

Upcoming Report of the High Commissioner 'Civil society space in multilateral institutions'

Contribution by the International Drug Policy Consortium

October 2017

Introduction

The **International Drug Policy Consortium** (IDPC, www.idpc.net) is a global network of 177 NGOs coming together to promote drug policies grounded in the principles of health, human rights, development, social inclusion, human security and civil society participation.

IDPC welcomes the call for contributions from the Office of the High Commissioner for Human Rights (OHCHR) for the preparation of its upcoming report on 'Civil society space in multilateral institutions', as mandated in Human Rights Council Resolution 32/31: 'Civil society space'. Ensuring meaningful civil society participation in drug policy debates is at the core of IDPC's mandate, and the network has worked tirelessly to facilitate civil society participation at key UN forums on global drug control.

The latest UN General Assembly Special Session (UNGASS) on drugs was held from 19th to 21st April 2016 in New York.¹ This event was a key opportunity for civil society to influence international drug policy. A large group of professional NGOs with expertise on drugs, human rights, HIV/AIDS, palliative care, development, criminal justice reform, children, gender, etc. came together to offer inputs and recommendations at the occasion of the UNGASS.² A Civil Society Task Force (CSTF)³ was also created as the official mechanism for NGO engagement in the UNGASS process.

Despite this vibrant, growing and organised NGO movement, civil society was confronted with a wide range of obstacles which prevented their meaningful engagement at the UNGASS. In this contribution, IDPC wishes to highlight some of these shortcomings and provide recommendations for the way forward.

Bureaucratic barriers to NGOs attending UN events in New York

One of the most preventable barrier to NGO engagement at the UNGASS was the incredibly bureaucratic and restrictive access to the UN sessions.

The day before the UNGASS, on 18th April, the CSTF organised a 'Civil Society Forum' featuring the President of the General Assembly among others, and a number of civil society speakers from various regions of the world. Over 400 people registered for the Forum, but three days before the event the CSTF was advised that only 129 Special Event Passes could be issued for civil society. As a result, hundreds of delegates, who had flown in from

¹ See: www.ungass2016.org and: International Drug Policy Consortium (2016), *The UNGASS on the world drug problem: Report of proceedings*, <http://idpc.net/publications/2016/09/the-ungass-on-the-world-drug-problem-report-of-proceedings>

² See: http://www.unodc.org/ungass2016/en/contribution_ngos.html

³ See: <https://www.cstfondrugs.org/>

all over the world and waited in line at 8:00 am on Monday 18th April to attend the event (some for up to three hours) were turned away.

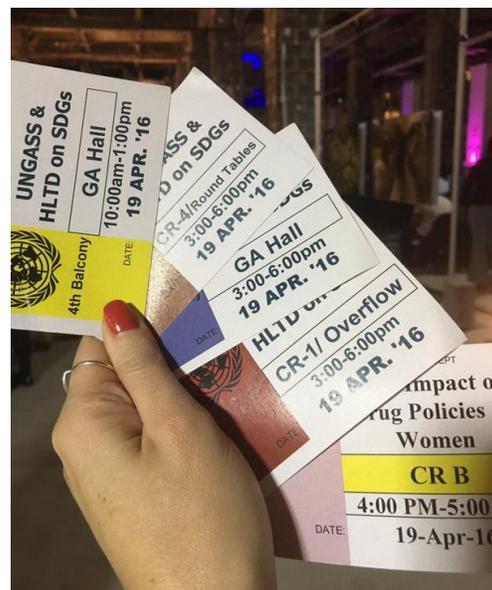
During the UNGASS itself, there were countless issues faced by NGOs wishing to participate in the debates. The UN Department of Economic and Social Affairs (UN DESA) issued an informational sheet on passes a few weeks prior to the meeting advising that delegates from ECOSOC-accredited NGOs would not need Special Events Passes to attend the UNGASS proceedings. Relying on this guidance, many delegates from ECOSOC-accredited NGOs did not obtain a Special Events Pass. They were admitted to the opening session with their ECOSOC passes until midmorning on the first day of the event, at which time security changed the rule and started turning ECOSOC-accredited NGOs away. Many NGO representatives (including three of the four Steering Committee members of the CSTF) were denied the opportunity to watch the opening session in the room but were steered to the overflow room instead. Once capacity was reached in the plenary, those with Special Events Passes were also turned away and steered to the overflow room. However, since their passes did not admit them to the overflow room, they were denied access. Therefore, dozens of NGO delegates spent the opening session waiting in the hallway.

We were later informed that those with Special Events Passes for the official UNGASS sessions were not permitted to attend any of the hundreds of side events held during the Special Session unless they had an event-specific pass – meaning that each one hour-long side event required their own pass, with no set process on how and where to retrieve them. Member States themselves were not aware that they were responsible for providing passes to the events. In addition to preventing NGO participants from attending side events, it also affected NGO speakers and organisers who were unable to attend their own side events.

The Special Events Passes for the UNGASS sessions and side events were justified as providing extra security in the UN building. In practice, this process did not actually provide heightened security as the passes consisted of anonymous coloured paper cards (see photo below) which could easily be traded both inside and outside the UN building. NGOs were required to wait in line for hours each morning at a street corner near the UN Building to retrieve a pass (see photo below). Changes in locations to retrieve the passes were confusing; and modifications in security requirements were made without notice. Furthermore, only a limited number of passes were distributed to NGOs for each roundtable/plenary session with no choice provided to NGOs on which sessions they wished to attend. Yet, the rooms were almost empty, and many people were turned down when asked if they could attend. This was particularly the case on the second and third days of UNGASS.



NGOs waiting in line to retrieve their daily pass to attend the UNGASS sessions



Paper passes to attend UNGASS sessions and side events

In addition, despite multiple requests from the CSTF for a table for NGO literature near the UNGASS meeting room, no such space was ever provided to disseminate NGO materials, and no instructions were made available for NGOs to send documentation to the UN building. A sign-on letter was reportedly seized from several NGO delegates at the door, on the grounds that this was 'propaganda'. This was a policy document signed on to by ECOSOC and non-ECOSOC NGOs and there were no legitimate grounds to remove the document from civil society representatives. Various NGO representatives also reported that their publications had been removed from the UNGASS room by UN security staff, without explanations as to why.

As for NGO participation in the debates, civil society speakers had to be nominated ahead of time to make interventions from the floor, with no possibility of being added to the list of speakers at the event itself. A group of youth-led NGOs, for instance, requested a speaking slot repeatedly, in particular at the roundtable on human rights, children, youth, women and communities, but was never called upon to make a statement.⁴

On 18th April, the first day of the UNGASS, the CSTF and other NGO representatives spent hours raising these concerns with UN DESA representatives, UN security officers, the CND (Commission on Narcotic Drugs) Secretariat, UNODC (United Nations Office on Drugs and Crime), and the Office of the President of the General Assembly. However, the discussions led nowhere with each body refusing to take responsibility, and no solution was found to address the ongoing obstacles to NGO participation in the event. The CSTF Steering Committee were also informed that the President of the General Assembly would address the difficulties faced by civil society in his closing remarks, but he failed to do so.

Lack of meaningful NGO engagement in UNGASS negotiations

Another point of significant concern was the negotiations of the Outcome Document – the consensus-based declaration adopted at the UNGASS. NGOs, government delegates and UN agencies were invited to submit official contributions to feed into the final document,⁵ but these were largely ignored during the negotiations. In addition, the document was entirely negotiated behind closed doors, with no possibility for civil society to attend as observers. Although IDPC is well aware of the multi-governmental nature of UN processes, the NGO community was left baffled by the bureaucratic and opaque nature of the negotiation of the UNGASS Outcome Document.

Broader political obstacles to NGO involvement

Two months after the UNGASS, a High Level Meeting on HIV/AIDS took place at the UN General Assembly, where NGOs were faced with similar bureaucracy to that of the UNGASS. However, denial of NGO participation went even further at the High Level Meeting. There, 22 associations representing key affected populations (people who use drugs, sex workers and men who have sex with men) were excluded from even attending the High Level Meeting upon request from Russia, Egypt, Cameroon, Sudan and Tanzania – an unacceptable censorship of representatives of affected groups.

In addition, NGOs continue to face difficulties in obtaining ECOSOC accreditation, which is a major obstacle to their participation in all UN proceedings – and an issue going far beyond participation in the 2016 UNGASS. For instance, a Human Rights Watch report recently highlighted China's role as member of the ECOSOC NGO Committee in blocking human rights NGOs from being granted ECOSOC accreditation. IDPC's member, Asia Catalyst, for example, was denied accreditation at the latest ECOSOC meeting, and it is very likely that China

⁴ Merrigan, S. (2016), 'How the UN drugs summit excluded young voices and failed youth all over the world', *The Influence*, <http://theinfluence.org/how-the-un-drugs-summit-excluded-young-voices-and-failed-youth-all-over-the-world/>

⁵ See: <http://www.unodc.org/ungass2016/en/contributions.html>

played a role in the decision.⁶ Other member states such as Russia have also blocked ECOSOC accreditation from being granted to human rights and drug policy reform NGOs.

Positive elements of civil society participation at the UNGASS

Despite the many shortcomings described above, the 2016 UNGASS did provide space for civil society engagement. In addition to the plenary session, the UNGASS also included five thematic roundtables, with a panel discussion followed by interventions from the floor. At each panel discussion, a presentation was made by a civil society representative identified by the CSTF, and there was space for interventions from the floor for five NGO representatives for each roundtable. At the plenary session, five NGOs were also given the floor – although at the very end of the proceedings, when the General Assembly room was two thirds empty.

Ahead of the UNGASS, a series of preparatory events were held in Vienna, offering more visibility for civil society. For instance, at the margins of the 2015 and 2016 Commission on Narcotic Drugs (CND), special preparatory events were held and invited NGOs to make statements in between those from member states – a positive process ensuring that NGO statements are effectively heard, and not allocated at the end of each session when the room is almost empty. This trend continued during the post-UNGASS process, under the leadership of the Post-UNGASS Facilitator, H.E. Ambassador Pedro Moitinho de Almeida.⁷

As UN member states are now preparing for the next high level segment on drugs planned for March 2019, we hope that lessons can be learned from the UNGASS shortcomings and that improved processes will be established to ensure meaningful civil society engagement – in line with CND Resolution 60/1: 'Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019'.⁸

Recommendations

We call on the OHCHR to put forward the following recommendations in its final report:

- **Recognise NGOs as experts** able to feed positively and constructively on a wide range of issues, and not a 'problem' to be avoided, or a 'ticking the box' exercise, as was commonplace throughout the UNGASS debate (for example on the NGO contributions to the UNGASS which were posted on the UNGASS website but never truly considered during the debates).
- **Ensure that NGOs are able to attend UN events** without unnecessary bureaucracy. This can easily be achieved by following and clearly communicating the rules of procedure established by ECOSOC to ensure that NGOs accredited by ECOSOC are ensured access to UN meetings without discrimination.
- **Ensure that NGOs are offered sufficient space to engage** meaningfully during UN debates via statements at panel discussions and regular interventions from the floor, especially for affected groups such as people who use drugs, subsistence farmers growing crops destined for the illicit drug market, affected youth, etc.
- Bearing in mind the multilateral nature of UN proceedings, ensure that **debates and negotiations remain transparent**, allowing NGOs to attend key events as observers.
- **Ensure that NGOs are not denied access to UN meetings or ECOSOC accreditation** purely on political grounds.

⁶ See: Human Rights Watch (2017), *The costs of international advocacy: China's interference in United Nations Human Rights Mechanisms*, <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>

⁷ For more information about the CND intersessional meetings on the Post-UNGASS Process, visit: <http://www.unodc.org/postungass2016/en/follow-up-process.html> and www.cndblog.org/ungass

⁸ Resolution available here: http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_60/CNDres_2017/Resolution_60_1_60CND.pdf