

On the road towards the 2019 Ministerial Segment

Introduction

UN member states have agreed to hold a Ministerial Segment immediately prior to the 62nd Session of the Commission on Narcotic Drugs (CND) ‘to take stock of the implementation of the commitments made to jointly address and counter the world drug problem, in particular in the light of the 2019 target date’¹ set out to eradicate or significantly reduce the overall scale of the illegal drug market. This advocacy note outlines key issues for consideration by member states as they reflect on what has been achieved since the adoption of the 2009 Political Declaration and Plan of Action, including in light of the implementation of the UNGASS Outcome Document, and the implications for the next phase of the international drug policy regime. In addition, we analyse issues likely to come up in negotiations of the annual drugs ‘omnibus

resolution’ at the UN General Assembly, and offer suggestions for approaching these important negotiations. Finally, we provide recommendations to address some of the outstanding procedural questions related to the Ministerial Segment in Vienna.

The latest dynamics in Vienna: No evaluation, growing tensions

The 61st session of the CND was marked by long and protracted negotiations on Resolution 61/10 ‘Preparations for the ministerial segment to be held during the sixty-second session of the Commission on Narcotic Drugs in 2019’,² demonstrating the challenging and fractious state of the international drug policy debate as the target date of the Political Declaration and Plan of Action draws near.

Recommendations

IDPC offers the following recommendations for member states as they embark in critical debates and negotiations in Vienna and New York:

- Use the opportunity provided by the upcoming CND intersessional meetings to look back and reflect upon progress made since 2009 on the ‘drug-free world’ targets, as well as on the broader UN priorities of protecting human rights, promoting peace and security and advancing development. These discussions, as well as written contributions, should be summarised in a CND Chair’s report to be presented at the 2019 Ministerial Segment.
- Agree on a detailed roadmap for the global drug strategy beyond 2019, strongly aligned with the SDGs and the implementation of the UNGASS Outcome Document.
- Identify new goals and indicators more aligned with the achievement of the SDG and the operational recommendations of the UNGASS Outcome Document, and leave behind the unrealistic and harmful ‘drug-free world’ targets.
- Conduct a constructive debate on compliance with the UN drug control treaties, as well as with human rights obligations, including the existing tensions certain drug policies pose for international law.
- Strengthen the involvement and cooperation with all relevant UN agencies, as called for by the UN Secretary General’s Executive Committee in April 2017.³
- Reaffirm the key role played by civil society, in particular representatives of most affected communities, for the post-2019 global drug strategy.

IDPC's previous advocacy note published just before the 61st session highlighted that it was critical for members states to establish a clear process for, firstly, conducting a comprehensive review of progress made against the targets set in 2009 to eliminate or significantly reduce the scale of the illegal drug market by 2019, and secondly, for conducting an open debate on the state of global drug policy that includes 'all options' and involves all relevant stakeholders. IDPC also noted that a roadmap should be delineated for the post-2019 period to effectively operationalise UN-GASS recommendations.⁴

The growing tensions in Vienna negotiations resulted in a final draft of Resolution 61/10 which does not commit to a robust review process, deferring instead to the biennial reports of the UNODC Executive Director,⁵ which are limited in scope and rely exclusively on government data collected via the Annual Report Questionnaire (ARQ).⁶ The Resolution also fails to outline a clear path forward beyond 2019, which will now need to be agreed at the reconvened 61st session of the CND in December 2018. Furthermore, the Resolution details the basic procedural parameters of next year's Ministerial Segment in vague terms, without delineating the overall objective or key themes to be discussed at the Ministerial Segment. Similarly, the Resolution mentions that there will be two roundtables but does not propose any thematic focus for them. It should be recalled that in Resolution 60/1, member states had agreed that the high-level meeting would 'take stock of the implementation of the commitments made to jointly address and counter the world drug problem, in particular in light of the 2019 target date',⁷ but this was not reiterated in the 2018 Resolution.

The reason for such difficult negotiations was primarily due to the disagreement on how to handle the targets outlined in Paragraph 36 of the 2009 Political Declaration 'to eliminate or reduce significantly and measurably' the illegal drug market (the so-called 'drug-free world' targets).⁸ The shorthand manifestation of this disagreement has been to pitch the 2009 Political Declaration against the UNGASS Outcome Document, and much of the debate has focused on which document should form the basis for the future of international drug policy beyond 2019. In the final Resolution, neither document is explicitly mentioned, nor are the targets outlined beyond the reference to the 2019 target date.

Tensions around the negotiations of Resolution 61/10 also made the agreement of the work plan⁹ outlining the programme of intersessional meetings leading up to the reconvened 61st session somewhat challenging,

with the final text approved by a 'silent consensus' procedure¹⁰ at the CND intersessional meeting held on 25 June.¹¹

Given how difficult Resolution 61/10 was to negotiate and the reservations made regarding the document immediately after its adoption,¹² some member states have noted that CND Resolution 60/1 should form the basis for the upcoming discussions on the way forward.¹³ With much still to be defined both for the modalities of the Ministerial Segment as well as its outcome, member states will need to utilise the upcoming CND intersessional meetings, as well as the negotiations for the drugs 'omnibus resolution' at the Third Committee of the UN General Assembly, to delineate the parameters of this next important phase in UN drug policy.

Procedural considerations for the 2018 CND intersessional meetings

CND intersessional meetings will be held in September, October and November 2018.¹⁴ The meetings being based largely on the seven themes of the UNGASS Outcome Document is to be welcomed. The 'interactive' nature of the debate is also a positive continuation of the format from the post-UNGASS intersessional meetings in 2017.¹⁵ To facilitate the participation of member state representatives without permanent representation in Vienna and/or without the resources to travel to Vienna for these events, the sessions will be webcast¹⁶ and delegates can send in video statements. However, the lack of remote interactive participation and/or of funding to travel inevitably means that many UN member states, especially from Africa and the Caribbean, will not be able to participate in the debates or in the more informal discussions taking place at the margins of the official sessions. This is an ongoing challenge for drug control debates in Vienna.

In the work plan, relevant UN entities are listed as giving 'introductory presentations' alongside the UNODC at the start of each thematic segment,¹⁷ which is a welcome development. Regarding civil society participation, the Civil Society Task Force (CSTF) has been approached by the UNODC to source one panellist for each thematic segment as well as up to four other civil society speakers who will intervene from the floor (as mandated in Resolution 61/10).¹⁸

However, it is not clear whether there will be a Chair's summary of the upcoming intersessional meetings as there was for the thematic discussions on UNGASS follow-up, which were produced by the CND Facilitator for Post-UNGASS Matters.¹⁹ Given the lack of

Box 1 Civil Society Shadow Report: Evaluating 10 years of global drug control

In October 2018, IDPC will launch a Civil Society Shadow Report which evaluates the progress made against the commitments made by the international community in the 2009 Political Declaration and Plan of Action.

Using data from the UN, academic research and civil society reports, the report provides an analysis of whether the ‘drug-free world’ targets set out in article 36 of the Political Declaration were achieved, and tracks progress towards specific actions agreed in 2009 against the broader UN priorities of protecting human rights, promoting peace and security and advancing development.

formal mechanism to review progress towards the 2019 targets aside from the UNODC’s biennial reports, these intersessional meetings will be a key opportunity for member states, UN entities and civil society to ‘take stock of the implementation of the commitments’ made, including on the implementation of UNGASS recommendations. These discussions should be summarised and provided as a formal input towards the 2019 Ministerial Segment.

In addition to holding these intersessional meetings, the UNODC also welcomes written contributions to inform the discussions,²⁰ using similar a mechanism to the pre-UNGASS calls for contributions.²¹ Contrary to the UNGASS proceedings, however, it is critical that these written contributions feed into the final summary of the CND intersessional meetings.

Procedural considerations for the Ministerial Segment

System-wide coherence and involvement of other UN agencies

As noted above, the modalities for the Ministerial Segment require further refining. Many of the parameters outlined in CND Resolution 61/10 are positive, including the introductory statements from the UN Secretary General and the Director-General of the World Health Organization alongside those from the heads of the UNODC and the INCB.²² While the ‘Heads of entities of the United Nations’ are invited to make statements during the general debate, it would be problematic to limit such interventions only the

‘heads’ – in case they cannot attend, other representatives from UN entities should be given the floor in their place.

Participation from all member states

We have previously called on the CND Chair to facilitate the participation of all UN member states in the meeting, for example through sourcing additional funding for travel to Vienna or by providing web streaming services. Enabling representatives to not only follow the debates online but also facilitating their active participation from conference rooms in New York and Geneva would ensure that all member states have the opportunity to feed into the next stage in global drug control.

Roundtable discussions

As the exact themes of the two roundtables are not yet agreed, we suggest that one of them focuses on ‘taking stock’ of the implementation of commitments made since 2009, while the other should focus on looking forward, in particular how to ensure the operationalisation of the UNGASS Outcome Document post-2019, in line with other global human rights commitments and the 2030 Agenda for Sustainable Development. Any theme chosen for the roundtables should adequately reflect all elements covered within the UNGASS Outcome Document.

Outcome of the Ministerial Segment

The negotiations to date indicate that there is little appetite among member states to agree a substantive policy document for adoption in 2019. Resolution 61/10 mandates summaries by the CND Chair of the general debates and the roundtables which will then be presented at the plenary.²³ This is an interesting proposal, provided that the Chair’s summary adequately reflects the breadth of discussions and captures any disagreements at the meeting, without forcing a consensus – given the ongoing political tensions on many drug-related issues in Vienna.

Resolution 61/10 also requests the CND Chair to present an ‘outline for the way beyond 2019’ at the reconvened 61st session of the CND. This will likely take the form of a short procedural resolution adopted by consensus. The procedural resolution should outline actions for operationalising the UNGASS Outcome Document, in the form of a ‘roadmap’ for the next decade, establishing review dates (mid-term in 2024 and final review in 2029) to bring the drug policy processes in line with 2030 Agenda for Sustainable Development.²⁴

Box 2 The 2016 UNGASS Outcome Document: The most recent global consensus

The UNGASS Outcome Document provides the most recently agreed consensus and the best available basis for the next phase of international drug policy. It is critical to retain the seven chapters (covering health, access to medicines, supply reduction, human rights, evolving trends and realities, international cooperation, and development) for future UN drug policy documents and debates. This framework reflects the cross-cutting nature of the drug control objective to protect the health and welfare of humankind, with the key priorities of the UN system – human rights, peace, human security, development – and the Sustainable Development Goals (SDGs).

Importantly, all but one of the provisions²⁵ within the 2009 Political Declaration and Plan of Action are included in the UNGASS Outcome Document – and the latter provides a more balanced and nuanced approach to many of the themes explored (see Figure 1). In this respect, the tensions regarding which document should form the basis of the negotiations for 2019 are somewhat misplaced, and may simply be the latest proxy for the underlying lack of consensus on international drug policy. In reality, the heart of the matter remains the issue of the targets to eliminate illegal drug markets by 2019, as well as the increased involvement of other parts of the UN system, including human rights bodies, in global drug policy debates.

Meaningful civil society participation

The meaningful participation of civil society has greatly improved in the lead up to the UNGASS, and the role of the Civil Society Task Force (CSTF) has been instrumental in that regard. The CSTF has been re-invigorated ahead of the 2019 Ministerial Segment²⁶ and its membership reviewed and reformulated.²⁷ Since March, the Task Force has developed a global consultation²⁸ designed to elicit responses from civil society organisations around the world on the themes to be explored at the Ministerial Segment. The consultation is currently being translated into all six official UN languages and will be distributed widely. Furthermore, the CSTF has developed a procedure for selecting speakers based on the principles of inclusiveness, balance and diversity, for the forthcoming CND

intersessional meetings and the Ministerial Segment. We welcome the specific reference to the CSTF within Resolution 61/10 and appreciate the inclusion of one civil society panellist for each of the two roundtables at the Ministerial Segment. However, civil society representatives should also be included in the plenary session and be able to make interventions from the floor as is standard practice.

The CSTF will also organise two Civil Society Hearings in New York and Vienna, in November and December 2018 respectively. These Hearings will seek to bring together civil society, UN agencies and member states to share experiences, exchange views and discuss progress made over the last decade and what are the remaining challenges that must be addressed going forward. Findings from the global civil society consultation will also be presented, and member states will hear from a range of civil society organisations working with these issues on the ground. It is imperative that the final document resulting from the CSTF's global consultation and Hearings be included as an official document contributing to the preparations and outcome of the 2019 Ministerial Segment. At the event itself, the international community should make a strong commitment to ensuring meaningful civil society participation in the post-2019 global drug strategy, including in the 'outline for the way beyond 2019'.

Finally, funding to support the work of the CSTF is still being sought from member states and other donors. Although this important work will continue regardless, funding continues to be a challenge – the importance of supporting the inclusion of civil society at this critical juncture cannot be overstated. While a few member states have already pledged their support, more resources are needed to ensure robust civil society participation in the 2019 Ministerial Segment and its lead-up. Funds will be used primarily to bring civil society speakers in the intersessional meetings, Hearings and the 2019 meeting itself.

The looming 2019 targets

Unsurprisingly, member states are struggling with how to deal with the 2019 target date of the Political Declaration. In a break with the precedent from 2008/2009 when a formal review process was undertaken,²⁹ this time no mechanism has been established for a formal review. Although useful, the UNODC Executive Director's biennial reports only represent a limited analysis of progress made, relying solely on government data and being limited to the ARQ's thematic areas, without going in depth into specific actions from the 2009 Political Declaration and Plan of Action.

Box 3 IDPC asks for the 2019 Ministerial Segment

In the lead up to the 2019 Ministerial Segment, the IDPC network developed four key asks for member states towards ensuring that future drug

policies are firmly situated within the UN priorities of protecting health and human rights, promoting development and advancing peace and security.³⁰



Still, even available data collected by the UNODC since 2009 offers a bleak picture of what little impact has been made to date. The inconvenient truth is that there has been no progress towards the goal of significantly reducing or eradicating the global drug market.³¹ Comparing data from the 2018 World Drug Report³² with those from 2009 shows that opium production has increased by 130% since 2009 and coca cultivation by 34%,³³ while the number of people who use drugs has risen by 31% since 2011.³⁴ Even more worrying is the number of drug-related deaths which has surged by 145% over the same period.³⁵

This presents member states with a difficult dilemma – how to emphasize the ongoing priority of an escalating and fast changing global drug market without openly acknowledging the inherent ineffectiveness of existing policies. To extend or restate ‘drug-free world’ targets would be misguided and would hamper efforts towards a genuine and honest critique of drug policies for the coming years. The upcoming CND intersessional meetings are crucial in this regard, particularly the general debates on ‘the road ahead: towards a one-track approach in implementing beyond 2019 the commitments made by the international community to address and counter the world drug problem’. Member states, UN entities and civil society should utilise this opportunity ‘foster an in-depth exchange of information and expertise on

efforts, achievements, challenges and best practices to address and counter the world drug problem’.³⁶

Honest debates must be encouraged, using the available evidence from the World Drug Report and elsewhere, to reflect on the efforts of the past ten years and the impact of policies not only on the scale of the drug market but also on human rights, health, development, peace and human security. An honest debate at the CND intersessional meetings should include allowing space for participants to question the validity of targets focused on eliminating the illegal drug market and the establishment of a ‘society free of drug abuse’.³⁷ There should also be scope for member states and other stakeholders to put forward practical recommendations reflecting the divergence of views and the ongoing exploration of new approaches to address drug-related problems more effectively and coherently in the coming decade.

Compliance with the UN drug control treaties

Courtesy of the Canadian Government, the growing trend towards the legal regulation of certain controlled substances in a number of jurisdictions has finally become a matter of open discussion at the CND after years of generally ignoring this ‘elephant in the

room'.³⁸ IDPC has previously recommended that the CND should acknowledge and respect differing perspectives, allowing the consideration of new policy options, including those that may be outside of the scope of the international drug control conventions.³⁹ Many of those jurisdictions that have moved towards the legal regulation of cannabis have cited human rights and public health justifications for shifting away from prohibition, and these arguments need to be taken seriously. Moreover, one could argue, the accelerating trend towards legally regulated cannabis markets might in fact represent the only feasible policy shift shown to be effective in bringing about a 'significant reduction' in the illegal drug market.

The tensions created with the current treaty system should be discussed constructively, including ways for member states to resolve resulting treaty non-compliance.⁴⁰ Given that it is likely that the cannabis review process initiated by the WHO Expert Committee on Drug Dependence (ECDD) will culminate in recommendations being presented at the 62nd Session of the CND,⁴¹ these discussions are more timely than ever. Repeating the mantra of the commitment to fully implement the three UN drug control conventions in any document coming out of the 2019 high-level meeting would now sound more meaningless than ever before, especially since the Canadian government has publicly acknowledged that they can no longer adhere to certain cannabis-related treaty provisions.

Human rights compliance and drug policy

The 2009 Political Declaration⁴² and the 2016 UNGASS Outcome Document⁴³ both reaffirm the commitment to ensure that drug policies are implemented in full conformity with human rights obligations. This commitment is far from being realised. The ongoing, and in some cases escalating, human rights violations committed in the name of drug control are of grave concern. Earlier this year the previous High Commissioner for Human Rights urged member states to 'examine the effectiveness and human rights impact of their current approaches to the so-called "War on Drugs"'.⁴⁴ The INCB also 'continues to emphasize that for drug control action to be successful and sustainable, it must be consistent with international human rights standards'.⁴⁵

Such human rights concerns were also raised within the latest report of the Office of the High Commissioner for Human Rights (OHCHR) on 'Implementation of the joint commitment to effectively addressing and countering the world drug problem with regard

Box 4 Establishing new targets and indicators for the next decade

As the 2009 goals and targets will expire in 2019, the Ministerial Segment presents a key opportunity to consider new indicators to evaluate progress in global drug control for the next decade. The ongoing work to improve the 'quality and effectiveness'⁴⁶ of the ARQ is complementary to this process – as improving data collection and analysis is crucial to be able to adequately monitor progress and impact in the post-2019 period.

A number of NGOs have been working towards identifying more measurable, realistic and relevant indicators for the past few years, and are actively contributing to this discussion.⁴⁷ The UNODC has also initiated a review process for the ARQ which included an expert consultation held at the end of January 2018.⁴⁸ The process of identifying new indicators should address three concerns:

- The need to move away from process indicators (i.e. activities such as numbers of arrests, seizures and hectares of crops eradicated) and consider outcome indicators (i.e. impacts on health, human rights, levels of corruption, violence and impunity).⁴⁹
- The need to move away from imprecise, unrealistic and misconceived indicators (e.g. achieving a significant reduction in demand and supply), in order to focus on others which are realistic, measurable and relevant to assess progress made.
- The need to incorporate the new aspects of global drug control enshrined in the UNGASS Outcome Document, in particular on human rights, availability of controlled medicines, improved health outcomes, and development impacts of drug control, in particular in light of the SDGs.

to human rights', launched at the 39th session of the Human Rights Council on 14 September 2018.⁵⁰ The report will be presented to the CND at the September intersessional meeting. This is an opportunity for member states to reflect on the human rights impacts and the remaining challenges towards meeting the commitments agreed in 2009 and 2016. A further opportunity to discuss the human rights implications of drug policy will be the launch, in early 2019, of the

International Guidelines on Human Rights and Drug Policy currently being drafted by the United Nations Development Programme and the University of Essex.

UN system-wide coherence

In past advocacy notes,⁵¹ IDPC acknowledged the gains made as a result of the UNGASS process in terms of UN agency engagement, and emphasized that these gains should be structurally built in for the 2019 process and beyond as supported by both the UN General Assembly and the CND.⁵² Over the past months, efforts to achieve this goal have begun to take shape. In April 2017 at a meeting of his Executive Committee, the UN Secretary General tasked the UNODC with working with a core group of UN agencies on two specific tasks:

1. 'developing a set of actions with a view to assisting member states with the implementation of the operational recommendations contained in the UNGASS outcome document, thereby promoting efforts to achieve the SDGs and strengthen human rights- and health-based approaches', and
2. 'elaborating a comprehensive organization-wide strategy across the three founding pillars of the United Nations system — development, human rights, and peace and security — in support of the preparations for the sixty-second session of the Commission, to be held in 2019'.⁵³

Of the two, the second task has gained the most traction in the past months: high-level discussions are set to be held by the Chief Executive Board (CEB) in November 2018, with the end goal of formulating an UN-wide strategy on drug policy. At the Executive Committee level, the UNODC is working with UN agencies to map out a document showing the intersections of the various agencies' mandates with respect to the operational recommendations of the UNGASS Outcome Document. These processes are welcome and should be supported by member states in the lead-up to 2019.

Additionally, the increased attention given to drug policy within other UN setting such as the World Health Assembly,⁵⁴ the Human Rights Council⁵⁵ and the high-level panel discussion featuring heads of functional commissions of ECOSOC held in July⁵⁶ shows the growing recognition that close coordination is a vital element of a balanced and comprehensive approach. The importance of promoting and supporting these favourable developments cannot be overstated, particularly against the UN-wide framework of the SDGs.

As goals and targets shift towards those that are more in line with the 2030 Agenda for Sustainable Development, member states should continue to support the active engagement of the UN Secretary General, his Executive Committee and the CEB. In doing so, the international community should consider the merits of creating a special mechanism that would facilitate the integration of drug policy with the achievement of the 2030 Agenda. This is critical to prevent drug policy from becoming siloed – as has continually occurred in the past – and to support the UNODC to work effectively within the SDGs framework and the UN system as a whole.

Negotiating the 'omnibus resolution'

Negotiations of the annual UN General Assembly resolution on the world drug problem – the drugs 'omnibus resolution' led each year by Mexico – will be held by the 'Third Committee' in parallel to the October and November CND intersessional meetings. Last year's negotiations on the resolution quickly grew contentious around the continuation of the 2009 'drug-free world' targets. While the issue of whether the targets would be continued after the 2019 Ministerial Segment did not survive the final draft,⁵⁷ it will likely arise again in this year's negotiations. Member states should be prepared to withstand significant pressure on this point from those seeking to insert language solidifying the continuation of the targets beyond 2019. Member states should resist these high-pressure tactics and refuse to agree to extend the targets – at least by making clear that this should not be settled in the 'omnibus resolution' but saved for the 2019 Ministerial Segment.

Another issue likely to be in the forefront of the negotiations is that of treaty compliance. Given Russia's public criticism of Canada's recent cannabis regulation legislation, delivered in various UN forums,⁵⁸ language may be introduced that goes further than the usual reaffirmation of the international drug control treaties and that specifically denounces these measures. Member states should consider approaching the issue proactively with opening statements that recognise the growing legal tensions and emphasize the importance of compliance with international law more broadly without singling out the drug control treaties, giving due attention to violations of human rights treaties occurring in the context of drug control. Given the realities of cannabis regulation in ten US states, Uruguay and Canada, ongoing cannabis reforms in the Caribbean, and announced regulatory experiments in the Netherlands and Switzerland, the

Box 5 US President Trump's 'Global Call to Action'

The Trump Administration sent out a 'Global Call to Action on the World Drug Problem'⁵⁹ in late August 2018 requesting other governments to sign on. Signatories to the document are invited to a high-level US-sponsored event on Monday 24 September in the margins of the UN General Assembly in New York.⁶⁰ The UN setting for the event is belied by major substantive and procedural problems with the Trump Administration's so-called 'Global Call'.

The 'Global Call', circulated by the US as a non-negotiable document, diverges significantly from the latest consensus within the UN drug policy debates – including in the 2016 UNGASS Outcome Document. Crucially, the Trump Administration outlines a four-pronged strategy on which signatories pledge to base national action plans. The 'four-prongs' are essentially a return to the previous thematic division of the 2009 Political Declaration (demand reduction, supply reduction and international cooperation) with the addition of 'treatment efforts to save lives and promote recovery' as a fourth area of priority attention. Furthermore, while the 'Global Call' does not reinstate new target dates, it reverts to the 'elimination' language that many countries have tried to move away from. In the 'four-pronged strategy', the word 'reduce' is used for the demand side, but on the supply side the phrasing is to 'cut off the supply', and 'stopping' production and cultivation. This risks the escalation of eradication measures, especially since no reference

is made to human rights or development within the four prongs. This approach is also a clear move away from the hard-won seven-themes of the UNGASS Outcome Document, and the prominence given to human rights considerations, access to controlled medicines and the broader development agenda – these disappear as priority areas for the national action plans outlined in the text. The 'Global Call' also omits mention of the other key UN entities that have made significant contributions to the drug debate over the past years, including the UN Development Program, the Office of the High Commissioner for Human Rights, UNAIDS and UN Women – another area of progress from the 2016 UNGASS.

Beyond the substantive problems posed by the text, the process by which the US government has drafted and circulated it shows a worrying disregard for multilateralism. UN documents and regional statements are the products of negotiation and consensus. This 'Global Call to Action', by contrast, flies in the face of regular UN processes, and it cannot – and should not – be afforded the legitimacy of a consensus-based UN document. We note that many governments may well have signed up, including many that have enacted drug policy reforms that are not reflected in the text of the 'Global Call' and that are sharply at odds with the Trump Administration's position on drugs, such as Trump's controversial support for the death penalty for drug offences⁶¹ and his praise for Duterte's bloody drug war.⁶² This would appear less of a sign that national positions have changed, but rather an indication of the heavy diplomatic pressure that many countries have been under to sign up.

adoption of any language still calling for strict compliance with the drug treaties would only serve to undermine the UN drug policy debate.

Furthermore, as the 'omnibus resolution' often echoes significant resolutions approved during the past year, it provides an opportunity to highlight and reinforce some of the positive decisions from Vienna and Geneva, in particular resolutions on promoting measures to prevent mother-to-child transmission of HIV, hepatitis B and C and syphilis among women who use drugs,⁶³ addressing the specific needs of vulnerable members of society⁶⁴ and promoting non-stigmatizing attitudes to ensure the availability of access to and delivery of health, care and social services for people who use drugs,⁶⁵ as well as the OHCHR report on the human

rights implications of UNGASS implementation⁶⁶ and the likely adoption by the Human Rights Council of the Declaration on the Rights of Peasants and Other People Working in Rural Areas.

Finally, the past two 'omnibus resolutions' have supported the inclusion and engagement of UN agencies in processes around drugs.⁶⁷ This year's resolution is likely to continue in this vein, and provides an important opportunity to incorporate the Secretary General's Executive Committee decision, possibly encouraging the Secretary General to strengthen this effort by formalising a multi-agency group dedicated to system-wide coherence, as well as a request for UNODC to report on its progress in its efforts, which would support transparency and accountability.

Endnotes

1. Operative Paragraph 10 of CND Resolution 60/1 'Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019', http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_60/CNDres_2017/Resolution_60_1_60CND.pdf. This was reconfirmed in CND Resolution 61/10 'Preparations for the ministerial segment to be held during the sixty-second session of the Commission on Narcotic Drugs in 2019', https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/CND_res2018/CND_Resolution_61_10.pdf
2. Available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/CND_res2018/CND_Resolution_61_10.pdf
3. United Nations Secretary General (19 July 2017), *International cooperation against the world drug problem*, <http://fileserv.idpc.net/library/V1705210.pdf>
4. IDPC (March 2018), *What comes next? Post-UNGASS options for 2019 (Version 5)*, <https://idpc.net/publications/2018/03/what-comes-next-post-ungass-options-for-2019-version-5>
5. See preambular paragraphs 8 and 11 of CND Resolution 60/1
6. The ARQ is sent to member states each year to collect data on drug use and supply and forms the basis of the UNODC World Drug Report. All biennial reports of the UNODC on the implementation of the 2009 Political Declaration and Plan of Action are available here: http://www.unodc.org/unodc/en/commissions/CND/Political_Declarations/Political-Declarations_2009-Declaration.html and here: <http://undocs.org/E/CN.7/2018/6>
7. See operative paragraph 10 of CND Resolution 60/1
8. These goals are a holdover from the 1998 UNGASS which carried the tagline 'A drug-free world – We can do it'
9. The CND intersessionals work plan is available here: http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/Draft_Workplan_25.06.18_6PM_final.pdf
10. The 'silence procedure' refers to the practice of sharing a draft version of a text to participants, who have a last opportunity to propose changes or amendments. If no amendment is proposed before the set deadline, the text is considered adopted by all participants
11. For a summary of the discussions at the CND intersessional, see: CND Blog (25 June 2018), *CND intersessional, 25 June 2018*, <http://cndblog.org/2018/06/cnd-intersessional-25-june-2018/>
12. The Russian Federation, Algeria, Belarus, China, Cuba, Egypt, Iran, Namibia, Pakistan, South Africa and Vietnam expressed their discontent with the final text of the resolution, stating that they did not feel that the approved version of the resolution represented a consensus, nor that their views had been sufficiently taken into account. See: International Drug Policy Consortium (June 2018), *The 2018 Commission on Narcotic Drugs: Report of proceedings*, http://fileserv.idpc.net/library/CND-Proceedings-Report-2018_18.06.pdf. Also see paragraph 194 of the official report of the 2018 CND: Commission on Narcotic Drugs (2018), *Report of the sixty-first session (8 December 2017 and 12-16 March 2018)*, E/CN.7/2018/13, <http://undocs.org/E/2018/28>
13. See paragraph 194 of the official report of the 2018 CND: Commission on Narcotic Drugs (2018), *Report of the sixty-first session (8 December 2017 and 12-16 March 2018)*, E/CN.7/2018/13, <http://undocs.org/E/2018/28>
14. See: http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/Draft_Workplan_25.06.18_6PM_final.pdf
15. See operative paragraph 5 of CND Resolution 60/1: http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_60/CNDres_2017/Resolution_60_1_60CND.pdf
16. See: <http://www.unodc.org/unodc/en/commissions/CND/2019/2019-high-level-ministerial-segment-preparatory-process-intersessionals.html>
17. See: http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/Draft_Workplan_25.06.18_6PM_final.pdf
18. The reference to the Vienna NGO Committee on Drugs rather than the CSTF was likely an error on the part of the UNODC, as Resolution 61/10 provides that one panelist for each roundtable is to be nominated by the CSTF
19. Commission on Narcotic Drugs (16 February 2018), *Remarks by H.E. Ambassador Pedro Moitinho de Almeida, CND Facilitator for post-UNGASS Matters: Third round of thematic discussions on UNGASS follow-up (September to November 2017)*, E/CN.7/2018/CRP.1, https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/E_CN7_2018_CRP1_V1800867.pdf
20. The webpage dedicated to contributions from UN agencies, civil society, member states and others is available here: <http://www.unodc.org/unodc/en/commissions/CND/2019/2019-high-level-ministerial-segment-contributions.html>
21. See: <http://www.unodc.org/ungass2016/en/contributions.html>
22. See operative paragraph 1(b) of Resolution 61/10, https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/CND_res2018/CND_Resolution_61_10.pdf
23. Operative paragraph 1(d) of CND Resolution 61/10: 'A summary by the Chair of the general debate, in addition to a summary of the salient points raised during the round tables to be prepared by the co-chairs of those roundtables, will be presented at the plenary'
24. <https://sustainabledevelopment.un.org/?menu=1300>
25. i.e. witness protection
26. See: <http://vngoc.org/wp-content/uploads/2018/05/CSTF-Announcement-5.27.pdf>
27. See: <https://www.cstfondrugs.org/membership/>
28. Soon to be available on the CSTF website at www.cstfondrugs.org
29. International Drug Policy Consortium (June 2018), *IDPC asks for the 2019 Ministerial Segment*, http://fileserv.idpc.net/library/IDPC-asks-2019_ENGLISH.pdf
30. International Drug Policy Consortium (March 2018), *What comes next? Post-UNGASS options for 2019 (Version 5)*, <https://idpc.net/publications/2018/03/what-comes-next->

[post-ungass-options-for-2019-version-5](#)

31. See operative paragraph 36 of the 2009 Political Declaration and Plan of Action on the ‘world drug problem’
32. United Nations Office on Drugs and Crime (2018), *World drug report 2018*, <https://www.unodc.org/wdr2018/>
33. United Nations Office on Drugs and Crime (2011), *World drug report 2011*, https://www.unodc.org/documents/data-and-analysis/WDR2011/World_Drug_Report_2011_ebook.pdf
34. United Nations Office on Drugs and Crime (2013), *World drug report 2013*, https://www.unodc.org/unodc/secured/wdr/wdr2013/World_Drug_Report_2013.pdf
35. Ibid
36. See operative paragraph 3 of CND Resolution 61/10
37. Preamble of the 2016 UNGASS Outcome Document
38. The full statement of the Canadian delegation and a summary of the discussions at the CND intersessional meeting held on 25 June 2018 is available here: <http://cnblog.org/2018/06/cnd-intersessional-25-june-2018/>
39. See: International Drug Policy Consortium (June 2018), *IDPC asks for the 2019 Ministerial Segment*, <https://idpc.net/publications/2018/06/idpc-asks-for-the-2019-ministerial-segment>; See also: International Drug Policy Consortium (April 2015), *The road to UNGASS 2016: Process and policy asks from the IDPC*, http://fileserv.idpc.net/library/UNGASS-asks_External_04-2015_ENGLISH.pdf
40. Jelsma, M., Boister, N., Bewley-Taylor, D., Fitzmaurice, M. & Walsh, J. (March 2018), *Balancing treaty stability and change: Inter se modification of the UN drug control conventions to facilitate cannabis regulation* (WOLA, Transnational Institute & Global Drug Policy Observatory), https://www.tni.org/files/publication-downloads/balancing_treaty_stability_and_change.pdf
41. See: http://www.who.int/medicines/access/controlled-substances/UNSG_SignedDGletter.pdf
42. Operative paragraph 1 of the 2009 Political Declaration and Plan of Action: ‘Reaffirm our unwavering commitment to ensure that all aspects of demand reduction, supply reduction and international cooperation are addressed in full conformity with the purposes and the principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights³ and, in particular, with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States’
43. Preamble of the UNGASS Outcome Document: ‘We reaffirm our unwavering commitment to ensuring that all aspects of demand reduction and related measures, supply reduction and related measures, and international cooperation are addressed in full conformity with the purposes and principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States’
44. 37th session of the Human Rights Council, Item 2: Annual Report and Oral Update by the High Commissioner for Human Rights on the activities of his Office and recent human rights developments, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22772&LangID=E>
45. International Narcotics Control Board (2018), *INCB Annual Report 2017*, p. 44, https://www.incb.org/documents/Publications/AnnualReports/AR2017/LAUNCH/Special_Topics/1_Drug_control_and_human_rights_p44-45_No1.pdf
46. See operative paragraph 7 of CND Resolution 60/1
47. See, for example: Bewley-Taylor, D. (2017), ‘Refocusing metrics: Can the sustainable development goals help break the “metrics trap” and modernise international drug control policy?’, *Drugs and Alcohol Today*, **17**(2): 98-112. Also see a summary of the various CND side events organised on the issue of indicators over the past few years: <http://cnblog.org/2017/03/preparing-for-2019-drug-policy-objectives-and-indicators-system-wide-coherence-and-the-sustainable-development-agenda/>, <http://cnblog.org/2015/03/towards-better-measurements-and-improved-system-wide-coherence-policy-indicators-development-and-public-health/> and <http://cnblog.org/2014/03/side-event-current-drug-policies-evaluating-indicators-examining-future-options/>
48. The report of the meeting is available here: http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/E_CN7_2018_CRP2_V1800883.pdf
49. Bewley-Taylor, D. (2017), ‘Refocusing metrics: Can the sustainable development goals help break the “metrics trap” and modernise international drug control policy?’, *Drugs and Alcohol Today*, **17**(2): 98-112
50. Office of the High Commissioner for Human Rights (2018), *Report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights*, A/HRC/39/39, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session39/Documents/A_HRC_39_39.docx
51. International Drug Policy Consortium (March 2018), *The IDPC ‘UNGASS Asks’: Progress made and remaining challenges*, <http://fileserv.idpc.net/library/Review-of-IDPC-UNGASS-Asks.pdf>
52. Both have called upon other UN agencies to engage in relevant drug policy issues, to ‘identify operational recommendations that fall within their areas of specialization’ and to implement them in coordination with the UNODC, the INCB and the WHO. See: operative paragraph 102 of UN General Assembly (2017), *Resolution 72/198. International cooperation to address and counter the world drug problem*, A/RES/72/198, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/198; and operative paragraph 7 of Commission on Narcotic Drugs (2017), *Resolution 60/6. Intensifying coordination and cooperation among United Nations entities and relevant domestic sectors, including the health, education and criminal justice sectors, to address and counter the world drug problem*, http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_60/CNDres_2017/Resolution_60_6_60CND.pdf
53. United Nations Secretary General (19 July 2017),

- International cooperation against the world drug problem*, <http://files.server.idpc.net/library/V1705210.pdf>
54. For instance, the 71st World Health Assembly held in May 2018 included an agenda item on 'Public health dimension of the world drug problem (decision WHA70(18) (2017))', http://apps.who.int/gb/ebwha/pdf_files/WHA71/A71_1Rev1-en.pdf
 55. Following up from Resolution 37/42 'Contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights' (A/HRC/37/L.41) adopted at its 37th session in February-March 2018, the Human Rights Council discussed the issue again at its 39th session on 10-28 September 2018 at the occasion of the launch of the OHCHR report on UNGASS implementation, <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session39/Pages/39RegularSession.aspx>
 56. See side event held on 16 July on 'Human rights challenge: judicial and extrajudicial drug war killings, in a time of authoritarianism', <https://sustainabledevelopment.un.org/hlpf/2018/programme>
 57. UN General Assembly (2017), *Resolution 72/198. International cooperation to address and counter the world drug problem*, A/RES/72/198, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/198
 58. Including at the CND intersessional meeting on 25 June and during the ECOSOC session in July 2018
 59. Available here: <https://www.documentcloud.org/documents/4901223-Global-Call-to-Action-on-the-World-Drug-Problem.html>
 60. Oakford, S. (18 September 2018), 'Trump Administration plans U.N. meeting to ramp up the international drug war', *The Intercept*, <https://theintercept.com/2018/09/18/un-drug-policy-trump-united-nations/>
 61. Holpuch, A. (19 March 2018), 'Trump calls for death penalties for drug dealers as focus of opioids plan', *The Guardian*, <https://www.theguardian.com/us-news/2018/mar/19/donald-trump-death-penalty-drug-dealers-opioids-new-hampshire>; See also: Herreria, C. (11 March 2018), 'President Donald Trump suggests death penalty for drug dealers', *Huffington Post*, https://www.huffingtonpost.com/entry/donald-trump-death-penalty-drug-dealers-pennsylvania_us_5aa481d8e4b07047bec724c1; Valverde, M. (14 March 2018), 'Donald Trump says China, Singapore have death penalty for drug dealers', *Politifact*, <https://www.politifact.com/truth-o-meter/statements/2018/mar/14/donald-trump/donald-trump-says-china-singapore-have-death-penal/>
 62. Bach, N. (26 February 2018), 'Trump's reported stance on executing drug dealers is his latest nod to the Philippines' authoritarian leader', *Fortune*, <http://fortune.com/2018/02/26/trump-death-penalty-capital-punishment-drug-dealers-duterte/>
 63. CND Resolution 61/4 'Promoting measures for the prevention of mother-to-child transmission of HIV, hepatitis B and C and syphilis among women who use drugs', http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/CND_res2018/CND_Resolution_61_4.pdf
 64. CND Resolution 61/7 'Addressing the specific needs of vulnerable members of society in response to the world drug problem', http://www.unodc.org/unodc/en/commissions/CND/Resolutions_Decisions/Resolutions-Decisions_2010-2019.html
 65. CND Resolution 61/11 'Promoting non-stigmatizing attitudes to ensure the availability of, access to and delivery of health, care and social services for drug users', http://www.unodc.org/unodc/en/commissions/CND/Resolutions_Decisions/Resolutions-Decisions_2010-2019.html
 66. Office of the High Commissioner for Human Rights (2018), *Report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights*, A/HRC/39/39, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session39/Documents/A_HRC_39_39.docx
 67. See operative paragraph 100 and 104 of: UN General Assembly (2017), Resolution 72/198. International cooperation to address and counter the world drug problem, A/RES/72/198, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/198; See also operative paragraph 93 and 95 of: UN General Assembly (2016), Resolution 71/211. International cooperation to address and counter the world drug problem, A/RES/71/211, <https://undocs.org/A/RES/71/211> A/RES/72/198, <https://www.un.org/en/>

About this advocacy note

In this advocacy note, IDPC outlines the key issues for consideration by UN member states as they reflect on what has been achieved since the adoption of the 2009 Political Declaration and Plan of Action on drugs, including in light of the implementation of the UNGASS Outcome Document, and the implications for the next phase of the international drug policy regime.

International Drug Policy Consortium

Fifth Floor, 124-128 City Road
London EC1V 2NJ, United Kingdom

Tel: +44 (0)20 7324 2975
Email: contact@idpc.net
Website: www.idpc.net

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.

© International Drug Policy Consortium Publication 2018

Report design by Mathew Birch - mathew@mathewbirch.com

Funded, in part, by:



OPEN SOCIETY
FOUNDATIONS



ROBERT
CARR
FUND

for civil society
networks