. These have been almost universally signed and ratified by member states but, from the outset, many of them have had difficulties complying with both the spirit and the letter of these Conventions.

The drug control system encapsulated in the Conventions calls on member states to take all practical measures to prevent the non-medical use of a wide range of psychoactive substances, through restrictions on production and supply, and by suppressing demand. In practice, a large number of member states have never given a high priority to the enforcement of the provisions of the Conventions, and many have progressively introduced reforms that utilise the flexibilities and 'grey areas' in the conventions to pursue strategies that are more suited to the situation in their countries, for example:

- Many governments have turned a blind eye to socially and culturally embedded uses of controlled drugs (such as cannabis, opium and coca leaf) in their territories.
- The Dutch government has taken a tolerant attitude to the consumption and retail sale of cannabis.
- Many governments have introduced pragmatic public health measures that focus on reducing the health risks associated with drug use (for example needle and syringe programmes and drug consumption rooms). These measures have proven successful in reducing HIV transmission and drug-related deaths, and are officially promoted by UNAIDS and WHO.
- A growing number of governments are implementing depenalisation or decriminalisation measures in order to move away from the mass imprisonment of people who use drugs and non-violent drug offenders.

These tolerant approaches have been justified on the basis that they do not bring a member state into direct contravention of the letter of international law but they have been the subject of extensive debate as to whether they are in keeping with the original 'spirit' of the Conventions.

These debates originally took place within a seemingly solid consensus that forms the basic tenets of the international system – that non-medical use should remain illegal, that consumers should be punished, and that production and supply should be eradicated at all costs. But this consensus has been progressively fracturing, and there are now direct challenges to the system emerging from some countries, that cannot be dealt with as 'grey areas':

- **A group of Latin American leaders** are responding to the devastating impact of the power and wealth of organised crime in their countries, largely driven by profits from illicit drug

⁴ For more information, please read: International Drug Policy Consortium (2012), *IDPC Advocacy Note – Drugs, crime and development: The need for system-wide coherence*, <http://idpc.net/publications/2012/06/idpc-advocacy-note-drugs-crime-and-development-the-need-for-system-wide-coherence>

markets, by calling for a fundamental review of drug policies, including the consideration of regulated markets.

- **The Uruguayan Government** is pursuing a proposal through parliament that will establish a state-controlled legal and regulated market for cannabis.
- **The Bolivian Government** has clearly stated (and is constitutionally committed to) its support to the indigenous practice of coca leaf chewing and, after receiving little support from the international community to their proposal for a small amendment to the relevant clause in the 1961 Convention, have withdrawn totally from the Convention, with a view to re-acceding with a reservation in 2013.
- **The Organisation of American States** is currently conducting a formal regional review of drug policies, with a view to producing a report on options for future policy and strategy in 2013.
- **The recent Ibero-American Summit** held in Cadiz, Spain issued a statement on 17th November calling on the United Nations to hold a Special Session to assess the achievements and limitations of the current system.
- **During the recent US elections**, two states passed ballot initiatives that allow the legalisation of cannabis for personal consumption, and the establishment of mechanisms to manage a legal market for cultivation and sale. These are likely to be the first of many cases where public opinion drives the political process to move away from the current regime.

All of these processes and initiatives either raise questions about the current drug control regime, or are a direct challenge to it. For a system that relies so heavily on international co-operation and shared responsibility, these challenges need to be taken seriously, and a careful process of reform – that brings greater balance and coherence to the drug control system – needs to be led by the United Nations. The recent commitment to hold a Special Session on Drugs in 2016, and in particular the promise of an ‘intense preparatory process’, gives a perfect opportunity for the UN community in New York to manage this complex and important task with care.

The International Drug Policy Consortium is a global network of non-government organisations and professional networks that specialise in issues related to illegal drug production and use. The Consortium aims to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harm. It produces briefing papers, disseminates the reports of its member organisations, and offers expert consultancy services to policy makers and officials around the world.

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