



Wilton Park



Image: National Crime Agency (NCA)

Report

Responding to the evolving drugs challenge: towards UNGASS 2016

Wednesday 4 – Friday 6 November 2015 | WP1434

In association with:

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On behalf of
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for Economic Cooperation
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Introduction

More than thirty countries and institutions met at Wilton Park to consider what practical options they might pursue at the 2016 UN General Assembly Special Session on drugs policy. It was quickly apparent that there was a greater degree of common ground in some areas than would have been the case as recently as five years before. In particular, there was a general sense that the scope and flexibility in the UN Conventions was now recognised more readily and being used by member states to shape their own drugs policies more closely to the evidence from their own countries and elsewhere.

Discussion was grouped around five broad areas: demand reduction; supply reduction; new challenges; alternative development; and human rights. Out of the discussions as a whole, some key issues emerged as likely to be central to UNGASS 2016.

Key Trends

One key element identified in all areas of drug policy was the increasing body of evidence and the ability and willingness to share it. This has enabled much recent policy discussion to be structured around knowledge rather than around abstract principles. There is increasing recognition that evidence from one area of drugs policy can help to improve interventions in another and the multi factorial character of the challenges is more acknowledged than it has sometimes been in the past.

Preparation for UNGASS 2016 has been more open and transparent than previously and scientists and civil society organisation have been more able to engage with and influence emerging thinking.

Eight critical issues were identified as needing attention in order to make the UN Conventions work better:

- Public health issues – drug use needs better evidence-based treatments. Increasingly governments and others are advocating non-sanctions based approaches and the adherence to international standards;
- Alternatives to prison for non-violent drug-related offences. The options in the Conventions are not fully used, leading to prison overcrowding, human rights infringements and a lack of proportionality in sanctions;
- Women drug offenders are disproportionately imprisoned but are rarely high-level offenders;
- Children's rights – it is desirable to deal with drug-offending by children entirely

through health and social interventions rather than through criminal justice;

- Legal aid – many of those most vulnerable to exploitation in the drugs trade lack access to justice;
- Rational use of controlled medicines. Only 20% of the global population has access to effective pain relief;
- New substances – improved data collection and research can lead to better evidence for prevention, treatment and law enforcement;
- Death penalty – non-use for drug-related offences

Alternative Development

1. It was recognised that illicit crop cultivation is driven primarily by vulnerabilities and insecurity for rural populations. This impedes development and needs development-centred policies to address it. However, whilst opinion is moving in favour of such approaches, in practice the focus remains on eradication.
2. A “one-size” approach would not work in all circumstances. Interventions need to be long-term and phased. Abrupt changes of policy lose the trust of local people without whose commitment interventions will fail. It is important not to rely on reductions in cultivation as the sole metric. The issue is people, not crops, and human development indicators need to be added to the mix. Food security, household debt and community decision-making are all relevant indicators of the underlying drivers of illicit crop cultivation and the success of development interventions.
3. It was noted that the long-term nature of development work is sometimes difficult to reconcile with short-term political priorities and budget cycles. Phasing of interventions could help here. Access to land is crucial. Investment in security, soil development, water and human capital has to come first. Cash crops, local, national and international markets should follow.
4. The question was raised whether the “alternative development” framework has a continuing use. There is a strong case for incorporating the issues of illicit cultivation into the SDGs. But it is also clear that development would not, in all cases, be a substitute for law enforcement. Where commercial factors and exploitation by wealthy producers are the drivers, law enforcement has an essential role to play in shifting economic activity towards licit crops. Sound analysis of the drivers is essential to design the right interventions in different places, as is the involvement of local people in the process. Otherwise, the poorest could be left out of solutions or driven into greater poverty.

Health

5. The meeting recognised that drug dependence is a medical condition with related social issues. It was suggested that some 85% of the users of illegal drugs are not dependent and do not need treatment. The people best qualified to distinguish such cases are clinicians and not judges. The conference favoured the endorsement by UNGASS of the WHO treatment guidelines and encouraged WHO and UNDP to make their voices heard more in drug-policy discussions.
6. However, participants also noted that- despite the importance of individual- and public-health based approaches to drug use, the different character of drug problems in different countries and the different political climates means that the greatest positive impact will come from work with the flow of a country's political priorities. Cases were noted in which the driver for drug treatment was law-enforcement related but in which the practical implementation was still a health intervention. If sound, evidence-based treatment is the outcome, the basis on which an individual country implemented it might not matter. The objective should be the outcome, regardless of the political language in

which the aim is expressed. The vocabulary of human rights has a place in the determination of policy, but should not be the only way to talk about good practice.

7. Integration of services is seen as a key enabler of better outcomes. Civil society organisations have a vital role to play. There was significant support for decriminalisation of drug use. But there was also acknowledgement that law enforcement has an important role to play in limiting harms to health, for example through the early identification of new substances.

Law enforcement

8. Participants noted that there was a very wide range of enforcement approaches among UN member states and that the Conventions were less prescriptive than was sometimes thought. There was general agreement that criminal justice systems should respond proportionately at every stage of the process. There is no single best model but there is a substantial body of evidence that should inform legislation and enforcement. Decriminalisation of drug use was seen by many as important for promoting more health-centred policies. Drug users need help not punishment.
9. Illegal markets are a core challenge to states, irrespective of the product being marketed. Approximately two-thirds of organised crime is drug related. Nevertheless, drugs as a political priority seem to be slipping down the agenda in many countries.
10. Where institutions are weak, the money generated by trafficking has the capacity to pervert law enforcement efforts, corrupting not only policy, but the wider legal profession and leaders of society resulting in distortion of markets and damage to the environment for legitimate business. A vicious cycle ensues in which resources are poured into ineffective enforcement at the cost of development. With this comes a risk of militarisation of drugs policy – an approach that has not worked.
11. It was noted that some contexts do not allow space for political advocacy of the softening of prohibitionist laws. In such circumstances, particularly in countries where the institutional memory of government is weak, the role of civil society is crucial. There is more scope to explore private solutions to public problems. Localised outreach services can deliver results that surpass centrally directed policies in some circumstances. But an unavoidable corollary is that there will be variation in both quantity and quality of delivery; standards would not be uniform.
12. The conference recognised that law enforcement tends in practice to focus on large numbers of small operatives, disproportionately women, and struggled to address the challenge of the “big fish”. Many have political protection. UNGASS should state clearly that the focus of effort should be on those with a controlling interest.
13. Law enforcement metrics have the attraction of being easy to understand, but they are not sufficiently discriminating. Seizures are some indication of law enforcement success but not of reduction in the problem. Metrics that address impunity, corruption, violence and reduction in social harms need to be a much bigger element in the direction of law enforcement effort.

Conclusion

There was general recognition that the 2016 UNGASS was less likely to be paralysed by differences between member states than had often been the case in the past. But it is important to limit expectations. The Conventions will not be rewritten from the top down. They are more likely to be the last things to change in response to shifting practice. And it should be recognised that the UNGASS outcome document was negotiated in Vienna in a wider forum than represented at the meeting, by Ambassadors most of whom lacked expert advice. Lowest common denominator results are likely.

Even so some practical outcomes are possible. A table of suggestions is attached, but key

among these seemed to be:

- Wider adoption of recent public language on support, care and protection not punishment of users;
- A law enforcement focus on big fish, impunity and proportionality in sentencing (including a moratorium on use of the death penalty);
- Adoption of the UNODS/WHO treatment guidelines;
- Improved access to essential medicines;
- Collaboration at board level between CND and WHO
- Use of harm reduction metrics in relation to law enforcement activity
- Use of the UN guiding principles on alternative development and application of sustainable development metrics;
- Recognition that markets are changing;
- Confidence in the tools and evidence available;
- Finding the right political language for advocacy

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