

The 2011 Commission on Narcotic Drugs

Report of proceedings

April 2011



The 2011 Commission on Narcotic Drugs

Report of proceedings

The International Drug Policy Consortium (IDPC) is a global network of NGOs and professional networks that specialise in issues related to illicit 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 occasional briefing papers, disseminates the reports of its member organisations about particular drug-related matters, and offers expert consultancy services to policy makers and officials around the world.

Introduction

Mindful of a number of issues, it looked as if the 54th CND would be an intriguing event. Held in Vienna between 21-25 March, the Commission would be the first for the new Executive Director of the United Nations Office on Drugs and Crime (UNODC), Mr. Yury Fedotov. It was also the first meeting since several states had objected to Bolivia's proposed coca related amendment to the Single Convention on Narcotic Drugs. Furthermore, 2011 marks the 50th anniversary of the Convention: the bedrock of the current prohibition-oriented international control system. Expectations consequently focused predominantly upon these issues; how, for example, would Mr. Fedotov approach the meeting? Would Bolivia make a statement in regard to its proposal to amend the Single Convention and lift the ban on coca chewing?¹ And, amidst ongoing tensions within the system, to what extent would the delegates dwell upon the anniversary of the Single Convention? Some of these issues were addressed and as is always the case others emerged, or re-emerged, as topics of concern. This report aims to provide the reader with a summary of what happened at the meeting, including at various satellite events (Boxes 1 & 2) and offers some analysis of the key

discussions and debates. A detailed account of the proceedings can be found on the International Harm Reduction Association - IDPC CNDblog at <http://www.cndblog.org/>. Official UN documentation of the session can be found at <http://www.unodc.org/unodc/all/commissions/CND/session/54.html>

Mr. Fedotov's opening speech to the Plenary: A more approachable Executive Director

This being the first CND for the new UNODC Executive Director, there was considerable anticipation and speculation regarding the likely tone and content of his opening presentation before the Plenary on Monday morning.

Beginning with a nod of recognition toward the 50th anniversary of the 1961 Single Convention on Narcotic Drugs, Mr. Fedotov was quick to declare his disagreement with those who regard the Convention as being "out of date". In common with his more pugnacious predecessor, Mr. Antonio Maria Costa, he argued that "the provisions of the

Convention remain valid, as does its central focus on the protection of health.”² Unlike Mr. Costa, however, the present Executive Director retained his diplomatic polish throughout the presentation; a demeanour maintained right through the ensuing proceedings, including in his interactions with those holding radically different views. This should perhaps come as no surprise as, before coming to the UNODC, Mr. Fedotov’s long and distinguished diplomatic career included posts at the UN in New York and more recently as the Russian Ambassador to the UK. The Executive Director’s immaculate and well practiced style, however, did not obscure what some considered to be a significant contradiction within his message. Having stated that the conventions were not out of date, Mr. Fedotov concluded the opening passage of his presentation by urging the international community to “rejuvenate” the Single Convention, and to “re-dedicate” themselves to implementing its provisions. Accordingly, the Transnational Institute was swift to point out, if the conventions are not out of date, why do they need rejuvenating?³

Mr. Fedotov also reminded the assembly of the “ambitious goals” set by the 2009 Political Declaration,⁴ and affirmed his belief in their ultimate fulfilment. The means to achieve these goals, he said, was through the adoption of a more coordinated approach involving a combination of successful supply reduction techniques with an increased focus on the demand side. The Executive Director then ran through a series of catastrophic figures and themes – a quarter of a million people “die from drugs” each year, users “destroy their own lives”, drugs generate crime, violence and so on – with no acknowledgement that perhaps drugs may not always, in and of themselves, cause these occurrences. Mr. Fedotov showed a lack of awareness here of the fact that the problems associated with the production, consumption and distribution of drugs are also linked to many other factors, such as differing legal and regulatory contexts, specific social,

historical and cultural settings, and economic circumstances. All of these contribute towards making drug-using conduct more or less risky; and closer to, or further from, support services.

The Executive Director continued by drawing a distinction between traffickers, who are “criminals” and users, who are “victims”. While this formulation is rather lacking in nuance, its practical consequences may be encouraging, as he went on to say that “treatment offers a far more effective cure than punishment.” However, as the UNODC has repeatedly recognised that only a small minority of those who use drugs do so in ways that are problematic for themselves and their societies, one wonders in what sense treatment will be an appropriate response for these individuals. Mr. Fedotov argued that societies must “facilitate healthy and fulfilling alternatives to the consumption of drugs, which must not be accepted as a way of life.” Here, his faithful reaffirmation of the objectives of the 2009 Political Declaration appeared to reflect that document’s determination to ignore the realities of contemporary social life around the world:⁵ for the fact is that drugs *already are* accepted, if not as a “way of life”, then certainly as a part of life, by hundreds of millions of citizens across the world, and this shows no sign of ceasing to be the case.

A timely reminder that the other key function of the drug control system is to ensure the availability of adequate supplies of pain medication was followed by a discussion of drug trafficking, and the threat it poses to stability and security. Mr Fedotov stated that each year “drug lords earn an estimated \$320 billion”, a figure which is drawn from UN sources, but in fact refers to estimates for the retail market. The earnings of the “Drug Lords” could more accurately be taken as referring to the wholesale market, estimated by the UN at \$94 billion.⁶ The use of the higher figure enabled the Executive Director to argue that, in effect, “drug traffickers control the 30th largest economy in the world.”

To deal adequately with the complex, global nature of the drug trade, Mr. Fedotov continued, we must “seriously rethink our strategy on drug control.” This is precisely what the IDPC and others have been arguing for a number of years. Unfortunately, the scope of the proposed rethink is somewhat limited. In this vein, he listed seven elements that should be contained in a new strategy:

1. Integrate drug control into development
2. Coordinate supply and demand reduction
3. Make better use of international legal instruments (the crime convention, etc)
4. A comprehensive and integrated approach (shared responsibility, regional cooperation etc)
5. System-wide coherence across the UN
6. Strengthen research and analysis
7. Resolve the governance and financial problems affecting the UNODC.

It may be argued plausibly that all of these proposals make good sense. The problem is, however, is a deeper one, and is, in a sense, a legacy left over from the failure of the UNGASS review process to undertake a genuinely thoroughgoing and comprehensive analysis of the failure of the UNGASS decade to achieve its stated objectives. What we were confronted with, instead, was another

ritual incantation of support for the creaking drug control conventions. Many amongst the reformist NGO community had expressed anxieties that Mr. Fedotov would attempt to bring to the Executive Director’s office the hard-line ideology of his national government. In his early statements and actions, and in this opening speech at the 54th CND, he succeeded at least in allaying those fears and seems set to continue the path taken by the *Office* in the recent past. In this respect, such continuity is in some ways unsatisfactory, but it is certainly more desirable than a reversal of the changes in outlook displayed by the UNODC in the latter years of Mr Costa’s tenure

The Plenary – Not quite Camelot

This year’s Plenary was a somewhat strange affair. Some things changed, but overall everything remained essentially the same. The changes came in the form of a revised organisational structure. For the first time, the traditional thematic debate at the CND, which usually takes place at the Plenary session, was organised around three round tables. The main objective of this arrangement was to ensure that the debate would not consist of the usual lengthy country statements, but of real discussions; quite a challenge for country delegates in the main accustomed to the predictability of the usual Plenary sessions.



Plenary session at the 54th Commission on Narcotic Drugs

Picture: Steve Rolles

Round Table (a) – Regional and international cooperation in combating the world drug problem and its connection with organised crime

The UK opened this, the first of the new round table discussions, by referring to the recent shortage of illicit heroin on the UK market.⁷ The UK delegate told the assembly that average purities for Class A drugs had declined substantially, with heroin plunging from an average of 32% to 14%, and cocaine at around 5-10%. These signs of scarcity were, he claimed, the result of successful, intelligence-led policing, in operations that retained a tight focus and entailed close collaboration between law enforcement agencies in various countries, for example the UK and Turkey.

He also cited the displacement of trafficking routes (such as the shift away from the Caribbean route) as evidence of a new and successful form of law enforcement, and as proof of the effectiveness of the types of tactics he had described. It should be noted, however, that the movement of trafficking routes in response to heightened interdiction efforts is a time-honoured strategy of organised crime groups, and that such flexibility has been characteristic of their methods for many decades⁸. Moreover, while law enforcement probably does play a role in the recent disruption of the UK (and wider European) market, there are certainly other factors at work, including a considerable fall in the levels of opium production in Afghanistan due to disease affecting last year's poppy crops.⁹

This statement was followed by others that focused on the familiar narrative of quantities of drugs seized, numbers of people arrested, and so on. The Ecuadorian delegation, however, attempted to push the debate in a more welcome and analytical direction, stating that this reiterated focus on repression was

a reductionist one: "States are not just drug factories, or trafficking routes," he said. The speaker argued instead for a more balanced approach that would take into account the cultural dimension of the countries in question. He called for a new form of cooperation; whereas "classic cooperation" was based upon commercial principles, what was required was a cooperation informed by "human principles". It would need a greater contribution of money and energy from all countries, and would strengthen the institutions of governance and civil society to fight demand and consumption as well as supply.

Chile made the point that more effective data is required, since this is "the foundation of policy", while the French delegate, in a characteristically elegant Gallic formulation, called for "a million tiny co-operations", such as the technical cooperation involved in the training of judges, customs officials and so on. France, the delegate said, would be convening a ministerial meeting on the cocaine problem along the lines of those that have already taken place with respect to opiates.

Several speakers then made reference to the centrality of globalisation in this discussion. Colombia noted the erosion of respect for the law, and advocated measures to strengthen the rule of law. The Algerian delegate stated that drugs and organised crime are "transnational scourges", and that the approach to fighting them must be similarly integrated. This was put more bluntly by Guatemala: "If they (the traffickers) have no borders, nor must we..." The Turkish delegate illustrated the fully global character of the drugs trade with some concrete examples; noting the growing influence of the cocaine traffic in Western Africa, he said that its operatives in Turkey were communicating in Nigerian, and that local law enforcement could not readily match the multi-lingual cooperative skills of the new, global organised crime.

Round Table (b) – Revitalisation of the principle of joint and shared responsibility as the centrepiece of international cooperation to confront the challenges posed by the world drug problem, in a manner consistent with the relevant United Nations conventions and declarations

In general terms, the ‘principle of shared responsibility’ to address the ‘world drug problem’ is now well accepted among government delegates attending the CND. However, when one looks in more detail into the meaning, scope and implications of the principle, divergences of opinion become easily identifiable. This round table revealed such disagreements, which tended to follow the lines of countries promoting a ‘zero tolerance’ approach towards illicit drugs, and others leaning towards a health based strategy.

It is therefore unsurprising that, for some delegations, such as Pakistan and Lebanon, the principle of shared responsibility was presented as essential in the fight against drug supply and, to a lesser extent, drug demand through law enforcement led approaches. For others, including Argentina, El Salvador and the USA, the principle of shared responsibility was perceived as supporting efforts aiming to tackle drug demand and supply through a balanced approach involving both law enforcement and public health and social measures. For Diederik Lohman, speaking on behalf of Human Rights Watch, finally, the principle was crucial for supporting governments in their struggle to ensure the availability of controlled substances for medical and scientific purposes – an objective of the UN drug control conventions that is often apparently forgotten by the States.

Similar divergences of opinion were also highlighted in relation to the implications of the principle of shared responsibility. Consequently, in their country statements, Bolivia, France, and Peru all declared that sharing information and examples of best practice constituted an essential part of the principle of shared responsibility. For India, Sudan and El Salvador, the principle was seen

to involve the provision of technical assistance to countries in need – this, according to India, also included financial support from developed to developing countries. Others believed that the principle encompasses cooperation to fight not only against illicit drug trafficking, but also money laundering, corruption and arm trafficking. For Russia, finally, the main threat that needed to be tackled through the principle of shared responsibility was Afghanistan. Indeed, during the later negotiations in the Committee of the Whole on Resolution 54/12 “Revitalisation of the principle of common and shared responsibility in countering the world drug problem” (see below), Russia did not hesitate to call governments to consider the Afghan situation as a “threat to international peace and security”, which, according to international law, could provide grounds for a military intervention.

In a statement, Uruguay also called for the principle of ‘fairness’ in order to move away from the stigmatisation of certain developing countries in the global South, towards a truly collaborative approach between developed and developing countries.

This round table, therefore, revealed a clear divergence in opinion between the members of the CND on what the principle of shared responsibility, which seems to be so widely agreed in theory, actually refers to in practice.

Round Table (c) Addressing key public health and safety issues such as addictive behaviours of youth and drugged driving

Here again, the last round table’s discussions on drugged driving revealed a clear divide between countries, such as China, that promote strict drug laws and enforcement to tackle the issue, and others, including Argentina, Uruguay, and the African Group that call for a holistic approach that aim to address the underlying causes of drug use and drugged driving through interventions focused on health, development and social inclusion.

Several issues were raised by the delegations to address the issue of drugged driving. First, although much research already exists on drugged driving in countries such as Canada, the USA and Norway, other countries around the world lack data and information on the issue, which hinders their efforts to respond efficiently to the problem. This is the case, for example, in Mexico and Sub-Saharan Africa. Second, issues related to drug testing were raised by the Czech Republic: how should the police deal with people arrested under the influence of legal drugs (such as codeine), or prescribed controlled substances (such as methadone and buprenorphine)? How will policy makers determine which amount must be considered as 'influencing' an individual's behaviour? In that regard, Norway shared its experience on the issue – it is currently the only country that has established such limits by law. Hungary also shared concerns about whether measures aimed to tackle drugged driving would respect the physical integrity of the person arrested for drug testing, and of data protection legislation. Finally, the African Group made it clear that some level of cultural and contextual awareness was necessary to ensure that interventions are effective to tackle drugged driving.

Finally, a few delegates shared their experience on how to address the issue of drugged driving. For example, the European Union has developed a prevention programme involving drug testing on the road, and has developed the DRUID research project, which aims to create a classification system of every prevention, law enforcement and training intervention developed among EU member states, in order to assess their effectiveness. Germany also presented its online prevention programme on cannabis use, which aims to provide information to young people about the effects of cannabis use while driving. Finally, Australia shared its experience on 30 years of alcohol driving prevention. Canada and the USA are planning to co-host an international conference in July 2011 to share information and best practice on drugged driving.

Thus, while certainly an innovative attempt to instigate discussion, the results of the roundtables were overall rather disappointing. Instead of generating genuinely free-flowing dialogue on the selected issue areas, the approach created what were in many ways mini versions of previous years' thematic 'debates'. Despite the best efforts of the chairpersons and some brief shining moments of discussion, much of the round table slots were filled with country statements. Moreover, and reminiscent of the plenary proper, NGOs were not always able to retain their designated speaking spots in the running order, a point to which we shall return. With all this in mind, it will be interesting to see which format the Plenary will take next year.

The Plenary – Operational and Normative Segments

Having run the roundtable sessions on the Monday afternoon, Tuesday morning saw the Plenary return to its normal business, including the usual issues. These included administrative, management and budgetary issues, the implementation of the international drug control treaties, changes in the scope and control of substances, the work of the International Narcotics Control Board (INCB) (see below), the implementation of the 2009 Political Declaration and Plan of Action, demand reduction and related measures, supply reduction and related measures, and countering money-laundering and promoting judicial cooperation to enhance judicial cooperation. As is to be expected, most 'discussions' under these agenda items followed the familiar pattern with member states presenting narrative accounts and statistics relating to the national efforts undertaken since they went through the same or eerily similar motions in previous years. Of note was the fact that a considerable number of country statements mentioned the harm reduction approach as a normal part of domestic drug policies. There were also a number of other specific items that stood out from the crowd. In terms of country

interventions, one of these was Venezuela's critical response to the INCB Report for 2010; an issue discussed further below. Mindful of not only the Board's recent work on the issue, but also a related resolution in the Committee of the Whole, another area of interest related to the agenda item on "international cooperation to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes while preventing diversion." This produced a number of very positive national statements and included a highly informative and, at times, moving presentation by Gilberto Gerra. The presentation by the Chief, Drug Prevention and Health Branch of the UNODC's Division for Operations, was very effective in humanizing the consequences of untreated pain and bringing a sense of reality to what can often be the abstract environment of the Commission. Mr. Gerra also informed the session of the work of the UNODC in the area, including a new discussion paper on the issue. Another extremely valuable UNODC presentation was that of Angela Me of the Statistics and Survey Section of the Division for Policy Analysis and Public Affairs. In this the delegates were given a nuanced picture of the "World Situation with regard to drug abuse" and reminded that, in order to allow the UNODC to engage in meaningful analysis nation states must invest in data collection and complete the Annual Report Questionnaires in a fuller fashion.

The Committee of the Whole: Problematic, but productive

The Committee of the Whole (COW) is the arena where resolutions are subjected to scrutiny and debate by Member States prior to their going before the Plenary for adoption. This process often involves attention to the minutiae of language and phrasing, and can be tiresome. However, it provides insight into the political relations between states and the political wrangling by which the final version of a given resolution is constructed.

Alberto Groff, of Switzerland, chaired the COW this year. While Mr Groff's politeness of manner may have prolonged – and at times overcomplicated – the proceedings, the Chair succeeded in shepherding a wide range of often fiercely negotiated resolutions through the Committee.

Key among these was **Resolution 54/11, "Improving the participatory role of civil society in addressing the world drug problem."**¹⁰ This was an important resolution for NGO delegates at CND, and its passage through the COW was watched with particular interest. Originally sponsored by Uruguay, it rapidly found co-sponsors, first among other South American countries, and then more generally.

While much of the lengthy debate to which the resolution was subjected was technical in nature, and concerned references to UN documentation and the use of approved forms of wording, it was obvious that these issues served as a proxy for more substantial disagreements surrounding the engagement of civil society in the politics of international drug control. Delegates had arrived at the CND on Monday morning to be confronted by a good-natured but noisy demonstration against the international drug war.¹¹ It appeared that some of the governmental delegates associated civil society participation solely with throbbing sound-systems, and young people in colourful clothes and cannabis-leaf badges. A number of those seeking technical amendments to the text seemed to suspect any civil society involvement as representing the thin end of a dangerous and disorderly wedge. Thus, an early intervention by China suggested the insertion of text to the effect that CND "welcomes *constructive and orderly* participation in line with ECOSOC regulations" (italics added). Indeed, it was those countries, such as China and Russia, which lack a tradition of civil society involvement in processes of governance that demonstrated the greatest degree of unease with this resolution and the

measures it proposed. On the other side, the early South American co-sponsors, the UK, Germany, the Czech Republic and many others showed strong support. From the outset, it was apparent that the resolution was going to suffer a stormy passage through the COW.

Delegations from the UK and China clashed over the wording of the preliminary paragraphs, with China calling for the use of language taken directly from the 2009 Political Declaration. The UK responded by showing that the language was already taken from that source. The UK delegate then went on to express her view that civil society engagement was an issue that went beyond the treaty-based work at CND. The drug control conventions, she observed, do not deal in detail with demand reduction, for instance, and she warned of the risk that the drug control system will continue to miss out on the wealth of expertise present in civil society. As if to underscore the point, the Russian Federation intervened to express its alleged confusion about the purpose of the resolution as stated in its original title, which was, “Efficient measures to improve the participation of civil society in the CND”. “What are these efficient measures?” asked the exasperated Russian delegate. “NGOs can attend, there are measures for them to speak – what more can we do?” he pleaded. A flurry of conflicting interventions surrounding the use of language in the text prompted the Chair to suggest that resort to “informals” may be necessary—informals being bilateral or other small sessions held in private, with the object of finding compromise between the main antagonists. The Argentinean delegation pointed out that the problem with this approach is that, by their very nature, informals exclude large numbers of Member States. In the event, however, discussions on the resolution were postponed until the difficulties could be resolved in informal meetings.

Following these at times heated debates, the resolution as finally sent to the Plenary differed considerably from the original draft,

though it picked up a total of seven sponsoring states along the way. This masked the fact that Uruguay had come close to withdrawing sponsorship of the resolution in its final form. The most obvious modification was the removal of any specific reference to CND in the title. Nonetheless, the essential point remains that the resolution, “encourages Member States to ensure that civil society plays a participatory role, where appropriate, in the development and implementation of drug control programmes and policies...” It also encourages Member States to cultivate an “environment that promotes innovation and to take account of promising approaches taken by civil society...” These are potentially important agreements. The differences between the original and final texts are perhaps at their most significant in the last operative paragraph, which had requested the UNODC to “review the consultation mechanisms in other UN bodies...” The meaningful engagement of NGOs with the political process in other UN bodies, such as UNAIDS, is much more highly developed than it is at CND, and the resolution would have allowed their model to be proposed as an example. As it stands, the agreed final paragraph does still permit Member States to report to the *Office* their experiences of working with civil society, and this information, and suggestions, may be made available to other Member States “upon their request.”

Another resolution of note was **54/13, “Achieving zero new infections of HIV amongst injecting drug users and other at-risk populations”**. This comes at a time when, outside of Sub-Saharan Africa, one third of new HIV infections occur among injecting drug users, while many governments remain reluctant to adopt harm reduction focused approach with regards to drug use.

The main discussions around the resolution concerned Russia’s request to include a preambular paragraph on demand reduction, drawn from operative paragraph 4 of the General Assembly Resolution 64/182.¹²

Supported by China and Colombia, Russia's main argument was that "demand reduction issues are fundamental from the point of view of the effectiveness of measures aimed to stop HIV/AIDS", and justified their proposal with the need to 'ensure a balanced text'. This request, however, was blocked by the UK, Argentina and Norway. The UK was particularly resistant to this addition from Russia and strived to protect the integrity of the resolution. The discussions on the resolution revealed once again the inherent tension between public health imperatives and more ideologically driven law-enforcement 'zero-tolerance' approaches. After heated and lengthy discussions between the UK and Russia, Argentina finally provided a compromise solution by mentioning Resolution 64/182 itself rather than its specific content. The suggestion to include "inter-alia paragraphs 4 and 5" of the Resolution put an end to the discussions.

A few additional modifications were made to the resolution, in particular on operative paragraph 3, where the request to UNODC to "*intensify* its focused efforts to scale up evidence-based interventions which have been unequivocally shown to reduce transmission of HIV in injecting drug users, as set out in the WHO, UNODC, UNAIDS Technical guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users" (emphasis italics added), was changed into "to continue". The reference "in full compliance with the international drug control conventions and national legislation" was also added to the paragraph. This is problematic because countries operating under legislation that prohibits substitution therapy or syringe exchange programmes will be able to keep applying their punitive policies against drug users. It is also disappointing to notice that, once again, the term harm reduction was carefully avoided in the resolution, the drafters preferring to refer to "evidence-based interventions".

Not all resolutions were so contested. This was the case with **Resolution 54/5: "Promoting**

rehabilitation- and reintegration-oriented strategies in response to drug use disorders and their consequences that are directed at promoting health and social well-being among individuals, families and communities."¹³ Further enshrining the necessity and value of drug treatment within the UN drug control system, 54/5 passed to the Plenary without major conflict. Proposed by Hungary on behalf of the EU, it encourages Member States to "ensure access to evidence-based and humane treatment, care and related support services" and urges them to "identify and firmly counter discrimination against and stigmatisation of drug users". The resolution emphasizes that effective drug treatment must be tailored toward individuals, and include measures to achieve social integration; the latter even to comprise "positive discrimination programmes to facilitate the employment of drug users". It states that treatment must be evidence based and regarded as a "key element of national efforts at reducing illicit drug use". Finally, the text involves the important recognition that "a diverse range" of treatments should be provided, covering both the "medically assisted" (which includes Opioid Substitution Therapy) and "psychosocial" forms. The Executive Director was asked to report to next year's CND on the progress in implementing this resolution.

It will be recalled that a core objective of the 1961 Single Convention on Narcotic Drugs is to limit the use of controlled substances to medical and scientific purposes. However, despite the adoption of various resolutions by the CND over the years, including Resolution 51/9 in 2008¹⁴ and Resolution 53/4 last year¹⁵, along with various reports written by the INCB, UNODC and WHO on the matter, many governments have often ignored that prerogative, and instead focused overwhelmingly upon the suppression of illicit drug use. As a result, millions of cancer and HIV patients suffer from moderate to severe pain for lack of available controlled medicines; all issues touched upon in Mr. Gerra's presentation

in the plenary. There is also ample evidence that opioid substitution therapy is an effective HIV prevention tool since it reduces the use of contaminated needles.¹⁶ This year's resolution **54/6, "Promoting adequate availability of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes while preventing their diversion and abuse"** reiterates most of the contents from 53/4. It was therefore not subject to much controversy and was adopted quickly by the Committee of the Whole. The last operative paragraph of the resolution calls the UNODC Executive Director to report on the implementation of the resolution next year.

Including the resolutions discussed above, which are the most significant ones for the NGO community, the often slow-moving and fractious Committee scrutinised a total of 15 resolutions before passing them on to the Plenary. The EU sponsored a resolution on improving data, continuing a significant theme from last year. Reference to former debates was also made by a resolution sponsored by Colombia and Peru, which sought to revitalise the principle of shared responsibility. Noises of discontent about permissive drug policies in certain Western countries, a familiar topic from the last few CNDs, continued to be heard at this one. The US also presented a resolution promoting international cooperation to prevent "drugged driving", the title of which was altered to include the rather more cautious term, "drug-affected driving".

The World Health Organization at the CND – Still marginalised

As we have noted in past reports, the WHO is frequently marginalised during CND meetings.¹⁷ This is especially so relative to the INCB, even though the WHO is also a recognised treaty body in the UN drug conventions. Such a situation was arguably less apparent this year due to the prominence in the

plenary of the issue of availability of controlled medicines; something with which the WHO is intimately engaged. Several WHO statements consequently spoke about this topic in detail and also referred to a recently published WHO policy guideline *Ensuring Balance in National Policies on Controlled Substances: Guidance for Availability and Accessibility of Controlled Medicines*.¹⁸ This report was developed as part of the WHO's activities under the Access to Controlled Medicines Programme. Although on this and other aspects of its activities the WHO works closely with the INCB, it was interesting to note that the delegates from Geneva felt it necessary to mention ketamine within the WHO's response to the INCB Annual Report. Then it was noted, "as we have already stated before, it is far from clear that the harm related to the misuse of ketamine warrant scheduling and therefore the scientific assessment by WHO is urgently required before such measures are taken." This seemed very much like a response to the ongoing calls of the INCB for the CND to add the drug to the lists of controlled substances; a move that is beyond the Board's mandate and encroaches upon that of the WHO.¹⁹

Indeed, the fact that the WHO continues to be undeservedly sidelined was evident on a number of occasions at this year's CND. First, Resolution 54/6 presented a joint INCB/WHO project on developing a manual on making estimates for country demand for medical supply of drugs, as a discrete initiative of the Board. Moreover, the preamble quotes a now withdrawn and replaced WHO guideline and overall gives the false impression that the UNODC and the Board had taken the lead on the issue. These were innocent oversights, but they reflect an imbalance in perceptions of the WHO and other bodies within the drug control apparatus. Secondly, on one of the few occasions that the work of the WHO was mentioned by a state in the plenary debate, it was to criticize it for not recently convening a meeting of the Expert Committee on Drug Dependence (ECDD), the body responsible

for giving advice on scheduling to the CND. As the WHO explained, the reason why the Committee has not met since 2006 is simple; a lack of money. To be sure, the IDPC concurs with the view of the WHO that the ECDD cannot be expected to perform the role given to it by Member States unless those same states are willing to pay; a similar predicament to that of the UNODC, though one that is considerably less talked about (see below). As a possible solution, it was suggested that a "...funding stream could come from the CND secretariat, from Member States or other external sources mobilised by either the CND in Vienna, or by the WHO in Geneva with strong endorsement from the CND." It is our hope that the funding problem will be solved soon. Without meetings of the ECDD there will be no recommendations on scheduling and as a result the CND will not be able to make decisions on this issue.

NGO engagement: Catching up, yet still behind

According to UNODC, over 150 NGO delegates representing 60 official NGOs attended this year's CND. However, fewer NGO representatives were invited to attend the CND as members of country delegations. The UK, for example, which had four NGO representatives within its delegation last year, counted only one at this year's session. This was no doubt a reflection on the planned resolutions. As in previous years, the Vienna NGO Committee on Drugs (VNGOC) was responsible for coordinating NGO involvement at the CND. The NGO lounge provided a useful space for NGO delegates to meet before and between the sessions and to consult useful documentation on the CND proceedings. A table was also made available to NGOs to display documentation in front of the Committee of the Whole. The VNGOC coordinated NGOs' statements at the round tables and Plenary and, as discussed

below, organised several informal dialogues with the Chair of the International Narcotics Control Board (INCB), the UNODC Executive Director, and the Chair of the CND. Independent of the VNGOC process, Mr. Fedotov also made time to see a delegation from the IDPC. Finally, NGO delegates organised a series of well-attended side events on drug policy issues in the margins of the CND (See Box 1). Although NGOs gained much visibility at the CND, particularly via the much welcomed VNGOC organised dialogues, their participation in official discussions remains limited and, as noted above, is still nowhere near that in other comparable issue areas. The functioning of the round table sessions was particularly representative of this.

There had been some hope that the new round table arrangements would provide greater space for NGOs to intervene in the official debates. For the first time, NGOs were supposedly given the same right as member states to participate in the debates at any given time – provided the Chairperson allowed them to speak – rather than only at the end of the debates, if time permitted. Although the VNGOC facilitated six formal requests from NGOs wishing to intervene during the round tables,²⁰ only one had the opportunity to speak. As mentioned above, a Human Rights Watch representative spoke about the principle of shared responsibility at round table (b). As with the Plenary proper, time constraints certainly made it difficult for all speakers, including those from NGOs, to take the floor. That said, while slowly changing, the embedded culture of the CND is such that NGOs are seldom included in formal proceedings as a matter of course. A high profile exception this year was a Plenary statement by the International Harm Reduction Association (IHRA), on behalf of IHRA and other NGOs, including the IDPC, Human Rights Watch, Open Society Foundations and Transform. The statement called governments to cease using the death penalty for drug offences; a policy option currently retained within 32 jurisdictions.

BOX 1 NGO side events

This year, civil society groups were highly visible at numerous side events that drew attention to the flaws of the international drug control system, as well as opportunities for improvement. These events were targeted at the member state delegates as well as those from NGOs and provided a forum for discussing key drug policy issues.

The IDPC was instrumental in organising or facilitating the holding of a series of events in collaboration with its member organisations. The first event co-organised by the Eurasian Harm Reduction Network discussed issues related to overdose prevention and put particular emphasis on the effectiveness of Naloxone to prevent death related overdose around the world. The second event featured examples of diversion mechanisms from custody to treatment in different socio-economical and cultural contexts, including Malaysia, the United Arab Emirates and Latin America. The third event, co-hosted by the Transnational Institute, introduced a reinterpretation of the Single Convention on Narcotic Drugs²² and within this context discussed the recent Bolivian proposal to remove the international ban on coca leaf chewing and its implications for the Convention. The key points on the coca issue were presented by Dayana Rios from the Bolivian national delegation. A new global campaign “Count the Costs” was launched by Transform during another side event.²³ This campaign seeks to highlight the negative consequences of the current drug control regime, on the basis of the 50th anniversary of the 1961 Single Convention.

Other side events of note included a session on proportionality in sentencing for drug related offences organised by the Canadian HIV/AIDS Legal Network; the impact of drug control on socio-economic development, hosted by the Open Society Foundations, the The Nossal Institute of Global Health and GIZ, the German government development agency; and person-led recovery, organised by San Patriagnano, Wired In and the VNGOC. Another side event co-organised by the VNGOC, this time with the UNODC, entitled “Building on beyond 2008 recommendations: Partnerships for effective drug policy”, was also particularly interesting, featuring examples where the VNGOC and UNODC supported NGOs’ advocacy work towards government officials in countries as diverse as Argentina, Kyrgyzstan and Senegal.

Each event was well attended by both NGO representatives and, perhaps understandably bearing in mind the range of other events taking place at the same time (see box 2), to a lesser extent by government delegates. Nonetheless, the events provided a space for discussions on the weaknesses of the current system and opportunities for alternative approaches to drug control. It was also a good opportunity for NGO delegates to meet with government representatives and UNODC staff and engage in meaningful discussions on drug related issues.

It should also be noted that NGOs favouring the shape of the extant control system were involved with side events. Key amongst these was “The right of children to be protected from narcotic drugs and psychotropic substances”. This was organised by the International Federation of NGOs, IOGT International and World Federation Against Drugs.

The NGO informal dialogue with the INCB President: A move in the right direction

The INCB is well known for its lack of engagement with civil society. NGO delegates therefore welcomed positively the informal dialogue organised by VNGOC between NGO representatives and the INCB President at this year’s CND. The 45-minute encounter was an opportunity for NGOs to engage in a constructive dialogue with the INCB President, Prof. Hamid Ghodse. Overall, the meeting was cordial and showed a growing willingness from the INCB to engage with NGOs. As for NGOs, they took advantage of the meeting to discuss controversial issues with Prof. Ghodse.

A question was raised, for example, on the new process by which local civil society organisations can engage with the INCB during the Board’s country visits. One of the NGO delegates requested the INCB to intensify its efforts to reach out to civil society organisations in countries where NGO work may be hindered by security issues or corruption. Only then can there be a real exchange of information and meaningful engagement with civil society. The INCB President did not seem to be opposed to the idea, but remained quite vague in his response and on how he would ensure the engagement of these NGOs in the INCB country visits.

Another contentious issue discussed during the informal dialogue was that of drug consumption rooms, which the INCB has largely criticised in its annual reports. The response of the INCB President therefore came as a surprise – in the framework of harm reduction, and if controlled drugs are prescribed, then the concept of drug consumption rooms is acceptable.

Finally, the INCB President carefully avoided providing a clear response from the call from the International Network of People Who Use Drugs (INPUD) to ensure the meaningful participation of drug users in drug policy debates. Instead of responding to the INPUD representative’s concerns, Prof. Ghodse mentioned the importance of comprehensive drug dependence treatment for drug users.

Consequently, although this type of dialogue is certainly a welcome development, Prof Ghodse’s performance suggests that there is still much work to be done to increase the links between the INCB and the NGO community.

The NGO informal dialogue with the UNODC Executive Director: A new era of cordiality?

Another noteworthy event from the 54th session of the CND was the informal dialogue between NGOs and Mr Fedotov. Former



Informal dialogue between the UNODC Executive Director, Mr. Fedotov, and NGOs Picture: Steve Rolles

Executive Director Antonio Maria Costa always showed some level of resistance in meeting NGO delegates, not hesitating in resorting to an army of bodyguards to attend meetings with civil society, or directly insulting the delegates during the dialogue. In that regard, this year's meeting with Mr. Fedotov showed some improvement, with a feeling that NGOs were indeed taken seriously. Indeed, as a symbolic step forward, at the end of the meeting Mr. Fedotov invited every NGO delegate present at the meeting to have their picture taken with him.

From the start, Mr. Fedotov made it clear that he was new in the office and may not be able to respond to every question. He was therefore accompanied by Sandeep Chawla, Director of the UNODC Division for Policy Analysis and Public Affairs and seen by some to hold progressive views on a human rights and health based approach to drug policy, as well as Gilberto Gerra.

Several issues were raised during the dialogue, one of which concerned Mr. Fedotov's opening statement, in which he talked about the 'rejuvenation of the drug control conventions'. According to Mr. Fedotov and Mr. Chawla, the conventions should be not be changed, but rather should be implemented differently, according to the current geopolitical circumstances, with a more balanced approach to tackle both demand and supply. When asked about decriminalisation, Mr. Fedotov replied that he was prepared to look into the issue and draft a discussion paper on the matter. As for meaningful engagement with civil society, the Executive Director declared that any government should reflect the will of its people and civil society, and that he was in favour of 'closer cooperation' with civil society.

There was one particular moment of tension during the meeting – willingly or not, Mr. Fedotov failed to respond to INPUD's question

about the role that drug users should play in reviewing drug policy and practice. After a somewhat agitated reminder from INPUD, Mr. Fedotov finally responded by stating that UNODC was dependent on member States to take its decisions, and that, therefore, drug users should get involved through their national governments in order to bring their demands to the international sphere.

The NGO informal dialogue with the CND Chair: The beginning of a beautiful relationship?

An informal dialogue meeting between the CND Chairperson and civil society delegates took place on Tuesday 22nd March. The room was small and very crowded, an indication of the level of interest and participatory enthusiasm on the part of civil society representatives at the CND. For her part the Chair, Veronika Kuchynová Smigolová of the Czech Republic, was courteous, receptive and even-handed at an event at which the division in the NGO community were apparent.

Indeed, despite a hostile intervention concerning the funding of reform oriented NGOs, the Chair wisely refused to be drawn into the debate and instead listened attentively to suggestions for greater civil society engagement from all quarters, taking notes continuously. Delegates drew attention to the fact that the treaty bodies of the UN drug control system are well behind many other UN bodies in their level of integration of civil society participation. UNAIDS, for example, has NGO representatives on its governing body, the Programme Coordinating Board.²¹ Ms Kuchynová Smigolová did a lot of nodding, and made some affirmative noises, without necessarily making firm promises. However, as an informal meeting, this was seen by all partners as the beginning of a longer term process of meaningful engagement, and the Chair came across as one who was acting in good faith.

BOX 2 – Country and UN Satellite Events

A number of side events took place in parallel with the CND proceedings. Among them were:

- **Tackling methamphetamine – The experience of New Zealand.** Organised by the Permanent Mission of New Zealand.
- **The drug situation in Pakistan and the expanding partnership between UNODC and the Government of Pakistan.** Organised by the Permanent Mission of Pakistan and UNODC/Integrated Programming Branch.
- **Innovative criminal justice system approaches to reducing drug use and crime.** Organised by the permanent Mission of the United States of America.
- **UNODC study on illicit financial flows.** Organised by UNODC/Studies and Threat Analysis Section.
- **Presentation of the cooperation programme on drugs policies between Latin America and the European Union.** Organised by the Permanent Mission of Spain.
- **Enhancing cooperation in global data collection – The way forward.** Organised by UNODC/Statistics and Surveys Section and the European Union.
- **The growing challenges of designer drugs.** Organised by UNODC/Laboratory and Scientific Section.
- **Universal access for drug dependence treatment and care: Hidden dimensions of a complex disorder.** Organised by UNODC and WHO in collaboration with the Vienna NGO Committee on Drugs.
- **Alternative development: The Peruvian experience.** Organised by the Permanent Mission of Peru.
- **Results of a comparative study on drug use in emergency rooms.** Organised by UNODC/Integrated Programming Branch.
- **Healthy and safe children through family skills training programmes** Organised by UNODC/Prevention, Treatment and Rehabilitation Unit.
- **Bolivia’s proposal to amend the Single Convention on Narcotic Drugs of 1961.** Organised by the Permanent Mission of the Plurinational State of Bolivia.

The International Narcotics Control Board – Comprehensive and largely uncontroversial

As is the norm, the President of the INCB used the statement at the plenary of the CND to highlight the main themes of the Board's Annual Report. Noting that this year marks the 50th anniversary of the Single Convention on Narcotic Drugs, Prof. Hamid Ghodse began by reflecting upon the "achievements made in the implementation of the convention". Beyond observing the near universality of accession among UN member states, Prof. Ghodse highlighted that the convention had been successful in "almost fully eliminating" the diversion of narcotic drugs at the international level, but noted, "much work needs to be done to prevent diversion at the national level". As the IDPC has noted in various publications, the Board's concern with the issue of diversion has sometimes in recent years taken precedence over any comments regarding the use of certain controlled substances for medical purposes.²⁴ This has been particularly the case for drugs involved in opioid substitution therapy. We therefore, welcome the INCB's production of a special supplement to this year's Annual Report on the availability of internationally controlled substances for medical requirements; an issue that received prominence within the President's statements to the CND, favourable government responses in the plenary and something to which we will return.

Mindful of the thematic nature of chapter one of the Board's Annual Report, Prof. Ghodse also gave attention to this year's "topic of concern": corruption. In so doing, he noted, "The Board recognises the heroic efforts of the officers working to protect society from drug trafficking, whose lives are placed in danger on a daily basis. Unfortunately, their efforts and sacrifices are often compromised by corruption and intimidation. Indeed, corruption and intimidation are the tools most effectively used by organised crime to counterdrug control efforts and ensure an

unimpeded flow of drugs". There is much to be said for raising concern about all aspects of drug related corruption. The choice of topic, both in the President's statement and the Report for 2010, nonetheless, raises further questions in relation to what can be called the Board's "mission creep".²⁵ As a Transnational Institute response to the INCB Annual Report upon its release pointed out, "While the Board frequently oversteps its limitations related to the 1988 Convention, they now seem to be expanding their reach to the UN Convention against Corruption and the UN Convention against Transnational Organized Crime, for which they have no mandate at all".²⁶

On a more positive note in terms of the Board's mandate, Prof. Ghodse used his presentation to state publicly that the INCB is "committed to a constructive dialogue with non-governmental organisations". The IDPC has held up the Board's longstanding reluctance to engage with civil society as a major example of its 'selective reticence': areas where the INCB sometimes refrains from engagement in issues and activities although its mandates suggest otherwise.²⁷ Such a message, as well as acknowledgement that, assisted by the VNGOC, the Board is "seeking to include meetings with relevant NGOs during each country mission" is of course greatly welcome. It is the hope of the IDPC, nonetheless, that future INCB-NGO interaction is more productive than that displayed at the President's informal discussion with the VNGOC on the Monday of this year's CND.

In relation to other significant parts of the Annual Report the President flagged up a number of special topics, some of which had been initiated by earlier CND resolutions. These included work on questionnaires relating to the regulation of cannabis seeds (Resolution 52/5), the collection of information on synthetic cannabinoid receptor agonists (Resolution 53/11), recommendations that states share information on alkyl nitrites ("poppers") with

the WHO and requests to states to provide the INCB with information on date rape drugs (Resolution 53/7). Prof. Ghodse also stressed that the Board was “gravely concerned about the increasing variety and availability of ‘designer drugs’, substances of abuse that have been designed to avoid control measures by means of a minor modification of the molecular structure of controlled substances, resulting in a new substance with similar effects.” In order to avoid delays in placing individual drugs under national control, he invited governments to consider generic scheduling, “where the national legislation allows it”.

Moving onto the weaknesses in international and national drug control systems identified in the Annual Report, Prof. Ghodse, among other areas, chose to mention increases in cocaine trafficking in Africa, “increasing abuse of virtually all types of drugs” in that continent, concern for drug related violence and corruption in Central America and the Caribbean and South Asia as a source of ephedrine and pseudoephedrine for the illicit manufacture of methamphetamine. In terms of positive developments, he was pleased to note a decline in coca bush cultivation in South America and a drop in opium poppy production in Afghanistan. This was mainly the result of a fungus, he pointed out. “However”, Prof. Ghodse continued, “there is no room for complacency given that opium stockpiles in the region are equivalent to 2.5 years of the global illicit demand for opiates”. Again, this is a fair point, but one cannot help wondering about the source of such precise figures.

In discussing the Board’s work in relation to precursor control in article 12 of the 1988 Convention, the President noted that the precursor control regime had strengthened over the past two decades and highlighted a number of undoubtedly valuable initiatives; Project Prism, Project Cohesion and the Pre-Export Notification Online System (PEN-Online). As alluded to with reference to South Asia, Prof. Ghodse noted that with

the increased control of traditional precursor chemicals, non-scheduled substances were being increasingly used for the production of methamphetamine and as such urged governments to “refer to the latest version of the Limited international special surveillance list of non-scheduled substances”.

As noted above, the INCB Report for 2010 included a Supplement. Entitled *Availability of Internationally Controlled Drugs: Ensuring Adequate Access for Medical and Scientific Purposes*, this contained a number of key findings that Prof. Ghodse duly transmitted to the plenary session under agenda item 4c. Key among these was that a group of developed countries consumes 90% of the global consumption of opioid analgesics: Australia, New Zealand, the United States of America and several European countries. “On the other hand”, the President stressed, “80% of the world population has limited or no access to opioid analgesics for the treatment of pain”. Noting that the Board monitors the global supply of, and demand for, opiate raw materials, Prof. Ghodse was “pleased to reassure the international community that the global supply of opiate raw materials is more than adequate to ensure that opiates can be produced in the quantities required for medical purposes.” “Similarly”, he continued, “there is sufficient global capacity for the manufacture of synthetic opioids”. While this is the case, a clear theme to come from the President’s statement was that benefit from this situation was unequal around the world. Growth rates were caused mainly by increases in manufacture within states with already high consumption while in low consumption countries levels remained low or even decreased. Pointing out that access to medicines containing internationally controlled substances is limited or almost non-existent in many countries, Prof. Ghodse noted that differences in consumption level exist between regions, but also between similar countries within the same region. In reference to this, he urged states to check the data within the Report to ensure that patients

were not suffering due to a lack of adequate pain treatment. Bearing in mind the Board's previous proclivity for privileging strict drug control over the availability of pain medication, the President also made some positive and welcome statements about the "barriers" to the availability of narcotic drugs. Identifying the major barriers as "concerns about addiction" and "resistance to prescribe", he noted that these need to be "overcome through the provision of training for doctors and health care workers". "Competent authorities will also need to verify whether overly restrictive laws and administrative burdens play a major role in the low levels of consumption of their country", he continued. Although it is difficult to ignore the Board's tendency to regulate concerns of medical availability of pain medication to "secondary consideration",²⁸ it was also positive to hear news of the Board's work with the WHO in developing guidelines on estimating requirements for internationally controlled substances. As the President noted, these will no doubt "assist Governments with low levels of consumption of controlled substances to become aware of their requirements and, ultimately, submit to the Board estimates and assessments that reflect more accurately those requirements."

As is almost ritualistic at every CND session, the Board's Report, and this year particularly the Supplement, were welcomed by all Member States making statements within the plenary. In fact, this year there were only a few voices of dissent in relation to the INCB's activities. Although Colombia's statement on behalf of GRULAC was positive, these came from Latin America. Upon taking the floor on one occasion, a Uruguayan delegate pulled the Board up on its use of the emotive term "crack" rather than hydrochloride base when referring to production and problematic use within the region. Bolivia also made the briefest of mentions to the issue

of coca and the INCB's hostility towards the practice of coca chewing. This was perhaps reflective of uncertainty in La Paz as how to move forward on the amendment proposal. A more forceful challenge, however, came from Venezuela. This was in relation to what it felt were inaccuracies within the Report for 2010. In the first instance, the delegation argued that reporting of the establishment of a new, US supported, naval base in Honduras for the interception of light aircraft smuggling cocaine from countries including Venezuela was "biased". Further irritation was displayed in relation to a paragraph that was seen to imply that Venezuela was a main source of cocaine seized in Western Europe. Clearly unhappy at the lack of accurate and open references for the Board's sources on this issue, the delegate stated that these sections of the Report put into question the accuracy, transparency and objectivity of the Board. It was also suggested that in using sources in addition to the information supplied by governments themselves, in this case from the World Customs Organization, the Board displayed further bias. In a later rebuttal on this point, Prof. Ghodse noted that it was "regrettable if the Board's output was seen as biased" and attempted to clarify the issue. In so doing, Ghodse pointed out that the Report stated that the shipments of cocaine had originated in Venezuela. This was different to being the point of production. Interestingly, while in this instance the President of the Board was more accurate in his account, it is true that the Board does still suffer from a lack of transparency and at times opaque references towards the sources of its information - issues raised in previous IDPC publications.²⁹ The IDPC would, however, challenge the notion put forward by Venezuela that additional sources of information are a negative contribution to the quality of the INCB Annual Report. On the contrary, providing they are credible and accurately cited, such material can only add to the richness of the document.

UNODC finances – A dangerous structural problem

Although the UNODC has a new Executive Director, one of the constants to emerge from the 54th CND was a message of concern from the head of the *Office* regarding the state of UNODC funding. As Mr. Costa had regularly done, Mr. Fedotov used his opening statement at the session to stress the view that the *Office* faced severe funding shortfalls, or as he put it “a dangerous structural problem”. “[T]he more demand for our services grows”, the Executive Director pointed out, “the more precarious our core operations become”. “We are striving to do more with less,” he continued, “while ensuring that our work achieves positive results and is efficient and cost-effective”. In relation to this last point, Mr. Fedotov announced that he was giving independent evaluation a key role in assuring quality and accountability of UNODC projects. “But in the long run”, he not unreasonably concluded, “our funding structure is not viable. Without a proper and timely solution to our governance and financial challenges, UNODC will no longer be able to carry out our mandates effectively”.

A cursory view of the financial predicament of the *Office* substantiates such a belief. As has been the case for many years, the UNODC continues to be heavily reliant – about 90 percent – upon voluntary funding; a figure expected to have been around \$215 million in 2010 reflecting, as with 2009, a reduction of about 17 percent compared to 2008.³⁰ Moreover, less than 1 percent of the UN regular budget is allocated to the UNODC. This amounts to \$42.6 million in the biennium 2010-2011; less than 10 percent of the total UNODC income. Within this context, most funding is also earmarked for special purposes and programmes; figures that both look set to marginally increase over the 2010-2011 biennium. Indeed, unearmarked general-purpose funds constitute less than 6 percent of the UNODC budget for the biennium 2010-2011. These limited and, in the long-term,

shrinking funds have to pay for core functions such as policy analysis and research, strategic planning, independent evaluation, advocacy, management of donor relations, field offices and financial monitoring. In 2010-11, 95 percent of general purpose funding came from a small group of major donors. It is fair to say then that such a financial model not only lacks both predictability and flexibility but also has the potential to distort programme priorities.³¹ Consequently, as in the previous year, 2010 saw the UNODC engage in substantive cost saving measures in relation to its general-purpose budget, including temporarily freezing posts and moving others to programme support cost funds. While overall presented once again as a financially austere consolidated budget, (including both the fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund) the revised budget for the drug control programme for 2010-11 does show an increase in general-purpose income. This, however, reflects a one-time contribution of \$7 million from the Russian Federation rather than any alteration of the downward trend.³² It is interesting to note that, among supporting other core activities, these additional funds will be used to strengthen the Independent Evaluation Unit.

In light of the UNODC’s funding problems, the Commission considered the work of the “Open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime”: a group established pursuant to an ECOSOC decision and CND and Commission on Crime Prevention and Criminal Justice resolutions in 2009.³³ A number of speakers in the plenary considered it a useful forum for discussion and consultation among Member States and with the Secretariat. Other delegations called for an increased share of general-purpose funding to support the core and normative functions of the *Office*. These, and other calls to shift away from a project-based to an integrated programme-based

approach, were positive contributions to the debate. Nonetheless, the fact remains that until Member States are willing to increase financial contributions to the unearmarked general-purpose fund, the UNODC will struggle to deliver the services that those same member states demand. This includes the collection of good data and robust analysis thereof in key outputs such as the *World Drug Report*. As will be recalled, these are both issues specifically mentioned in Mr. Fedotov's discussion of a new UNODC strategy.

Conclusions

Overall, this year's CND session can be regarded as a mixed bag that, in many ways, reflected the revised dynamics of the Plenary; some things changed, but things mostly remained the same. The eagerly anticipated contributions from Mr. Fedotov confirmed the diplomatic prowess and elegance of the new Executive Director, but, as was to be expected, did not reveal any reformist impulse in relation to the re-occurring theme of the event; the 50th anniversary of the Single Convention. While this was the case, Mr. Fedotov's clear intention to continue the *Office's* pursuit of a more health oriented and human rights based approach to drug control must be welcomed. The nature of the Executive Director's engagement with the NGO community was also a positive sign and was representative of the success of the VNGOC

to generate links between NGOs and the UN's drug control apparatus and the Commission. That said, within the formal functioning of the CND, NGOs remained peripheral leaving the body out of kilter with other parts of the United Nations. The fundamental tensions among Member States on the issue were plain to see in the negotiations surrounding Resolution 54/11. Similarly, as revealed during negotiations on Resolution 54/13, the issue of harm reduction clearly remains a fault line with the Commission. Having become abundantly apparent as a manifestation of the cracks within the Vienna consensus at the High Level Segment in 2009, dissonance at the 54th meeting emerged in both the COW and discussion of the draft report of the meeting. Last year the report had noted differences of opinion on the issue. This time, however, the draft contained no mention of the term, despite the fact that many countries had referred to the approach in statements and interventions. This led to a protest in the closing session by Norway on behalf of six European countries.³⁴ Indeed, while there are some areas of agreement among members of the CND, access to essential medicines for example, there remains a clear divide between those preferring a health oriented and human right based approach and others that privilege zero-tolerance and law enforcement. It will be interesting to see how the INCB and, having become more familiar with the dynamics of the Commission, Mr. Fedotov, will deal with this increasingly pressing challenge in the following year.

Endnotes

- 1 Jelsma, M. (2011), *Lifting the Ban on Coca Chewing: Bolivia's proposal to amend the 1961 Single Convention*, (Amsterdam: Transnational Institute, Series on Legislative Reform of Drug Policies, Nr. 11). <http://idpc.net/publications/lifting-the-ban-on-coca>
- 2 <http://www.unodc.org/unodc/en/about-unodc/speeches/2011/March/2011-03-21-cnd-opening-session.html>. All further quotes from Mr. Fedotov are from this speech unless otherwise indicated.
- 3 Blickman, T. (March 2011), 'Some reflections on UNODC Executive Director Fedotov's opening speech'. <http://www.tni.org/article/time-realistic-new-international-drugs-framework>
- 4 UNODC (2009), *Political Declaration and Plan of Action on International Cooperation Towards and Integrated and Balanced Strategy to Counter the World Drug Problem* (New York: United Nations). <http://www.unodc.org/documents/commissions/CND-Uploads/CND-52-RelatedFiles/V0984963-English.pdf>
- 5 IDPC (2009), *The High Level Segment of the 2009 Commission on Narcotic Drugs- The Political Declaration: A Missed Opportunity*. <http://www.idpc.net/publications/missed-opportunity>
- 6 UNODC (2005), 'Estimating the value of illicit drug markets- Chapter 2' of the *2005 World Drug Report*. http://www.unodc.org/pdf/WDR_2005/volume_1_chap2.pdf
- 7 Hallam, C. (2011), IDPC *Briefing Paper - The heroin shortage in the UK and Europe*. <http://www.idpc.net/publications/idpc-briefing-heroin-shortage>
- 8 McAllister, W. B. (2000), *Drug Diplomacy in the Twentieth Century: An international history* (London and New York: Routledge)
- 9 UNODC (2011), *Afghanistan Opium Survey 2010*. http://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghanistan_Opium_Survey_2010_web.pdf
- 10 United Nations (2011), *Commission on Narcotic Drugs: Report on the 54th Session*. Advance Unedited version ECOSOC <http://www.unodc.org/unodc/al/commissions/CND/session/54.html> p.36
- 11 This was organised by the Hungarian Civil Liberties Union (<http://tasz.hu/en>).
- 12 General Assembly (30 March 2010), Resolution 64/182: International cooperation against the world drug problem. <http://www.politicheantidroga.it/media/397109/a-res-64-182,%20international%20cooperation%20against%20the%20world%20drug%20problem.pdf>
- 13 United Nations (2011), *Commission on Narcotic Drugs: Report on the 54th Session*. Advance Unedited version ECOSOC <http://www.unodc.org/unodc/al/commissions/CND/session/54.html> pp.18-19
- 14 UNODC Resolution 51/9: "The need for a balance between demand for and supply of opiates used to meet medical and scientific needs" <http://www.unodc.org/documents/commissions/CND-Res-2000-until-present/CND-2008-Session51/CND-51-Res-2008-09e.pdf>
- 15 UNODC Resolution 53/4: "Promoting adequate availability of internationally controlled licit drugs for medical and scientific purposes while preventing their diversion and abuse" http://www.unodc.org/documents/commissions/CND-Uploads/CND-53-RelatedFiles/E2010_28eV1052082.pdf
- 16 World Health Organization (March 2007), *World Health Organization Briefing Note – Access to controlled medications programme*, http://www.who.int/medicines/areas/quality_safety/access_to_controlled_medications_brnote_english.pdf
- 17 IDPC (2009), *The 2009 Commission on Narcotic Drugs and its High Level Segment – Report of Proceedings*, (Witley, Surrey, UK: International Drug Policy Consortium), p. 14. www.idpc.net/sites/default/files/library/IDPC_CND_Proceedings_EN2009.pdf
- 18 World Health Organization (2000), *WHO Policy Guidelines Ensuring Balance in National Policies on Controlled Substances, Guidance for Availability and Accessibility for Controlled Medicines* (Geneva) http://www.who.int/medicines/areas/quality_safety/guide_nocp_sanend/en/index.html
- 19 IDPC (February 2008), *The International Narcotics Control Board: Current Tensions and Options for Reform*, Briefing Paper 7, p. 9. <http://www.idpc.net/publications/international-narcotics-control-board-current-tensions-options-for-reform>
- 20 Vienna NGO Committee on Drugs (March 2011), *Contributions from the NGO community to the round tables held at the 54th session of the United Nations Commission on Narcotic Drugs*. <http://www.vngoc.org/images/uploads/file/CND%202011/Contributions%20from%20the%20NGO%20Community%20to%20the%20Round%20Tables.pdf>
- 21 <http://www.unaids.org/en/aboutunaids/unaidsprogrammecoordinatingboard/>
- 22 Bewley-Taylor, D. & Jelsma, M. (2011), *Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation*, (Amsterdam: Transnational Institute Series on Legislative Reform of Drug Policies, nr. 12). <http://idpc.net/sites/default/files/library/fifty-years-of-1961-single-convention.pdf>
- 23 <http://www.countthecosts.org/>
- 24 IDPC (February 2008), *The International Narcotics Control Board: Current Tensions and Options for Reform* (Briefing Paper 7), p. 10.
- 25 IDPC (February 2008), *The International Narcotics Control Board: Current Tensions and Options for Reform* (Briefing Paper 7), pp. 8-9
- 26 <http://www.druglawreform.info/en/weblog/item/1176-incb-report-mixed-thoughts>
- 27 IDPC (February 2008), *The International Narcotics Control Board: Current Tensions and Options for Reform* (Briefing Paper 7), p.p. 17-8.
- 28 Taylor, A.L., Gostin L.O. & Pagonis, K.A. (January 2008), "Ensuring Effective Pain Treatment; A National and Global Perspective," *The Journal of the American Medical Association*, Vol. 299, No. 1

- 29 See for example IDPC (February 2008), *The International Narcotics Control Board: Current Tensions and Options for Reform* (Briefing Paper 7). <http://www.idpc.net/publications/international-narcotics-control-board-current-tensions-options-for-reform>
- 30 United Nations, Economic and Social Council, Commission on Narcotic Drugs, Fifty-fourth Session, Vienna 21-25 March 2011, *Activities of the United Nations Office on Drugs and Crime: Report of the Executive Director*, E/CN.7/2011/3-E/CN.15/2011/3, p. 18.
- 31 United Nations, Economic and Social Council, Commission on Narcotic Drugs, Fifty-fourth Session, Vienna 21-25 March 2011, *Activities of the United Nations Office on Drugs and Crime: Report of the Executive Director*, E/CN.7/2011/3-E/CN.15/2011/3, p. 18.
- 32 United Nations, Economic and Social Council, Commission on Narcotic Drugs, Fifty-fourth session, Vienna 21-25 March 2011, *Implementation of the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime: Report of the Executive Director*, E/CN.7/2011/11-E/CN.15/2011/11, p. 8.
- 33 United Nations, Economic and Social Council, Commission on Narcotic Drugs, Fifty-fourth Session, Vienna 21-25 March 2011, *Work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime: Note by the Secretariat*, E/CN.7/2011/9-E/CN.15/2011/9.
- 34 Norway, the Czech Republic, Germany, UK, the Netherlands and Finland.

Supported, in part, by a grant from the
Open Society Foundations



International Drug Policy Consortium
Fifth floor, 124–128 City Road, London
EC1V 2NJ, United Kingdom

telephone: +44 (0)20 7324 2975
email: contact@idpc.net
website: www.idpc.net

Copyright (C) 2010 International Drug Policy Consortium All rights reserved