

IDPC ADVOCACY NOTE

THE 'ANNEX' OF THE UNITED NATIONS DRUG POLICY REVIEW POLITICAL DECLARATION

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

The process of review of the objectives and action plans agreed at the 1998 UNGASS has reached a critical stage – following the thematic debate at the 2008 Commission on Narcotic Drugs, and the five expert working groups held in Vienna over the summer, the attention now moves to the political process of negotiating the text of a political declaration to be agreed at the high level meeting in March 2009.

The thematic debate in the 2008 CND was meant to be a comprehensive review of the data, analysis and opinions of member states on the progress made since 1998 in international drug control, and the challenges that remain. While some useful debate took place, this assembly of UN member states did not get to grips in any meaningful way with the problems and unintended consequences of the drug control system.

The series of intergovernmental expert working groups held over the summer did provide more time and space to examine the issues in more depth, but were more intergovernmental than expert – very few civil society experts were involved in the meetings, and too much time was taken up with procedural wranglings and diplomatic positioning. However, the reports of the working groups did contain many examples of useful analysis and language that could be incorporated into the political declaration and its annex.

THE DRAFT ANNEX

The Chairperson of the CND (Her Excellency Selma Ashipala, the Ambassador of Namibia in Vienna) has circulated a draft of the annex of the proposed political declaration (available on the IDPC website – www.idpc.info) that will form the basis of discussion between government representatives in a series of negotiating meetings held in Vienna during November and December 2008. Ms Ashipala has indicated that a draft of the main body of the declaration will be presented later, once the contents of the annex have been debated. While it is possible that member states will amend this approach and timetable at the first negotiating meeting on November 3rd, the focus for advocacy for the next two months is likely to be around the issues covered in this annex.

The draft annex has been in large part faithful to the discussions and conclusions of the working groups. It divides the annex into 6 sections that broadly mirror the Action Plans agreed in 1998:

- Drug Use and Dependence Prevention, Treatment, Care, and Rehabilitation.
- Reducing the Illicit Supply of Drugs
- Control of Precursors and Amphetamine Type Stimulants
- International Co-operation on the Eradication of Illicit Drug Crops, and on Alternative Development.
- Countering Money Laundering
- Judicial Co-operation

While this range of headings represents consistency with the 1998 Action Plans, there are some problems with continuing with the same typology. First, there is a lack of balance and logical consistency – there is one heading to cover all the demand issues (including health and social consequences) while there are five covering various aspects of supply reduction. Indeed, the last four can be considered as specific areas of action within the overall pillar of supply reduction, rather than headings in their own right. This

typology therefore exacerbates the continuing imbalance of political priority towards supply reduction efforts within the system. A more logical approach would be to divide the document into just two sections – supply reduction and demand reduction – and add a third section dealing with new and emerging challenges. Indeed, the CND resolution 51/4, that originally set out the call for a political declaration, calls for it to cover ‘priorities and areas requiring further action, as well as goals and targets to be set in countering the world drug problem beyond 2009’.

The other problem relates to themes that do not fit easily into the 1998 framework, such as the availability of controlled substances for medical uses, the need to work within human rights frameworks, the need to improve data collection, or the functioning of institutions. These issues have received some attention in the process so far but, as they do not fit comfortably under one of the action plan headings, need to be addressed more prominently in the next stage of the process as ‘cross-cutting’ issues.

A number of member states have already raised questions and concerns about the proposed structure of the declaration and annex, so it is possible that the eventual approach may be different to the current draft – and proposals for improved language will need to be amended accordingly. This advocacy note therefore concentrates on the general issues to be addressed in the next stages of negotiation, rather than proposing specific language.

HOW TO INFLUENCE THE DRAFT

The process of negotiating the text of the Annex is entirely a governmental one, so the only way to influence the outcome is to persuade those government representatives present at the negotiating meetings to promote ideas and language that are consistent with our principles and positions. Most of the delegates at these negotiations are the foreign affairs representatives of member states, who are permanently based in Vienna, but they will be working with their colleagues in their national capitals to agree their positions. NGOs can therefore promote their issues and positions directly to Vienna representatives, or to government officials in national capitals. It is also possible for governments to include an NGO expert in their delegation to these meetings, so if you have a strong relationship with your national government, you may wish to request this. In the case of EU member states, there is a process by which the 27 countries attempt to agree and refine a consolidated position through the monthly ‘Horizontal Drug Group’ meetings in Brussels, so NGOs can also feed their ideas through their national delegations to this meeting.

WHAT TO ADVOCATE FOR

From the IDPC perspective, there are a number of positive positions in the draft that need to be protected, and also several areas where important issues need to be introduced or strengthened. This note draws attention to the key issues, and calls on our network and partners to put pressure on their governments to ensure that they are positively dealt with in the final text of the annex. We will also be working with delegates to the negotiating meetings to propose specific amendments to the paragraphs in the text that reflect our principles and positions.

- **CONTAINMENT.** There needs to be honest acknowledgment of the fact that the ‘significantly reducing’ targets set at the 1998 UNGASS have not been met, and that containment of the global illegal market for controlled drugs is not currently being achieved. It is possible, however, that an objective of containment of the market can be a useful concept for future objectives, representing an acknowledgment that illegal markets cannot be eradicated, but that their scale and consequences can be addressed.
- **BALANCED APPROACH.** The political declaration and its annexes should clearly accept that supply and demand reduction should receive equal attention, and should be integrated and mutually reinforcing.
- **UNINTENDED CONSEQUENCES.** The political declaration should include an acknowledgment, such as that contained in the UNODC paper ‘Fit for Purpose’, that the implementation of the global drug control system has significant unintended consequences, such as the power of organised crime, and the stigmatisation of hundreds of millions of drug users.
- **HARM REDUCTION.** This should be clearly supported as part of the range of accepted demand reduction measures. The political declaration should specifically include the definition of harm reduction incorporated within the UNAIDS Prevention strategy, and note the importance of anti-stigmatisation activities to effective prevention of HIV/AIDS.
- **HUMAN RIGHTS.** The political declaration should have strong and clear language on the need for all drug control activities to comply with human rights obligations, with reference to the UN Charter and, ideally, specific references to the death penalty, proportionality in law enforcement, access to health services, and treatment standards, at the appropriate points in the text.
- **INCARCERATION.** There is ample evidence from around the world that widespread incarceration of people for drug possession is not effective in deterring use and reducing prevalence, puts a significant burden on public finances, and increases health risks and social exclusion. The political declaration needs to acknowledge these facts, and call on member states to find alternative strategies.
- **CIVIL SOCIETY.** There should be specific commitments to improve the involvement of civil society in the work of the UNODC, INCB and CND, and to ensure that the definition of civil society includes groups that represent drug users and growers.
- **DATA COLLECTION.** There should be a strong commitment to improving the data collection and analysis system, including specific notice of the intention to revise the ARQ/BRQ system, and a commitment to standards of objectivity in the analysis contained within the World Drug Report. There also needs to be a clear articulation of the objectives of the system, and the timescale for the next review of progress.

- **ESSENTIAL MEDICINES.** The issue of better access to opiate medicines for pain relief, and addiction treatment, should be given prominence in the text, including a specific call for member states to work with INCB and WHO on improving estimates, and removing barriers.
- **SUPPLY REDUCTION.** There should be recognition of the need for a refocusing of supply reduction objectives more towards the consequences of drug markets, not just their scale. We also want support for legislative frameworks and enforcement strategies that support and are integrated with health and social programmes.
- **ERADICATION/ALTERNATIVE DEVELOPMENT.** The text should make it clear that forced eradication is not an effective approach, and that emphasis in the future should be on development based approaches, and the right ‘sequencing’ of activities in source countries.
- **STIGMATISATION.** Throughout the document, any text that characterises drug users as universally deviant, or a threat to security and social cohesion should be removed, and replaced by language that acknowledges the complex factors that lead to drug use and dependence.

In the coming weeks and months, the debates in Vienna around the structure and content of the documents to be agreed at the high-level meeting in March 2009 will move very quickly, with every meeting likely to lead to new situations and challenges. NGOs wishing to influence this process therefore need to stay in close communication with those government officials who are involved in the process, and to check for any updates on the IDPC (www.idpc.info) and TNI (www.tni.org) websites. Specifically, the latest IDPC ‘UNGASS News’ update provides a summary of the current situation regarding planning for the March 2009 meeting, and ways for NGOs to get involved.