

## **The IDPC ‘UNGASS Asks’: Progress made and remaining challenges**

The United Nations General Assembly Special Session (UNGASS) on drugs – held in New York from 19<sup>th</sup> to 21<sup>st</sup> April 2016 – was a major milestone in the slow evolution of the international drug control system. As part of its preparations for the UNGASS, IDPC worked in close consultation with its member organisations and partners in 2014 and 2015 to develop five core ‘asks’ in order to support and frame our collective advocacy efforts (see Box 1).<sup>1</sup>

Now that nearly two years have passed since the UNGASS itself, this document aims to re-visit these ‘asks’ in order to outline where gains were made in 2016, and where progress remains a challenge. In doing so, this document represents the last in a suite of IDPC reports and briefings that have attempted to unpack and analyse the outcomes from the UNGASS (see Box 2).

By assessing the ‘asks’ one-by-one, this report will also explore their potential relevance as we approach the next big United Nations ‘moment’

on drug control – the Ministerial Segment of the UN Commission on Narcotic Drugs (CND) in March 2019.

### **Box 1 Process and policy asks from the IDPC network**

**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**



## ASK 1: Ensure an open and inclusive debate

**‘The UNGASS on drugs is an important opportunity to properly and honestly assess the successes and failures of global drug policies that have been implemented over the past 50 years... It must be allowed to be an open debate – one which includes all UN agencies, scientists and researchers, civil society and those most affected by drug policies (including people who use drugs and small-scale subsistence farmers involved in the cultivation of drug-linked crops).’<sup>2</sup>**

Two years after the UNGASS, the Outcome Document<sup>3</sup> is considered to represent significant progress in the international drug policy debate (noted below), although in relation to this ‘ask’, the Outcome Document fell short and ultimately failed to be the honest assessment that had been called for, and fell short of acknowledging the wide-reaching and multiple failures of the current drug control regime. In fact, it even refers at one point to ‘tangible progress... achieved in some fields’ (interestingly, the word ‘measurable’ was removed from this statement during the negotiation stage). Indeed, in devising the UNGASS outcome document, member states faced a common dilemma: ‘how to emphasise the ongoing priority of an escalating world drug problem, without openly acknowledging the inherent failure and ineffectiveness of existing policies and approaches’.<sup>4</sup>

Nonetheless, the UNGASS preparations, and the meeting itself in New York, was characterised by an unprecedented number of calls for new approaches and policy reforms from some governments. According to our records, 18 governments used their UNGASS statements to call for a shift in paradigm away from a ‘war on drugs’.<sup>5</sup> For example, Jamaica emerged as a strong critic of the punitive approach,<sup>6</sup> while St Vincent and the Grenadines<sup>7</sup> also delivered a powerful country statement. If nothing else, the UNGASS provided the strongest demonstration to date that the supposed global consensus on drugs is ‘being ripped apart at the seams’.<sup>8</sup>

One key element for an open debate was the active engagement of a wide range of UN agencies, and not just the Vienna-based United Nations

Office on Drugs and Crime (UNODC) and International Narcotics Control Board (INCB). There were strong written contributions and oral statements from the likes of UNAIDS, the World Health Organisation (WHO), the UN Development Programme (UNDP), the Office of the High Commissioner on Human Rights (OHCHR), UN Women and others.<sup>9</sup> This was a critical step towards greater system-wide coherence within the United Nations on the issue of drug control – with greater visibility given to how it interacts with human rights, health, security and development. Such progress has been maintained in the meetings following the UNGASS, and at subsequent Commission on Narcotic Drugs (CND) sessions throughout 2017 – and should be ensured for 2019 and beyond.

For IDPC, another key element to ensure an open and inclusive debate was the active engagement of civil society. IDPC and others were able to secure the creation of a Civil Society Task Force (CSTF) for 2016, comprising more than 30 civil society experts from around the world.<sup>10</sup> The CSTF was charged with securing slots for civil society interventions throughout the Special Session, and selecting a representative and diverse group

### Box 2 Key IDPC briefings unpacking the outcomes of the UNGASS

- [Edging forward: How the UN’s language on drugs has advanced since 1990](#)
- [Lessons learned from NGO participation in government delegations at the UNGASS How to capitalise on progress made in the UNGASS Outcome Document: A guide for advocacy](#)
- [Striving for system-wide coherence: An analysis of the official contributions of United Nations entities for the UNGASS on drugs](#)
- [The UNGASS on the world drug problem: Report of proceedings](#)
- [The UNGASS Outcome Document: Opportunities for promoting criminal justice reform](#)

of speakers to contribute to the debates. Despite several logistical obstacles that impeded access to the UN building itself, the civil society presence, voice and input was stronger at UNGASS than ever before. In addition, eight governments included NGO representatives in their official UNGASS delegations: Bolivia, Costa Rica, Japan, Mexico, New Zealand, Norway, Sweden and Switzerland.<sup>11</sup>

However, many of the most progressive inputs and language from UN agencies, civil society and progressive governments did not make it into the final version of the Outcome Document<sup>12</sup> – which itself was negotiated largely behind closed doors and in a very opaque way.

## ASK 2: Re-set the objectives of drug policies

**‘The 1998 UNGASS on drugs was held under the slogan “A drug free world – We can do it”.<sup>7</sup> Similarly, the 2009 Political Declaration on drugs aims to “eliminate or reduce significantly” illicit drug production and demand, drug-related health and social harms, and drug-related money laundering. We have clearly failed to achieve these goals – and the UNGASS must focus instead on how the international drug control regime contributes to broader UN objectives such as public health, human security, social and economic development, and human rights’.<sup>13</sup>**

Although the UNGASS Outcome Document reaffirmed the international community’s ‘determination... to actively promote a society free of drug abuse’ – its structure belied a more nuanced approach to drug control. Rather than the traditional three-pillar approach of demand reduction, supply reduction and international cooperation, the UNGASS Outcome Document comprises seven chapters – including, for the first time, chapters focused on access to controlled medicines, development and human rights. The Outcome Document also gives prominence to the Sustainable Development Goals (SDGs), in an attempt to better link drug control and development imperatives. At the UNGASS itself, the roundtable discussions were structured under five themes: health, crime, human rights, development, and new threats and challenges.

This was an important ‘win’ from the 2016 UNGASS, and has paved the way for subsequent efforts to review and revise the Annual Report Questionnaire – the standard set of indicators and metrics against which all member states are asked to provide data each year, in order to produce the UNODC World Drug Reports.<sup>14</sup> These discussions are ongoing, and the issue of how to measure progress and acknowledge the failure to meet the 2009 targets (including that of eliminating illicit drug markets) will remain key in the preparations for the 2019 Ministerial Segment.<sup>15</sup> There, it will be critical for member states to argue that the goal of a drug-free world is not aspirational – it is counterproductive and dangerous, as it is being actively used to justify human rights violations and atrocities in several parts of the world. In parallel, it will be crucial to put forward more meaningful goals and targets that align with the Sustainable Development Goals as well as the three pillars of the UN.<sup>16</sup>

## ASK 3: Support policy experimentation and innovation

**‘The UNGASS must seek to create space for countries to experiment with new policy approaches in order to respond to the realities on the ground. The legal regulation of cannabis and coca markets is a promising policy alternative from which the international community must learn’.<sup>17</sup>**

National and sub-national level policy innovations have continued apace before and after the UNGASS in 2016 – especially in the case of coca regulation in Bolivia, and cannabis regulation in Uruguay, Jamaica, Canada and several US states. Indeed, there has perhaps been greater progress in drug policy reform in the last five years than in the preceding 50. Yet these realities were the ‘elephants in the room’ when member states were embroiled in the tense negotiations of the UNGASS Outcome Document. Unable to secure any kind of consensus language on these issues, they were simply omitted in their entirety.

Nonetheless, the Special Session itself was marked by unprecedented calls from a small number of governments in favour of new approaches to drug control that lie outside of the flexibilities

permitted by the international drug control conventions. Nine countries spoke in favour of legal regulation,<sup>18</sup> including Canada's announcement of their intention to regulate cannabis at the national level. As we move towards the 2019 Ministerial Segment, these drug policy realities around the world are increasingly impossible for member states to ignore.

## **ASK 4: End the criminalisation of the most affected populations**

**'The punishment of a crime must be proportionate to the crime committed, yet millions of people continue to be imprisoned for possession or use of controlled drugs. In many contexts, those suspected of drug offences are beaten, tortured, imprisoned for life, or executed. The UNGASS must call for an end to the criminalisation of people who use drugs and the possession of drugs for personal use, and of subsistence farmers – while also calling on governments to address disproportionate sentences for other drug offences'.<sup>19</sup>**

Progress was undoubtedly made in the UNGASS Outcome Document, which calls upon member states to 'Promote proportionate national sentencing policies, practices and guidelines for drug-related offences whereby the severity of penalties is proportionate to the gravity of offences and whereby both mitigating and aggravating factors are taken into account', and also encourages 'alternative or additional measures with regard to conviction or punishment in cases of an appropriate nature, in accordance with the three international drug control conventions'. At the Special Session itself, 22 governments spoke in favour of decriminalisation (as did many UN agencies<sup>20</sup>), and 36 in favour of more proportionate sentencing. The recognition of women's vulnerability to disproportionate punishment for drug offences was also recognised both within the debates<sup>21</sup> and in the Outcome Document<sup>22</sup> – a welcome move as women currently constitute the fastest growing prison population in the world.<sup>23</sup>

However, no consensus was reached on the issue of the death penalty – 61 member states made statements against the death penalty, compared

to 12 countries in support,<sup>24</sup> but the issue was once again avoided in the final version of the Outcome Document. The death penalty, alongside the proliferation of state-sanctioned extra-judicial killings, remains the sharp edge of drug policies – where a handful of governments continue to block language and implement policies that are clearly contrary to international human rights law.

## **ASK 5: Commit to the harm reduction approach**

**'The UNGASS is an opportunity to reset the drug control system to focus on health and human rights. In order to operationalise this, member states should explicitly support and promote the harm reduction approach to drugs, and should ensure a major reallocation of funding away from drug law enforcement and into public health and harm reduction approaches – redirecting just 10 percent of the drug control spend by 2020'.<sup>25</sup>**

The final 'ask' – developed through a parallel consultation led by Harm Reduction International (HRI) – resulted in some important gains being made. During the UNGASS, 45 countries explicitly supported harm reduction, compared to only two who spoke explicitly against it.<sup>26</sup> This was the widest support ever achieved for this approach at a UN drug policy forum. Harm reduction also received unanimous support in the written contributions from other UN agencies.<sup>27</sup>

Although the UNGASS Outcome Document failed to specifically include the term 'harm reduction' (due, once again, to the politics of consensus-based negotiations), it still includes the strongest language yet in a UN drug policy document – with specific endorsements of naloxone and overdose prevention, the distribution of injecting equipment and medically-assisted therapy (including opioid substitution therapy). These were hard-fought wins, and were some of the last paragraphs of the Outcome Document to be agreed upon during the tense negotiation process. There was, however, no success in attempts to include a call for member states to reallocate funding away from drug law enforcement and into harm reduction services in line with the global '10 by 20' campaign.<sup>28</sup>

## Conclusions: Looking ahead towards 2019

Most observers and participants initially came away from the UNGASS proceedings with mixed feelings, but also an initial sense of disappointment at the failure to secure mentions of harm reduction, cannabis regulation and the abolition of the death penalty, among other things, in the Outcome Document. However, over time, appreciation has grown for the fact that the UNGASS Outcome Document is the strongest consensus-based position on drugs to date, and a clear move forward in many ways.<sup>29</sup>

In the two years since the UNGASS, progressive member states have worked hard to embed the UNGASS outcomes into the international drug policy debates. Perhaps one of the strongest endorsements of the Outcome Document has therefore come in the strength of the push-back against it by some more conservative governments keen to return to the structure and targets they had agreed back in 2009.<sup>30</sup>

For each of the five ‘asks’ developed in consultation with IDPC’s global network, it is possible to reflect back on gains and losses. In some cases, the lack of progress made in the actual UNGASS Outcome Document is off-set, at least partially, by significant steps forward in the debates, the country statements, the UN system-wide engagement and the civil society voice – all of which demonstrated beyond question that the much-coveted global consensus on drug control is now irrevocably broken.

Crucially, each of the asks remains as relevant and important on the road to the 2019 Ministerial Segment as they did in the preparations for 2016. Over the coming months, IDPC will re-engage its membership to refocus and refine a series of ‘asks’ for 2019 in order to keep the debate moving forward towards more humane global drug policies.

## Endnotes:

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16. International Peace Institute & SSRC Conflict Prevention and Peace Forum (2018), *Aligning agendas: Drugs, sustainable development and the drive for policy coherence*, [https://www.ipinst.org/wp-content/uploads/2018/02/1802\\_Aligning-Agendas.pdf](https://www.ipinst.org/wp-content/uploads/2018/02/1802_Aligning-Agendas.pdf)
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21. For an overview of which countries spoke in favour of a gender-sensitive approach to drug policy, see: <http://cndblog.org/maps/gender/>
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**Notes:**

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## About this briefing paper

In preparation for the 2016 UNGASS, the IDPC network developed five core 'asks' to support and frame our collective advocacy efforts. In this advocacy note, we assess these asks one by one to explore their potential relevance in light of the 2019 Ministerial Segment.

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## About IDPC

The International Drug Policy Consortium is a global network of non-government organisations 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 advice to policy makers and officials around the world.

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