

IDPC ADVOCACY NOTE

THE UNITED NATIONS DRUG POLICY REVIEW – ISSUES NOT COVERED IN THE WORKING GROUPS

The International Drug Policy Consortium (IDPC) is a global network of NGOs and professional networks that specialise in issues related to illegal drugs. 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 and take a development-oriented and rights-based approach. It produces occasional briefing papers, disseminates the reports of its member organizations about particular drug-related matters, and offers expert consultancy services to policymakers and officials around the world.

BACKGROUND

In 1998, the world community gathered in New York for a United Nations General Assembly Special Session (UNGASS) to review and strengthen the global drug control system. The outcome of that meeting, attended by political leaders from over 180 countries, was a political declaration that committed member states to work together towards “eliminating or reducing significantly the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008,” as well as “eliminating or significantly reducing the illicit manufacture, marketing and trafficking of psychotropic substances, including synthetic drugs, and the diversion of precursors,” and “achieving significant and measurable results in the field of demand reduction.” The UNGASS also agreed a series of action plans designed to meet those objectives, and agreed to conduct a high-level review of progress and achievements after 10 years. It is this 10-year review that is currently being conducted by member states and the lead UN agency, the Vienna-based United Nations Office on Drugs and Crime (UNODC).

When member states gathered in March at the 2008 Commission on Narcotic Drugs (CND), they held a two-day thematic debate on the extent to which the objectives set in 1998 had been met, and the challenges that remain. While this debate fell some way short of a comprehensive review of the experience of the last 10 years, many of the government and UN speeches recognised that the hoped-for significant reductions in the supply of, and demand for, controlled drugs had not been achieved, and that new challenges had emerged that should be given more prominence within international agreements and action plans. At the 2008 CND, a process for completing the review, and for mapping out a way forward for the global drug control system, was agreed – culminating in a high-level political meeting to be held in Vienna in March 2009.

THE PROCESS

Member States have agreed that five working groups will be established, that will consider progress related to each of the action plans agreed in 1998. These working groups will cover, respectively:

- Supply reduction (manufacturing and trafficking); 23-25 June 2008 (3 days)
- Countering money-laundering and promoting judicial cooperation; 30 June-2 July 2008 (2 ½ days)
- International cooperation on the eradication of illicit crops and on alternative development; 2-4 July 2008 (2 ½ days)
- Drug demand reduction; 15-17 September 2008 (2 ½ days)
- Control of precursors and Amphetamine-Type Stimulants; 17-19 September 2008 (2 ½ days)

These groups will meet just once, and are open to all UN member state governments. NGOs cannot attend the working groups, but non-governmental experts can be included in any member state’s delegation to the meetings. Each working group will debate the contents of a discussion document produced by the UNODC, and will seek to bring forward proposed text on their specialist area by October 2008 for discussion at a series of intersessional meetings of the CND. In turn, these intersessional meetings will aim to bring forward materials for agreement at the political meeting in March 2009. While the final format of the outcome of that meeting is yet to be decided, it is likely that the focus will be on a political declaration. The outcome of the working groups is therefore crucial, and NGOs can influence this process by bringing forward ideas for the groups that cover their area of interest, and encouraging government delegates to introduce (and fight for) humane and effective policies and programmes to be incorporated into the forward programme. However, there are a number of important issues, the resolution of which are crucial to a successful outcome of the review, that do not fit easily into the agendas of the working groups. The action plans agreed in 1998 (and therefore the agendas of the working groups) reflected the political priorities and diplomatic battles of the time, so do not necessarily address all of the key drug policy issues of 2008. NGOs and member states should therefore seek to ensure that these issues are given due prominence in the review process, and that positive ways forward are agreed on each.

WHAT TO ADVOCATE FOR?

On each of the issues below, the IDPC will be urging member states to bring forward constructive proposals that can be incorporated into the final agreements at the 2009 meeting, either through the working groups, or at the intersessional stage:

BALANCE OF OBJECTIVES – Since its inception, the global drug control system has been focused on reducing the overall scale of the illegal market through efforts to reduce the production and distribution of controlled drugs. The UNGASS in 1998 was significant in that, for the first time, prominence was given to the reduction of demand for drugs through prevention and treatment programmes. While this was a welcome

refinement of objectives, the clear majority of political commitment and financial resources, at national and international level, continued to be focused on law enforcement responses to drug problems. As it is becoming clearer that the best we can expect from such responses is a 'contained' illegal drug market, a further rebalancing of objectives is necessary through this review – to achieve a balance between reducing the overall scale of the drug market, and reducing its negative health and social consequences. Many member states have national policies that have found this balance - pursuing policies and activities that address the negative consequences of drug markets, in parallel with activities that aim to reduce the scale of that market. The next phase of UN drug control, if it is indeed to be 'fit for purpose', should be guided by a clear articulation of the overarching objectives of the international community. These should be based on the fundamental principles of the UN charter, and achieve a balance between supply reduction, demand reduction, and the reduction of the negative consequences.

DATA COLLECTION AND ANALYSIS – Reliable information on the drug situation, and the policies and responses to it, is an essential foundation for effective policy and programme development. The system for data collection put in place by the 1998 UNGASS has clearly improved the ability of the international community to assess the global situation, and other analytical and research advances in the last 10 years have significantly improved our ability to understand the nature of drug problems, and the effectiveness of responses. However, we have to acknowledge that there remain significant weaknesses in the current system: current methods for measuring drug cultivation, distribution and consumption are insufficiently objective - relying heavily on self-reporting by governments - and often give divergent or contradictory results. Any future UN programme, if it is to be at all evidence-based, needs to include a strengthened commitment to objective data collection and analysis, that includes an improved mechanism for data reporting by member states, stronger collaborative arrangements with other intergovernmental and non-governmental centres of expertise, and enhanced capacity within the UNODC for the collation and interpretation of this and other relevant information. To this end, the agreements at the 2009 political meeting should include a resolution to establish a process for the modernisation and upgrading of the data collection, analysis, and reporting function.

SYSTEM WIDE COHESION – This is an important concept within the overall United Nations reform process – that where the work of several UN agencies and commissions impacts on a particular issue, these agencies co-ordinate their policies, strategies and programmes to 'speak as one' on that issue. Significant effort is being expended within the UN to promote system wide cohesion in many areas, but the drugs issue has not yet been addressed in this regard. This needs to be addressed, as the policy challenges associated with controlled drugs cut across many areas of government and UN activity – law enforcement, health, social and economic development, and human rights. At national government level, most countries (encouraged by the UN) have established strong co-ordination mechanisms to balance the concerns and objectives of each area behind a 'joined-up' strategy. No such mechanism exists within the UN, leading to a situation where the various agencies and commissions are insufficiently aware of each others work, and sometimes take different and contradictory positions on particular issues. On the drugs issue, there has been significant progress in recent years in the convergence of high level policy statements, but the mechanisms for turning this into co-ordinated global strategies and programmes are weak. The outcome of this review should therefore include a resolution to establish a process for the creation of a high-level co-ordination function that brings together the drug related work of the UNODC, UNAIDS, WHO, UNDP, UNICEF, UNFPA, and the Human Rights Treaty Bodies.

HUMAN RIGHTS – Given the wide potential for activities pursued in the name of drug control to breach the fundamental rights and freedoms enshrined in the UN charter, it is remarkable that this area of 'system cohesion' has received so little attention in the formulation, implementation and review of international drug control policy. This situation cannot be allowed to continue. Encouraging steps have been taken with extensive discussion of the issue at the 2008 Commission on Narcotic Drugs, and the clear statements from the Antonio Costa that human rights should be placed at the centre of the drug control system. The outcome of the 10 year review must include a clear commitment to a rights-based drug policy that includes:

- A clear statement in the political declaration that the drug control system exists to promote the health and welfare of mankind, including the protection of fundamental rights and freedoms.
- A commitment to greater joint working between the UNODC and INCB on the one hand, and the office of the Human Rights Commissioner and the human rights treaty bodies on the other.
- The creation of a stronger mechanism for these bodies to identify and respond to situations where member states are implementing drug control activities that breach human rights standards and norms.

THE INTERNATIONAL NARCOTICS CONTROL BOARD - Despite having significant flexibility within the mandate given to it within the drug control conventions, the work of the INCB has been highly focused on attempting to maintain the commitment of member states to strong, law enforcement based policies and programmes. This imbalance has led to its habit of criticising member states for pursuing activities that it considers as too tolerant of drug use, whatever their public health benefits (for example needle exchange, consumption rooms), while remaining silent in instances where member states clearly breach human rights, or their obligations to protect their citizens, in pursuit of drug control objectives (for example, the death penalty or extrajudicial killings, or the denial of essential health services). Add to this the culture of secrecy in the operation of the INCB, and its unwillingness to engage in an open debate with member states and civil society on the issues it deals with, then we have to conclude that it is not currently 'fit for purpose' within a modernised global drug control system. While there seems to be no need to review or amend the legal basis of the INCB, the outcome of the 10 year review should include an agreement to establish a working group to review its priorities and methods of operation.

Further details, and relevant reports and analysis, on the 10-year review can be found on a special section of the IDPC website (www.idpc.info) or on a website created by TNI (www.ungassondrugs.org). If you have any questions or comments on this advocacy note, send them to IDPC at mt@internationaldrugpolicy.net.