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Statement submitted by the International Drug Policy Consortium (IDPC)*

The Secretary-General has received the following paper, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Submission by the International Drug Policy Consortium¹ for the 60th Session of the CND

The 2016 UNGASS on drugs was hailed as an opportunity ‘to conduct a wide-ranging and open debate that considers all options’.² Although it fell short of expectations, the UNGASS was a critical moment for global drug policy.³ The next opportunity to build on progress made will be in 2019 when the 2009 Political Declaration⁴ will be up for review. This document had established 2019 ‘as a target date for States to eliminate or reduce significantly’ illicit drug supply and demand⁵ – targets which, according to the UN itself, are unachievable.⁶ Yet the existence of a 10-year Plan of Action from 2009 inherently implies a review or some form of closure in 2019.⁷ The holding of the (originally unforeseen) 2016 UNGASS has resulted in procedural uncertainties for 2019, and the 60th Session of CND is a key opportunity to discuss the way forward.⁸ To inform these discussions, IDPC outlines possible options for 2019.

Drawing from the 2009 process

At the 1998 UNGASS, member states agreed a Political Declaration aiming to eliminate or significantly reduce illicit drug demand and supply by 2008.⁹ In 2008, proposals for another UNGASS were dismissed. Instead, to allow ‘time for conducting an objective, scientific, balanced and transparent global assessment’,¹⁰ member states devised a three-stage review process: 1) a thematic debate at the 2008 CND to discuss progress made; 2) a subsequent ‘period of reflection’ during which five intergovernmental expert working groups elaborated recommendations;^{11,12} and 3) the negotiation of the new Political Declaration.¹³ Civil society fed into the discussion through the ‘Beyond 2008 Declaration’.¹⁴ A refined three-stage process could be a useful model to consider for 2019.

Building upon the UNGASS Outcome Document

The Outcome Document represents the most recent global consensus on drugs and should not be sidelined in 2019. Its seven-chapter structure is a vast improvement on the three pillars of the 2009 Political Declaration, and should be maintained for future UN drug policy debates and processes as it better links the cross-cutting nature of the objective to protect the ‘health and welfare of humankind’ with the key UN priorities – human rights, peace, security and development – and the SDGs. The language from 2016 is also an improvement on 2009 and before, and all efforts should be made to consolidate these gains.¹⁵

A three step process for 2019

Step 1: An evaluation ideally via an independent or cross-UN process, to explore progress made between 2009-2019 against the last Political Declaration, and assess the failures and negative impacts of global drug control – an assessment that failed to materialise in both 2014 and 2016.

Step 2: A period of reflection with a series of expert group meetings – or thematic CND intersessionals – on each chapter of the UNGASS Outcome Document,¹⁶ to develop recommendations, new guidelines and indicators on the international drug control system.¹⁷ These recommendations should not rely on consensus (to highlight different perspectives on drug policy) and consider all options, including those that may be outside the scope of the international drug control conventions. To ensure openness and inclusivity, the process should ensure the participation of all relevant UN entities (as mandated in GA Resolution A/C.3/71/L.10/Rev.1¹⁸), civil society, academia and affected populations. To reflect coherence across the UN family, these debates should be co-chaired by the CND with other relevant UN agencies, such as UNDP on development issues, the OHCHR on human rights issues, WHO access to controlled medicines, etc.

Step 3: Drafting a new document – Another UNGASS is unlikely for 2019, current proposals leaning towards a high-level segment of the 62nd CND, possibly accompanied by increased attention to the drugs issue at the World Health Assembly, the Human Rights Council and ECOSOC. Throughout the UNGASS, frustrations over the legitimacy, exclusivity and lack of transparency were compounded by the UNGASS Board’s actions. Member states should consider mechanisms to ensure transparency, inclusivity and accountability in the 2019 process in Vienna, New York, Geneva and elsewhere.

Whether there will be a new global commitment on drugs for 2020-2030 also remains to be decided – but it is clear that the 2009 Political Declaration is obsolete and should not be renewed/extended. Any discussions or new text should take the 2016 UNGASS outcomes as a starting point, rely on the recommendations of the thematic debates highlighted in Step 2, and be strongly linked to the SDGs.²²

In both 2009 and 2016, any ‘controversial’ language was watered down or ignored in the consensus-based negotiations.²³ Given the current political tensions on drugs, a ‘proceedings report’ or a report picturing different scenarios for 2020-2030 (using the methodology of the OAS in 2013²⁴) could better reflect the breadth of discussions without upholding the façade of global consensus, and prioritise practical recommendations on the ongoing exploration of new approaches to address drug problems more effectively and coherently in the coming decade.

Improving UN system-wide coherence

The CND has a leading role on drug policy matters, but does not hold a monopoly. Other UN agencies have mandates that intersect with drug policy, so close coordination is critical. The gains made during the UNGASS on engaging other UN agencies¹⁹ should be protected and structurally built in for 2019 with:

- Criteria about UN system-wide coherence/interagency collaboration
- Rules of procedure that ensure equal access for all member states in the process²⁰
- A preparatory committee that embodies those principles and represents all stakeholders
- The appointment of a Special Advisor by the UN Secretary General to facilitate the involvement of the whole UN system in the 2019 process.²¹

¹ IDPC is a global network of NGOs that 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 briefings, disseminates reports, and offers expert advice to policy makers and officials around the world. See: www.idpc.net.

² <https://www.un.org/sg/en/content/sg/statement/2013-06-26/secretary-generals-remarks-special-event-international-day-against>.

³ For more detailed analysis see, for example: <http://idpc.net/publications/2016/09/the-ungass-on-the-world-drug-problem-report-of-proceedings>.

⁴ <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf>.

⁵ <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf>, p. 36.

⁶ In its 2012 World Drug Report, UNODC stated that ‘there may be some 65 million additional drug users by 2050 as compared to 2009/10, or 74 million more by 2100. This would bring the total number of annual drug users close to 300 million persons by the end of the present century’, see: <https://www.unodc.org/unodc/en/data-and-analysis/WDR-2012.html>; in 2015, UNODC mentioned an ‘an increase of 3 million [people who use drug] over the previous year’, see: https://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf.

⁷ The 2009 Political Declaration itself calls for a high-level review by the CND to take place in 2014, for ECOSOC to hold a high-level segment on drugs, and for an UNGASS to be held. The mid-term CND review and an UNGASS have taken place, so those requirements are clearly fulfilled. ECOSOC did have an event in July 2014 on “Sustainable Development and the World Drug Problem” which has been said to have fulfilled the third recommendation. However, a 3-hour panel discussion does not really meet the standards of a high-level ECOSOC segment, so that claim could easily be disputed.

⁸ In particular with the negotiation of Resolution E/CN.7/2017/L.9, entitled ‘Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019’.

⁹ https://www.unodc.org/documents/commissions/CND/Political_Declaration/Political_Declaration_1998/1998-Political-Declaration_A-RES-S-20-2.pdf.

¹⁰ CND Resolution 50/12 (2007): https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2000-2009/2007/CND_Res-50-12.pdf.

¹¹ In 2008, the ‘intergovernmental’ nature of the working groups meant that only governments could appoint experts, and most working group members were government officials.

¹² http://www.unodc.org/unodc/en/commissions/CND/session/52_Session_2009/HLS_Preparations_EWG/CND52-EWG_Index.html; CND Resolution 51/4 (2008): https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2000-2009/2008/CND_Res-2008-4e.pdf.

¹³ Adopted at a High-Level Meeting in Vienna, in March 2009.

¹⁴ http://www.vngoc.org/details.php?id_cat=13&id_cnt=59.

¹⁵ Fernandez Ochoa, J. & Nougier, M. (2017), *IDPC Briefing Paper – How to capitalise on progress made in the UNGASS Outcome Document: A guide for advocacy* (London: International Drug Policy Consortium), <http://idpc.net/publications/2017/03/how-to-capitalise-on-progress-made-in-the-ungass-outcome-document>.

¹⁶ The seven thematic chapters of the UNGASS Outcome Document are as follows: drugs and health; access to controlled substances; drugs and crime; cross-cutting issues (human rights, youth, children, women and communities); evolving realities, trends, threats and challenges; international cooperation (including UN system-wide coherence); and development.

¹⁷ A set of new indicators reflecting the 7 thematic areas should then also be incorporated in the Annual Reports Questionnaires (ARQs) to monitor progress.

¹⁸ ‘Encourages all relevant United Nations bodies and specialized agencies to identify operational recommendations in the UNGASS outcome document that fall within their area of specialization, and to commence implementing recommendations made in the UNGASS outcome document that are within their existing mandates, in collaboration and cooperation with the UNODC, and the INCB and keeping the CND informed of programmes and progress made to achieve UNGASS goals and requests UNODC to include in the World Drug Report a summary regarding the collaboration and coordination across the United Nations system on the global efforts to implement UNGASS;’, General Assembly Third Committee (17 November 2016), *International cooperation to address and counter the world drug problem*, A/C.3/71/L.10/Rev.1, <http://undocs.org/A/C.3/71/L.10/Rev.1>.

¹⁹ <http://idpc.net/publications/2016/03/striving-for-system-wide-coherence-an-analysis-of-the-official-contributions-of-united-nations-entities-for-the-ungass-on-drugs>.

²⁰ Noting that many member states do not have permanent representation in Vienna.

²¹ This was done, for example, for the UN General Assembly high-level plenary meeting on migrants and refugees in September 2016. For more information, see: <http://www.un.org/press/en/2016/sga1623.doc.htm>.

²² <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

²³ <http://idpc.net/media/press-releases/2016/04/diplomacy-or-denialism-the-language-that-the-ungass-outcome-document-overlooked>.

²⁴ http://www.oas.org/documents/eng/press/scenarios_report.pdf.