

THE 65TH SESSION OF THE COMMISSION ON NARCOTIC DRUGS: REPORT OF PROCEEDINGS

JULY 2022



Executive summary

The historical significance of the 65th session of the Commission on Narcotic Drugs (CND or Commission) was determined by the 2022 Russian attack on Ukraine, which began scarcely three weeks before the session started. The Russian aggression brought an extraordinary degree of tension to the functioning of the Commission, and this resulted in the rupture of several norms that are central to the consensus-based approach to policy-making that has characterised the CND for decades – the so-called ‘Vienna spirit’.

Reacting to Russia’s attack on Ukraine, a sizeable and coordinated group of like-minded countries came to the session with the conviction that, this year, ‘business as usual’ was not possible. They condemned the Russian aggression in dozens of statements throughout CND, sometimes drawing attention to the devastating impact of the war on people who use drugs and drug services in Ukraine – an important departure from the norm that prevents countries from making critical comments on another state at the CND. A second rupture of the CND traditions came about when two countries – Latvia and Russia – presented competing candidates to represent the Eastern European Group of countries to the Board of the Standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (FINGOV), thus triggering the first recorded vote in the modern history of the CND – votes that Russia lost by a broad margin – and thereby breaking the ‘Vienna consensus’.

Reactions to the invasion of Ukraine also had a decisive impact on the resolutions negotiated at the Committee of the Whole (CoW). Due to opposition from many countries, Russia was forced to postpone its proposal for a resolution on the use of information technologies for illegal drug-related activities; at the same time, Australia withdrew its resolution on the safe disposal of toxic substances, likely due to unwillingness to negotiate with Russia

on the draft text. However, the Commission finally adopted four resolutions on topics such as alternative development (with a focus on environmental protection), the connection between the trafficking of drugs and that of illegal firearms trafficking, the diversion of non-scheduled chemicals, and early drug prevention.

In addition to the geopolitical disruption, the ‘Vienna spirit’ was also put under pressure as CND delegates faced important substantive disagreements concerning drug policies themselves. The most notable debates concerned the legal regulation of drugs for non-medical use – with Russia taking a leading role in denouncing countries that have moved to regulate cannabis – and the role of human rights and human rights experts within drug policy debates. A key point of tension was the intervention of the UN Working Group on Arbitrary Detention, which was finally able to present its watershed study on drug policy and arbitrary detention, but faced substantial opposition by a small but vocal group of Member States during their exchange with delegates. UN agencies were also divided on the issue of human rights, with the Executive Director of the United Nations Office on Drugs and Crime (UNODC) standing alone in failing to call for the alignment of drug policies with human rights, in contrast with her counterparts at UNAIDS and the World Health Organization (WHO).

Although the Commission was held in a hybrid format due to COVID-19-related restrictions for second year in a row, civil society participation remained very robust, with 23 statements delivered at the plenary, over 60 side events led by NGOs, and the participation of many civil society representatives in the Informal Dialogues with the CND Chair, the UNODC Executive Director, and WHO representatives. As has happened in previous years, civil society contributions to the debate were amongst the most substantive, focusing on critical issues such as the human rights violations brought about by drug control, the impact of drug policies on oppressed

communities, or the implications of legally regulated cannabis markets for non-medical use.

In spite of the geopolitical turmoil and the growing fracture between different approaches to drugs, the traditions associated with the ‘Vienna spirit’ remain deeply rooted amongst Member States, and the Commission was able to go through its ordinary agenda and adopt four resolutions. And while it is true that a vote was held for the first time in modern CND history, thus formally breaking the consensus, the vote was driven by a geopolitical struggle extraneous to drug policies themselves, and concerned a procedural matter. In this context, whether the exceptional events of 2022 lead to further fracture in the ‘Vienna spirit’ remains to be seen.

Introduction

The historical significance of the 65th session of the CND was determined eighteen days before the session began, on 24th February 2022, when Russian armed forces launched a full-scale attack on Ukraine. The invasion of one UN Member State by another has been a rare occurrence in recent decades, and it had almost never happened in a context of such geopolitical relevance for certain countries. Inevitably, such a salient breach of the UN Charter disrupted the functioning of the United Nations, including that of CND, a body heavily reliant on multilateral consensus and cooperation, and where Russia is no doubt one of the most active and vocal players.

That the invasion of Ukraine would have downstream effects on the global drug control regime became clear during the very first minutes of the session, when the Commission Chair, H.E. Ambassador Ghislain D’Hoop of Belgium, announced that the Eastern Europe Group of countries had not submitted a nomination to the role of Member State rapporteur for the session, and that Nigeria would take over that function. Although the widely acknowledged patience and deadpan sense of humour of Ambassador D’Hoop moved the session forward throughout the week, the Russian attack brought an extraordinary degree of diplomatic pressure on the consensus-based Commission. As this report will analyse in more detail, this resulted in the rupture of several norms that are essential to the so-called ‘Vienna spirit,’ which for years has denoted a political environment that emphasises spaces of agreement amongst Member States

while eschewing – insofar as possible – dissent, including by relying on consensus-based policy-making (the so-called ‘Vienna consensus’) rather than on voting, except in the matter of the scheduling of substances where voting is the norm. The impact of the ruptures observed at this year’s CND are not yet clear, but they could set historically significant precedents with long-lasting consequences.

In addition to the external pressure brought on the CND by the Russian attack, the global drug control regime has been beleaguered for years by increasing points of fracture, and these also became evident during this session. Chief amongst these tensions is the growing number of national- and state-level initiatives to legally regulate cannabis in ways that are non-compliant with the international drug conventions, as well as the efforts to place human rights considerations at the centre drug policies themselves, including at the CND. This report will document these points of rupture as they emerged in the debates, and how they are increasingly exerting pressure on the so-called ‘Vienna spirit’.

For the second year in a row, the session was held in a hybrid format due to COVID-19 related prevention measures, with the main hall expanded, yet scarcely attended by Member State representatives aside from those diplomats already based in Vienna, and very limited in-person participation from members of civil society, communities and academia. In spite of this, civil society still had a robust presence at the session, delivering statements under almost all Plenary items – often amongst the most substantive and thoughtful interventions – and (co-)organising over half of this year’s side events. As has now become standard practice, Informal Dialogues were also held between civil society and the CND Chair, the UNODC Executive Director, the INCB President and WHO representatives.

This is the 17th edition of the CND Proceedings Report series. As in previous editions, the goal of the publication is not only to provide a description of the events that took place between 14th and 18th March 2022, but also to identify the key themes emerging from the session, and to reflect on their relevance for the future of drug policy making at the international, regional and national levels. This analysis relies on a transcription of the entire session on the CND Blog, a civil society initiative that provides the only comprehensive record of the



UNAIDS Executive Director Ms. Winnie Byanyima delivering a video statement at the CND

CND to improve transparency, accountability and a better understanding of the workings of the Commission. Official UN documentation relating to the session, including background papers, the official CND report and agreed resolutions, can be found on the UNODC website.

Plenary: The end of the ‘Vienna spirit’?

Opening segment

After relaying the news that the Eastern European Group of countries was unable to appoint one Member State amongst them for the role of rapporteur, Ambassador D’Hoop moved to the opening segment of the 65th CND session, in which several UN entities addressed the Plenary. While some common themes appeared across these interventions, the opening segment also underscored divergent approaches to drug policies within the UN system itself.

The President of the UN Economic and Social Council (ECOSOC) started by highlighting the CND’s contribution to the 2030 Agenda and whole-of-UN responses to COVID-19. This was followed by the opening speech of UNODC Executive Director Ms. Ghada Waly, who restated the importance of the global drug control regime within the context of a triple crisis – conflict, a global pandemic, and the

environment – as well as the UNODC’s commitment to ‘support people in crisis’. Disappointingly, such a focus on ‘supporting people’ apparently did not warrant any reference to human rights, and in that regard Ms. Waly’s intervention differed greatly from those of WHO Executive Director Dr. Tedros Ghebreyesus, the President of the International Narcotics Control Board (INC) Ms. Jagjit Pavadia, and UNAIDS Executive Director Ms. Winnie Byanyima. (It is worth noting here that civil society has repeatedly urged Ms. Waly to acknowledge the human rights impacts of drug policies in her statements). However, Ms. Waly did emphasise the contribution of civil society to the CND, a point she reiterated at the closing of the session, when she stated that NGOs ‘have a crucial role in shaping and supporting effective drug policy’.

The opening segment provided space for the emergence of two threads of discussion that would resurface continuously across the whole session. First, the leaders of UNODC, WHO, INCB and UNAIDS referred to the conflict in Ukraine and – in most cases – to the need to ensure support to communities and drug services in the country. Secondly, all of these entities put the need to ensure equal access to medicines at the forefront of their statements, a deserved prioritisation given the dearth of access to controlled substances for pain relief and opioid agonist treatment in most parts of the globe, and a

topic that would continue appearing continuously throughout the session under the leadership of the Belgian Ambassador as CND Chair, for whom this was a priority topic.

Such areas of agreement unfortunately could not hide the very real divergence amongst UN entities on other crucial issues, especially the role of human rights in drug policies. While human rights were entirely absent from Ms. Waly's intervention, they featured heavily in other statements. In particular, INCB President Ms. Pavadia restated the INCB's position that 'violations of human rights in the name of drug control are inconsistent with the [drug control] Conventions'; while UNAIDS Executive Director Ms. Byanyima delivered a powerful statement in which she drew on the 2021 Global AIDS Strategy to underscore that 'We will not end inequalities and end AIDS without (...) removing punitive laws and policies' that criminalise people who use drugs, and placed a welcome emphasis on the lack of funding for harm reduction services, and the need to protect the health and rights of people deprived of liberty.

The UN System Common Position on drugs, which seeks to bring together all UN entities in support of policies that place people and human rights at the centre of drug responses, was emphatically supported by Ms. Byanyima's statement, but was completely absent from Ms. Waly's. This is particularly problematic, as UNODC is the lead UN agency in charge of the implementation of the Common Position, but has so far side-lined or entirely ignored this critical document.

Plenary discussions

The tensions at the 65th session of the Commission were clearly displayed in the interventions of Member States' at the Plenary, and culminated with the first formal rupture of the Commission's consensus-based decision making process in recent history, when Member States were requested to vote on the election of the representative of the Eastern European Group to FINGOV.

External pressure on the 'Vienna spirit': the Russian invasion of Ukraine and its aftermath

The Russian armed attack on Ukraine had important repercussions on the workings of the United Nations at large (including at the General Assembly) and the CND was no exception, particularly since the invasion has had a major impact on access

to services for people who use drugs in Ukraine. Unsurprisingly, the war was at the centre of the debates at the Commission, with increasing tension as the week progressed.

Important violations of international law, including serious violations of international human rights law committed in the name of drug control, had happened in the past without triggering notable reactions amongst Vienna delegations. This time was different, thanks to the strong reaction of a group of vocal Member States determined to bring the Russian aggression to the Plenary discussions time and time again, repeatedly making the case that 'business as usual' was no longer possible.

That the 'Vienna spirit' would be subject to extreme external pressure, and indeed to actual rupture, because of Russia's attack on Ukraine became evident on the very first day of the session, devoted to the 'General Debate' (Item 3 of the Commission's agenda). Under that Item no less than 29 delegations used their Plenary statements to condemn Russia's aggression. This was in itself an extraordinary development, as one of the pillars of the 'Vienna spirit' is the norm that states should not be mentioned by name in formal interventions. As the week progressed, more interventions condemning the invasion were made under Item 4 ('Strategic management, budgetary and administrative questions'), Item 5 ('Implementation of drug control treaties'), Item 6 ('Follow-up to the Ministerial Declaration of 2019'), Item 7 ('Inter-agency cooperation and coordination of efforts in addressing and countering the world drug problem'), and Item 8 ('Recommendations of the subsidiary bodies of the Commission'), showing a remarkable degree of coordination by various Member States.

In most cases, these interventions condemned Russia's attack and its breach of the UN Charter without making any connection to the CND or drug policies; a clear example being the opening words in the European Union's statement under Item 3 – 'Russia brought war to Europe'. However, some delegates made an interesting effort to draw the linkages between the invasion of Ukraine and the actual mandate of the Commission. While recalling that initially Russia had justified its attack by saying that Ukraine was ruled by a group of 'drug addicts', the US representative reminded the Plenary that the 1988 Convention commits all signatories to discharge their obligations in compliance with 'the principles

Box 1 Scheduling decisions

This year the Plenary voted on six scheduling recommendations from the WHO's Expert Committee on Drug Dependence (ECDD), including two synthetic opioids, one synthetic cathinone, and three fentanyl precursors:

- **Decision 65/1** Bupropion: Schedule I of the 1961 Convention
- **Decision 65/2**. Metonitazine: Schedule I of the 1961 Convention
- **Decision 65/3**. Eutylone: Schedule II of the 1971 Convention
- **Decision 65/4**. 4-AP: Table I of the 1988 Convention

- **Decision 65/5**. 1-boc-4-AP: Table I of the 1988 Convention
- **Decision 65/6**. Norfentanyl: Table I of the 1988 Convention

While these recommendations were uncontroversial, during the debate Kenya took the floor to announce that it had decided to subject ketamine and tramadol to national-level control, and that it hoped 'we can discuss them at this international forum as well'.¹⁹ It should be noted that Kenya's announcement was made despite repeated recommendations from the ECDD not to schedule these two substances.

of sovereign equality and territorial integrity of states.²⁰ Canada argued that the invasion would create 'chaos and lawlessness',²¹ and that this would in turn drive an environment in which drug trafficking would 'thrive'. The Netherlands highlighted the impact that the war would have on the supply of medicines for people who use drugs in Ukraine,²² a point also made by the USA under Item 4, where it noted that the war has 'left at-risk populations, such as those living with HIV AIDS or who use drugs, even more vulnerable and precarious'.²³ In perhaps the most provocative intervention, the Czech delegate referred to the connection between 'criminal gangs' and 'highly-placed government figures in Russia', noting that 'Russia has not only been ignoring science but also has been imposing its [drug] policies on neighbouring countries', thus drawing a parallel between the dynamics at the CND itself with those in the territory of Ukraine.

Observing this coordinated response, one cannot help but wonder whether the reaction to the Russian attack might be used as a blueprint for the future mobilisation of those Member States who have been historically aligned with balanced and rights-based responses to drugs. But whether drug policies themselves, disconnected from broader geopolitical struggle, are a sufficient incentive to galvanise countries into action remains to be seen.

Furthermore, it should be noted here that the majority of Member States present at the CND did not take the floor to condemn Russia's attack. In fact, only a handful of countries outside Europe and

North America did so – including Colombia, Honduras, Japan, Mexico and Turkey. Of course, this does not mean that those who remained silent support Russia's actions. In fact, in the week following the CND, a resolution condemning Russia's aggression was adopted at the UN General Assembly with 140 votes in favour, 5 against, and 38 abstentions.²⁴ This could, however, indicate that a large number of countries, while condemning the attack, do not believe it to be a sufficient reason to threaten the prized 'Vienna spirit'.

The Russian response, under Item 3, began by celebrating the history of the 'Vienna consensus'. After touching on certain themes dear to the country (i.e., the threats of cannabis regulation, the role of the CND as the prime drug policy-making UN body, UNODC's youth initiative, and law enforcement cooperation, amongst others), the Russian representative declared being 'bewildered' by the attempts to 'politicise' the session, decrying the impact this would have on the trust of the international community, and expressing Russia's readiness to 'support discussions' on how to 'counter the world drug problem'.²⁵ In another intervention requested under Rule 45 (right to reply), the Russian delegate argued that the CND was a 'highly specialised platform', and that raising the 'military operations in Ukraine' was against the 'rules and spirit' of the Commission, concluding again that 'Russia stands ready to cooperate'.²⁶ Two additional countries – Cuba and Venezuela – held similar positions, requesting the Commission to stay focused on its mandate.



A Russian delegate takes the floor under Rule 45 at the CND Plenary

Russia's appearance of equanimity, cooperation and 'business as usual' started to crack when it became clear that there would be a vote to select the representative of the Eastern European Group to FINGOV; a vote that would lead not only to the defeat of the Russian candidate, but to the first formal breach of consensus-based policy-making at the CND in decades (see Box 2). As the week progressed, Russia's statements became more aggressive, using arguments grounded in drug policies themselves. In its statement under Item 5, Russia accused the USA of 'systematically' violating the drug control treaties by regulating cannabis for non-medical use – an accusation also wielded against Canada and 'some EU countries'.²⁷ Interestingly, the Russian delegate accused Member States of double standards by failing to criticise countries that have adopted cannabis regulation initiatives, while singling out Russia for its attack on Ukraine – a political observation drawing a moral equivalence between domestic cannabis regulation and the violent military invasion of a sovereign state. In another statement under Item 6, Russia went on a tirade against Ukraine itself, stating without evidence that Ukrainian 'special services' were involved in 'underground Ukrainian laboratories', and that 'drug dealers have been using the facilities of Ukraine's Ministry of Health financed through loans provided by certain states'.²⁸ This statement was yet another example of Russia's

habit to use drug charges to discredit its political opponents.²⁹ After losing the vote to the FINGOV position on Thursday afternoon, an exasperated Russian Ambassador accused the winning country, Latvia, of violating the civil rights of its citizens and tolerating the glorification of Naziism, leading to a walkout of dozens of diplomats.³⁰

Amidst these unprecedented developments, it is important not to lose sight of the question that the Russian representative posed to the Plenary at the end of their intervention under item 5: 'Are we ready to destroy the CND?' By all indications, it seems clear that Russia was not ready to do so: even though the USA and EU countries refused to negotiate the resolution tabled by Russia, Russia did not reciprocate in kind, tacitly supporting the resolutions tabled by the USA and France/Slovenia. When the Commission came to an end late on Friday, Russia had gone back to its original script, accusing those Member States that had stood against the country of being 'destructive to the spirit of compromise' and of 'stonewalling' the negotiations,³¹ but thanking other countries for their cooperation and declaring themselves ready to bring up the resolution the following year, when CND would presumably go back to 'business as usual'.

Ultimately, the Russian attack on Ukraine and the coordinated diplomatic response have made



Group photo of government delegates having walked out of the Plenary session during Russia's statement following the FINGOV vote

Box 2 Who broke the 'Vienna consensus'?³²

At the CND each year, the Plenary decides on the composition of FINGOV. This is usually a formality, as each of the five UN regional groups nominates a candidate and everyone else agrees on it. Russia has long played a role in this body, and in February, it was agreed that Russia would be nominated by the Eastern Europe Group to the Bureau of FINGOV for 2022-2023. However, following the invasion of Ukraine, Latvia came forward as an alternative candidate for the Eastern Europe Group. In this context, the Group was unable to agree who to put forward as the nominee.

When the appointment of the FINGOV Bureau reached the Plenary on Tuesday 15th March, the Russian delegation asked for the process of nomination to be postponed to the Reconvened Session of the CND in December 2022, to avoid a vote on this position. This would be the first vote held at the CND in decades, and a direct challenge to the long held 'Vienna consensus'. The Russian delegate invoked Rule 49 of the ECOSOC Rules of Procedure to enable this move. But in doing so, he made a strategic mistake, as he seemingly did not realise that Rule 49 itself required an immediate vote on whether or not to adjourn the session.

By calling for a vote, perhaps accidentally, Russia was ironically the country that broke the 'Vienna consensus'. The vote was held at the Plenary at 14:00 on Tuesday, with all 53 CND members allowed to vote.³³ Russia lost by 30 votes to 5 (China, Iran, Kazakhstan and South Africa sided with Russia), meaning that the item was not delayed to December and a decision on the composition of the Bureau of FINGOV would instead be made during the 65th session of CND. As a result, a further vote – this time by secret ballot – was held on Thursday to select the Eastern Europe Group nominee to the Bureau. Latvia won by 33 votes to 6.

Before the Thursday vote, the Russian delegate took the floor once more to deliver scathing remarks questioning the procedure of nomination itself and the credentials of the Latvian candidate.³⁴ The Latvian representative replied with what must be one of the most remarkable interventions at any CND, in which she described Latvia as 'a reliable and peaceful partner in international relations that will come to you with a pen, a paper, and an open mind, and not with a warship'.³⁵

history at the CND. Several norms associated with the 'Vienna spirit' were broken to an unprecedented level – including by naming and shaming individual Member States in the Plenary, by refusing to enter negotiations on certain resolutions, and by voting on the FINGOV position. However, it should be recalled here that these ruptures were due to a development external to drug policies themselves, and that the vote concerned procedural

rather than substantive matters. The 65th session of the Commission remained largely operational, leading to the adoption of several resolutions. It seems clear that a majority, if not all, of Member States are still committed to the ethos of the 'Vienna spirit' – at least on paper. Therefore, the real significance of these historical developments at the 65th session of the CND will only be truly understood with the passage of time.



The Plenary votes on Russia's proposal to postpone the FINGOV election to December

Internal pressure on the 'Vienna spirit': Legal regulation and human rights

The important discrepancies that have long been apparent in global drug policy debates – and which the Vienna regime has laboured so hard to obscure and deny – have emerged again this year in Plenary interventions. In this section we will focus on the most salient amongst these fault lines – that is, the new initiatives to legally regulate cannabis, and the ongoing controversy over human rights at the CND. We will explore how these discrepancies emerged during the debates, and how they added to the pressure on the 'Vienna spirit' brought on by the attack on Ukraine.

Dissensus on the legal regulation of cannabis

The legal regulation of cannabis for non-medical use constitutes the clearest challenge to the traditional prohibitionist ethos of the global drug control regime. However, discussions over regulation remained relatively subdued, becoming more aggressive only when they intersected with the geopolitical conflict in Ukraine.

As was the case in previous years, some of the countries that have legally regulated cannabis opted for a low profile on this issue. While expressing support for a number of important harm reduction interventions – including drug consumption

rooms and drug checking – and for the role of human rights experts on drug policies, Canada's bold statement³⁶ under Item 3 failed to mention their regulated cannabis markets, as did the equally powerful statement by Uruguay, which instead focused on the country's effort to put 'people and their health and freedom at the heart of the policies'.³⁷ In contrast, Malta – which adopted a non-commercial model for the legal regulation of cannabis in December 2021 – proudly framed its 'responsible legal regulation' bill within a 'human rights-based approach' that sought to protect the health and well-being of users.³⁸ The statement concluded by declaring that, in spite of creating legal markets of non-medical cannabis, Malta's 'support for the international conventions remains resolute'.

Interestingly, two countries that are yet to legally regulate cannabis waded into the debate in support of regulation. The first one was Germany, which referred obliquely to their new Government's plans to regulate cannabis: 'With regards to cannabis we begin a new chapter – harm reduction'.³⁹ Germany's statement also included a ringing endorsement of drug consumption rooms and drug checking – harm reduction interventions that are well supported by evidence but that remain unavailable in many parts of the world. Surprisingly, since it has yet to announce any formal plan to regulate cannabis,

Czechia also intervened in support of regulated models, declaring that: ‘We believe in the efficacy of a controlled market model over blind prohibition, especially with the knowledge of the low risk of cannabis consumption.’⁴⁰

Voices expressing concern over initiatives to legally regulate cannabis for non-medical use were more robust, but far from a majority, as they came only from seven states – Algeria, Burkina Faso, Cuba, Namibia, Pakistan, Russia and Syria. Most of these delegations were concerned that legal regulation in one country would bring harm to others, with Pakistan casting legal regulation as an ‘emerging danger’⁴¹ and Namibia noting that ‘ongoing international trends to liberalise cannabis will continue impacting our efforts’⁴² – although the exact mechanisms through which that transnational impact would happen were not made explicit. Adding an interesting geopolitical dimension to the discussion, Cuba referred to regulation as ‘characteristic of a selfish and unequal international order’.⁴³ Russia stood alone in condemning legal regulation systematically in its statements across different agenda items, while naming and shaming countries that have moved to regulate cannabis. Russia’s central but rather simplistic argument was that countries that regulate cannabis lack ‘the moral right to participate in CND’.⁴⁴

Further interesting discussions on cannabis emerged as three Global South countries proudly announced initiatives to regulate cannabis for medical or industrial uses. Paraguay inserted references to sustainable development, the ‘industrial hemp value chain’, and medicinal cannabis within an otherwise squarely war-on-drugs intervention.⁴⁵ Morocco announced plans to ‘involve affected communities, including farmers’⁴⁶ in the new frameworks for legal medicinal and industrial cannabis. And Costa Rica focused its entire intervention under Item 3 on the importance of cannabis cultivation for ‘high-quality medicinal products’, as well as for ‘industrial or culinary purposes’, noting that the country has conducted research on the potential benefits of cannabis ‘medically’ and, in an enigmatic note, ‘culturally’.⁴⁷

Controversy over the role of human rights and human rights experts at CND

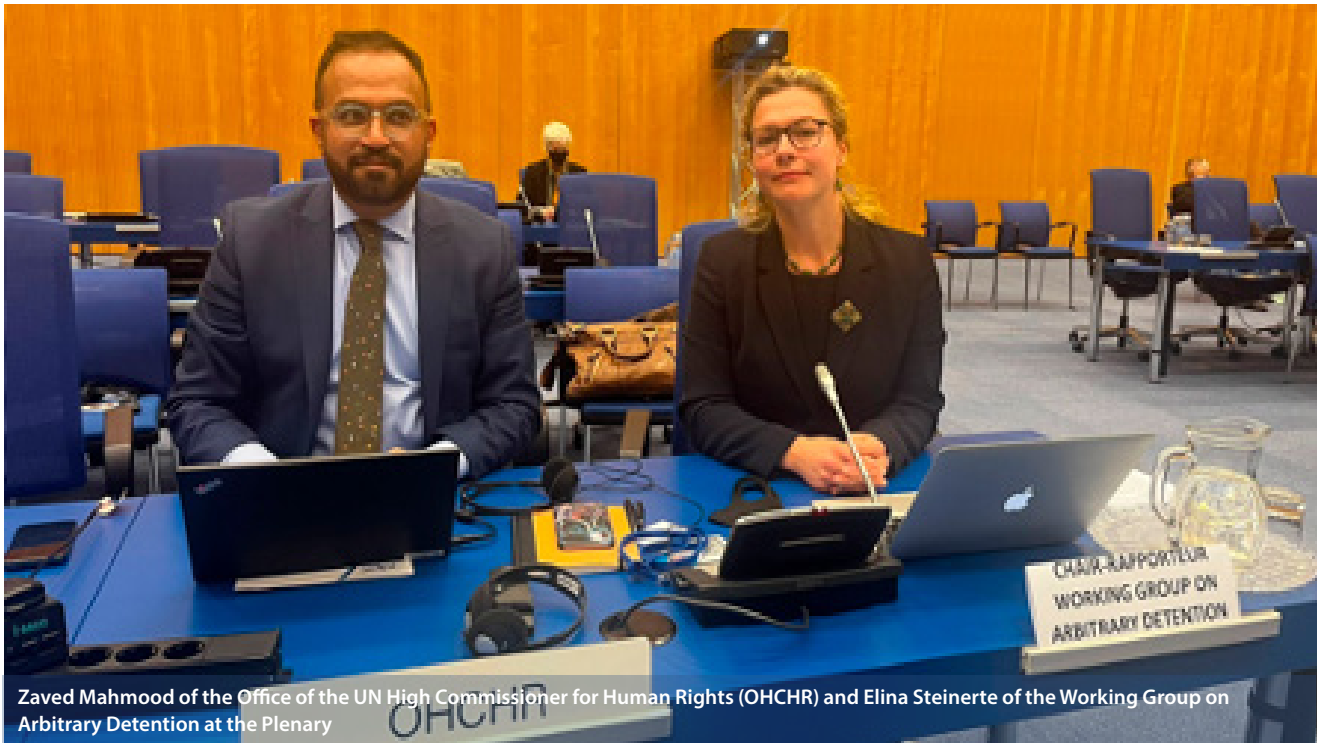
This year’s CND also featured one of the most substantive exchanges on the role of human rights

within the drug control regime witnessed in recent years – an exchange that went well beyond the cursory references to human rights that are commonplace in many Plenary statements, and that revealed broader and deeper fault lines in the ‘Vienna spirit’. This happened under Item 7 (‘Inter-agency cooperation and coordination of efforts in addressing and countering the world drug problem’), with the long-awaited intervention of the UN Working Group on Arbitrary Detention, in which they presented their 2021 study on arbitrary detention and drug policies.

The intervention of the Working Group – an independent group of experts mandated by the Human Rights Council to investigate cases of arbitrary deprivation of liberty – was initially scheduled for the Reconvened Session of the 64th CND, on 10th December 2021 (also, by twist of fate, International Human Rights Day). However, that intervention was blocked at the request of some Member States, in a last-minute decision that was met with outrage by civil society and other government delegations.⁴⁸ However, the attempt to silence the Working Group backfired spectacularly, and the decision to block their intervention brought greater attention to the study than it would otherwise have received. Thanks to the persistent work and diplomatic skills of Ambassador D’Hoop and several like-minded delegations, time for the presentation of the study by the Working Group was carved out in Item 7 of the 65th CND session.

Ms. Elina Steinerte, Chair-Rapporteur of the Working Group, faced an expectant Plenary when she started to delineate the findings of the study.⁴⁹ Among other things, she expressed concern over the increasing instances of arbitrary detention connected to the enforcement of drug laws, called for the decriminalisation of drug use and possession for personal use, and urged states to adopt a ‘shift from punitive to supportive’ approaches to drugs, which should translate into the closure of compulsory drug detention centres and making drug treatment voluntary.

The reactions to this presentation were sharply divided and gave rise to one of the few truly meaningful discussions on the role of human rights in drug policies at CND. Seven delegations – Canada, the EU (with the support of several neighbouring states), Mexico, the Netherlands, Uruguay, Switzerland, and the UK – took the floor to welcome the



Zaved Mahmood of the Office of the UN High Commissioner for Human Rights (OHCHR) and Elina Steinerte of the Working Group on Arbitrary Detention at the Plenary

Working Group's intervention. However, although the Netherlands called on all states to 'engage with the recommendations' provided in the report,⁵⁰ none of these seven delegations reflected on the actual content of the study.

Seven other delegations expressed their opposition to the findings of the Working Group, and these interventions were more forceful, on both procedural and substantive grounds. Interestingly, the representatives of China and Singapore engaged with the content of the study, defending the effectiveness of their approaches to drugs. China chose to praise its system of compulsory drug detention centres, claiming that they fully respect 'drug abusers' human rights', and that no one 'dies of drug consumption' in those centres.⁵¹ Singapore went beyond that to assert the legitimacy and effectiveness of using capital punishment for drug offences, claiming that it applies the death penalty guided by 'strict legal safeguards' – a claim that cannot hold in the face of the execution of Nagaenthran K Dharmalingam,⁵² a person with a learning disability sentenced for an arguably minor drug offence, exactly 10 days after the exchange with the Working Group. Other countries framed their opposition to the study on arbitrary detention and drug policies on methodological grounds. It was alleged that the Working Group had indulged in 'cherry-picking' of evidence

(Russia), ignored Member States' contributions (Colombia), and did not use reliable sources to ground its findings (Iran).⁵³ Lastly, a group of countries comprised of Iran, Pakistan and Russia resorted to the often-voiced argument that UN human rights entities had no competence over drug-related matters, and that the report was an attempt to step into the remit of the CND (see Box 3).

Debates around the presentation of the study on arbitrary detention and drug policies concluded with a series of strong interventions by OHCHR and civil society. Mr. Zaved Mahmood representing OHCHR reminded the Plenary of the important array of standards emerging from the UN system to assist Member States in aligning their drug policies with human rights, including the UN system Common Positions on drugs⁵⁴ and on incarceration⁵⁵ and the International Guidelines on Human Rights and Drug Policy⁵⁶, and emphasised the impact of drug policies on the realisation of the human rights of Indigenous peoples. Taking stock of the different initiatives connected to drug policies now emerging within the UN human rights system, the International Drug Policy Consortium (IDPC) warned all participants that if Vienna-based bodies chose to reject dialogue with UN human rights experts, they would become increasingly out of touch with the wider UN system.

Box 3 Don't talk about drugs: The push to exclude human rights bodies from drug-related debates

For years, States resisting the consideration of human rights concerns in drug policy-making have argued that UN human rights bodies, such as the Human Rights Council and OHCHR, are invading the purview and role of the CND whenever they touch on the human rights impacts of drug policies. These arguments were forcefully made after the presentation of the study on arbitrary detention at this year's CND, but also at the Interactive Dialogue on the same study held at the Human Rights Council in July 2021, where delegations from China, Egypt or the Philippines, among others, made the same point.⁵⁷

The logic behind this argument is questionable. The Human Rights Council has on many occasions appointed human rights experts with a mandate to report on issues such as human rights and health, development, indigenous peoples or the environment, even though the primary UN policy-making bodies on these topics are completely different from the Council.

For instance, the existence of a mandate such as the Special Rapporteur on the right to health is generally not seen as a challenge to the purview of the WHO or the World Health Assembly (WHA).

In an interesting move, at the 65th session of the CND Cuba made the opposite point, stating that the human rights consequences of drug control should be discussed at the Human Rights Council only, not at the CND. However, Cuba's position also revealed certain inconsistencies. Whereas Cuba stated at the CND that 'This is undoubtedly an important matter but should be addressed in the Human Rights Council itself, not in the CND',⁵⁸ when the study on arbitrary detention was presented at the Human Rights Council in July 2021, the very same country declared that 'drug-related issues do not fall under the competence of human rights mechanisms but rather under the crime control mechanisms based in Vienna'.⁵⁹

Creating spaces for consensus: the survival instinct of the 'Vienna spirit'

Amidst increasing fractures within the 'Vienna spirit', a new emphasis on the importance of ensuring access to controlled substances for medicinal purposes – one of the two key functions of the drug control regime, but historically a neglected one – emerged during this session as a space for constructive agreement. This could also be seen as a good example of what we might call the 'survival instinct' of the 'Vienna spirit', namely a determined effort to find common discursive ground. Positively, in this case common ground was found on a topic that merits greater attention, given that access to many important controlled substances is still severely limited in most parts of the globe.

As mentioned at the beginning of this report, all UN agencies intervening at the opening segment referred to the need to increase access to medicines as a priority for action, and that was picked up by a diverse set of countries in their statements under Item 3.⁶⁰ Attention to this important issue was driven by a new 'Joint Call to Action' on 'Scaling Up the Implementation of International Drug Policy Commitments on Improving Availability of and Access

to Controlled Substances for Medical and Scientific Purposes', which was launched by CND, UNODC, WHO and INCB at a high-level event during the first day of the Commission⁶¹ – a worthy initiative that has been promoted by CND Chair Ambassador D'Hoop and the Belgian Government, with other high-level events held throughout the year.⁶²

As it happens every year, a discussion on the availability of controlled substances for medical and scientific purposes was held under Item 5, featuring a remarkable consensus, with statements in support of increased access to controlled medicines by countries like China, India, Russia, Spain and the USA.⁶³ However, with the exception of India, who promoted the relaxation of regulations on take-home Opioid Agonist Therapy (OAT) during the COVID-19 pandemic to increase access to controlled substances,⁶⁴ most interventions failed to engage with the policy changes needed to improve the current situation. As the International Association for Hospice and Palliative Care (IAHPC) recalled in their intervention in the Plenary, the reality is that 'medicines are still unavailable, inaccessible, and unaffordable in more than 75% of the world',⁶⁵ and without policy reform patients will continue to 'live and die with preventable pain'.

Box 4 Disagreement over the UN System Common Position on drugs and its implementation Task Team

The 2018 UN System Common Position on drugs, which was adopted in 2018 by the Chief Executives of all UN agencies and commits 31 UN bodies to support and promote drug policies grounded on human rights and health, continued to be a driver of fracture and dissent during this CND session.

Divisions around the Common Position began with UN agencies themselves, as the ‘unequivocal support’ for the document by the UNAIDS Executive Director⁶⁶ contrasted sharply with the silence of UNODC, with Executive Director Ghada Waly failing to mention the Common Position in her opening and closing remarks. When asked about the Common Position’s guidance on alternative to coercive sanctions during the Informal Dialogue, Ms. Waly decided to highlight that States retain the right to choose the policy options they prefer, and that the role of UNODC is to support them.⁶⁷ This less than lukewarm support is in line with the absence of references to the Common Position in the 2021-2025 UNODC corporate strategy,⁶⁸ but is particularly worrisome given that the UNODC is mandated to lead the UN Task Team responsible for the implementation of the document.

The Common Position and the Task Team also failed to gain the unanimous support of Member

States, though this year this issue was probably less politically divisive than in the past. A reduced number of delegations – including the EU, the Netherlands, and Switzerland – expressed their support for the document in Plenary statements, while Russia criticised it forcefully under Item 7,⁶⁹ alleging that the Common Position is a document ‘imposed’ on Member States, and that it seeks to ‘diminish’ the authority of the CND.

The task of defending the role of the Common Position and its Task Team finally fell on civil society and OHCHR. OHCHR explained that the role of the Common Position is to mainstream human rights-based drug policies across UN agencies, and that a ‘strategic communication’ to disseminate the Common Position was recently shared with all UN resident coordinators.⁷⁰ Speaking soon after OHCHR, IDPC recalled that the Common Position was adopted by the UN Chief Executives Board as a result of the 2016 UNGASS ‘clear and explicit mandate to increase the unity of action and purpose of the UN system with regards to drug’, and that funding and supporting the Task Team is necessary in order to ensure that CND debates remain connected to other initiatives across the UN system.

The capacity for survival of the ‘Vienna spirit’ can also be gauged from the words unsaid, and issues unraised. Beyond the dialogue with the UN Working Group on Arbitrary Detention, reference to human rights remained for the most part shallow and cursory, decoupled from actual substantive recommendations that might cause disturbances in the ‘Vienna spirit’. In a rare exception, the Netherlands was the only state that called on all governments to decriminalise drug use and possession for personal use in its Plenary statement.⁷¹ In that context, it fell on civil society speakers to draw out the devastating consequences of punitive drug policies for human rights, touching on issues such as the death penalty for drug offences (Harm Reduction International)⁷², the disproportionate impact of drug policies on people of African descent (Centro de Estudios Legales y Sociales⁷³), or violence against communities who grow cannabis, coca leaf, or poppy (Fields of Green for All⁷⁴ and Transform Drug

Policy Foundation, Instituto RIA and Acción Técnica Social⁷⁵), amongst many others.

The Committee of the Whole

Six resolutions were originally submitted for negotiation at this year’s CND (see Box 5) – although, regrettably, none particularly focused on human rights, drug policy reform or harm reduction.⁷⁶ However, due to the diplomatic tensions resulting from the invasion of Ukraine by Russia, only four resolutions were eventually approved by the Plenary. The resolution proposed by Australia on the safe disposal of synthetic drugs and their precursors was withdrawn on the third day of the CND, having never made it to the CoW, while the resolution proposed by Russia on cybercrime was deferred to the 66th session of the CND on Friday evening. This year, the CoW was presided by the Commission’s 1st Vice-Chair, H.E. Mr. Miguel Camilo Ruiz Blanco of

Colombia (Group of Latin American and Caribbean States). Having been diagnosed with COVID-19 days before the CND, Mr. Ruiz Blanco led the negotiations online.

As in 2021, the bulk of the negotiations were held in informal meetings – a regrettable development given that these meetings admit no observers, in contrast with the CoW. Furthermore, this year many of these informals were held before the session even started, which meant that by the time the draft resolutions were made available to the public, much of its text had already been negotiated, amended and agreed by Member States behind closed doors.

No possibility to compromise: Postponement of L3

As the pre-CND informal meetings began in early March, it was clear that the Russian invasion of Ukraine would greatly influence the negotiations of CND resolutions. This was particularly the case for resolution L3 proposed by Russia itself on the issue of ‘Strengthening international cooperation in preventing and combating the misuse and abuse of information and communications technologies for illicit trafficking in drugs and precursors and laundering proceeds of drug-related crimes.’⁷⁷ With this resolution, Russia aimed to garner support for its broader efforts to negotiate a new global convention on cybercrime.⁷⁸

In the preparatory session of the Commission on 11th March, a number of Member States including Canada, the EU, the UK and the USA had called on Russia to withdraw its resolution. These pleas were reiterated throughout the CND week, with Australia, Canada, the EU, Japan, New Zealand, Norway, Switzerland, the UK and the USA putting a reservation on the entire the resolution⁷⁹ until Russia withdrew its troops from Ukrainian territory. Switzerland and Brazil both called for the resolution to be deferred to a later date.

Despite the decision by at least 34 Member States to bracket (i.e., oppose) the entire text of the resolution until further notice, various Member States still engaged in various rounds of informal negotiations, with Russia stating that they were making ‘good progress’ with ‘almost the entire text of the resolution being agreed in informals’. Such rapid progress, however, was most likely because only countries that generally aligned with Russia engaged in these informals.⁸⁰

Box 5 List of resolutions presented at the 65th CND

65/1: Promoting alternative development as a development-oriented drug control strategy, taking into account measures to protect the environment – proposed by Germany, Peru and Thailand (formerly L2) [adopted]

65/2: Strengthening international cooperation to address the links between illicit drug trafficking and illicit firearms trafficking – proposed by Mexico (formerly L4) [adopted]

65/3: Intensifying efforts to address the diversion of non-scheduled chemicals frequently used in the illicit manufacture of drugs and the proliferation of designer precursors – proposed by the USA (formerly L7) [adopted]

65/4: Promoting comprehensive and scientific evidence-based early prevention – proposed by France and Slovenia (formerly L5) [adopted]

L3: Strengthening international cooperation in preventing and combating the misuse and abuse of information and communications technologies for illicit trafficking in drugs and precursors and laundering proceeds of drug-related crimes – proposed by Russia [deferred to the 66th session of the CND]

L6: Safe and secure handling and disposal of synthetic drugs and their precursors – proposed by Australia [withdrawn]

The inability to agree on the resolution reached a point of no return on Wednesday afternoon, with various Member States repeating once more their refusal to negotiate any text presented by Russia, also referring to the country’s ‘wild allegations’ made in the Plenary to justify its war in Ukraine (see above for more details).⁸¹ Canada concluded that the invasion, as well as Russia’s ongoing cyberattacks against Ukraine ‘cast further doubt on the credibility of Russia to table and to lead any discussion on issues such as drug trafficking, cybercrime, and indeed any multilateral initiative at this time’. Meanwhile, Belarus, Cuba, Iran, Kyrgyzstan and

Syria expressed their support for the resolution, asking other Member States not to ‘politicise’ technical CND discussions.

At that point, various Member States simply left the room – and hence the negotiations. Faced with the ‘unconstructive approach of some delegations’, Russia admitted that they had ‘exhausted the resources of the CoW’, and that they would ‘consider other possible ways forward on the L3 draft resolution’. It was not until the last session of the Plenary that Russia announced that they would defer their resolution to the 66th session of the CND, criticising those States that refused to negotiate for ‘destroy[ing] the spirit of Vienna’.

Australia refuses to negotiate with Russia: Withdrawal of resolution L6

Resolution L6, proposed by Australia, sought to address the rather technical and uncontroversial issue of the ‘Safe and secure handling and disposal of synthetic drugs and their precursors’. The text itself was unlikely to create any major points of contention. Interestingly, L6 included some unprecedented language acknowledging how drug policies and programmes themselves might lead to environmental degradation, elaborating on specific measures to avoid such harm. This was a positive step considering the usual narrative that solely recognises the possible impacts of drug production and trafficking on the environment – but not those resulting from badly designed drug policies. Despite various rounds of pre-CND informal negotiations, on Wednesday 16th March the CND Chair announced that resolution L6 had been withdrawn. No official explanation for this decision has been provided, but some delegations thought that Australia might have withdrawn their proposal because they did not want to engage in negotiations with Russia.

Resolution 65/1 (L2): Protecting the environment with alternative development

As is the case every year, Germany, Peru and Thailand led on an ‘alternative development’ resolution, ‘Promoting alternative development as a development-oriented drug control strategy, taking into account measures to protect the environment.’⁸² This series of resolutions generally reiterate previously agreed language (this year being no exception, with over half of the resolution being a repeat of

CND Resolution 64/2⁸³), with additional paragraphs focusing on a specific theme. While last year’s resolution was focused on the COVID-19 pandemic, this year’s covered environmental considerations.

Overall, and as has been the case in the past, the resolution continues to struggle with an impossible compromise to balance ‘eradication’ language with wording promoting long-term socio-economic development. This is especially evident in the preamble of the resolution, which calls on Member States to evaluate the impacts of alternative development both in terms of eradication and with the use of human development indicators, and alternative development programmes being depicted as a ‘choice in favour of promoting a society free of drug abuse’.

What made the 2022 alternative development resolution particularly interesting is the recognition that drug policies – in this case, alternative development programmes – can contribute to environment and biodiversity protection and efforts to tackle climate change. The resolution reiterates the need to align drug policies with the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), and specifically mentions initiatives such as ‘climate finance, carbon credit schemes and payments for ecosystem services’ to support affected communities. This paragraph was particularly hard-fought, as was the enumeration of various instruments focusing on climate change in the preamble of the resolution. As expected, the language was drastically toned down after much back and forth in both informals and the CoW.

The original language in the preamble listed specific initiatives and instruments aimed at addressing climate change, including the 2021 UN Climate Change Conference (COP 26) and initiatives aimed at reversing biodiversity loss. While Colombia, the EU, France, Germany, Sweden and Switzerland all tried to protect and strengthen the proposed text, Russia’s and Iran’s proposals ended up significantly watering down the paragraph, as they refused to mention any instruments which they deemed to be unrelated to the theme of the resolution.

The reference to ‘carbon credit schemes’ in the operative part of the resolution was particularly controversial. The co-sponsors of the resolution, Germany, Peru and Thailand, were joined by Australia, Canada and France in defending this text, while Russia strongly opposed it, claiming that ‘only some countries’ used carbon credits and that there was

no understanding of how these worked. These initiatives, according to Russia, should be left to 'specialised international forums', rather than the CND. In response, Germany stressed: 'We have tabled a conference room paper which sums up the key findings and insights on alternative development and the environment, which shares best practices. We are not trying to bring up anything new'. At that point, the CND Chair himself took the floor, being from Colombia where such schemes are already in place: 'I ask you all to take into account the true dimension of this paragraph'. 'I apologise', he continued, 'for interrupting, I won't do it often, but it is important for you to hear from a country that has lots of experience with alternative development'. While the final iteration of the resolution does include a reference to 'climate finance, as well as carbon credit schemes and payments for ecosystem services', the paragraph was heavily caveated with 'as appropriate' (included not once, but twice), and 'in accordance with domestic legislation'.

In the past few years, the alternative development resolution has also included positive wording on the importance of mainstreaming a gender perspective and ensuring the involvement of women in the design and implementation of alternative development programmes. This is a welcome addition, as women have historically been left behind in alternative development programmes, while suffering from specific vulnerabilities and discriminations for being women and for living in often impoverished rural areas. It is therefore highly concerning that new language was inserted as follows: 'Recognizes the important *role and contribution of men and boys to gender equality in alternative development programmes*, and encourages Member States to *promote the active participation of men and boys* in the implementation of policies aimed at mainstreaming a gender perspective in alternative development programmes' (emphasis added). This clearly shows how, oftentimes, the CND seems to be missing the entire point of what promoting 'gender mainstreaming' actually means and why it is a critical aspect of drug policy.

More positively, the final text of Resolution 65/1 recognises the need 'to support the empowerment and participation of local communities, including youth, in the design and implementation of alternative development programmes'. This language is stronger than in previous years and does not include any caveats (although it should be noted

that the paragraph 'encourages', rather than 'urges' Member States to take action).

Resolution 65/2 (L4): Addressing the links between illicit drugs and arms trafficking

Resolution 65/2, 'Strengthening international co-operation to address the links between illicit drug trafficking and illicit firearms trafficking'⁸⁴ was proposed (at a very late stage) by Mexico as a follow up to Resolution 51/11 (2008),⁸⁵ to address ongoing concerns over the impacts of illicit firearms trafficking on the levels of violence associated with illegal drug trafficking – and for Mexico in particular, those associated with the illegal flow of firearms from the USA to Mexico.

The key point of contention on Resolution 65/2 revolved around the attempt to mention specific instruments aimed at countering arms trafficking. This was especially the case with a paragraph from the original draft, which referred to Resolution 10/2 of the Conference of Parties to the UN Convention against Transnational Organized Crime. While countries like Brazil, Canada, Colombia, the Dominican Republic, France, Sweden, the UK and the USA fought to protect that paragraph, Iran and Turkey strongly objected to it. In response, Canada argued: 'The entire intention of this resolution, as I see it, is to address the links between one form of crime and another form of crime, on which we are very concerned. When combined together, they are worse than the sum of their individual parts. I know that other resolutions tabled in this forum and elsewhere also seek to integrate efforts in countering crime. So if we just close our eyes and cover our ears and say "that doesn't cover our mandate" or "that's a separate discussion", we're never going to get anywhere... I actually ask for a little more consistency'. To this, Turkey retaliated that if the resolution were to be 'consistent' to 'cover all crimes together', then it should also mention 'terrorist organisations', complaining that various delegates had rejected that addition earlier in the negotiations. The paragraph was eventually deleted in its entirety.

As a form of compromise, the preamble does highlight 'relevant international and regional instruments adopted to prevent and combat illicit firearms trafficking', but without any specifics. Mentioning the 'Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects', which

Colombia was especially keen to include, was also subject to considerable controversy. Again, Iran objected, being ‘strongly against bringing up the disarmament or arms regime to the CND’. At that point, the Chair of the CoW once again took the floor to share his personal experience in an effort to help move the negotiations forward. As a member of the Colombian delegation to the 2001 Conference where the Programme of Action was adopted, he remembered how many of the countries that are now opposing a reference to the Programme in Resolution 65/2 were some of the most important negotiators in the process. He found it ironic that delegations that had agreed on a text some 20 years ago were now asking for the same document not to be mentioned in this resolution. In the end, the Programme of Action was retained in the final text of Resolution 65/2.

Much of the negotiations for the remainder of the week focused on the request for the UNODC to conduct a study as a follow up to the Global Study on Firearms Trafficking 2020; and on data collection and the convening of discussions among experts on the links between drug trafficking and firearms trafficking. Both paragraphs were adopted on the last day of the CND. On the first point, Turkey refused any mention of the Global Study, as did Egypt and Russia. In the end, the paragraph simply requested the UNODC to ‘continue its already existing research on these links, subject to the availability of extrabudgetary resources’. Regarding the convening of discussions at expert level, Turkey rejected this request in its entirety. To this, Mexico interjected: ‘Do we want to say that the Commission doesn’t want to promote exchanges and conversations? That it doesn’t want to improve knowledge and understanding of global issues?... We should be thinking of what we want for the future of the Commission’. Eventually, Mexico proposed compromise language by removing the contentious call for a convening of experts: ‘Decides to *further discuss* and better address the challenges...’ (emphasis added). It should be noted that the resolution does already invite ‘non-governmental organizations, the academic community and civil society to raise awareness... and to contribute, as appropriate, to states’ efforts in addressing these challenges’.

Another point of discussion on Resolution 65/2 related to the use of the term ‘world drug problem’ in PP1, with Switzerland and the EU proposing ‘world drug situation’ instead. This was met with strong

opposition from Colombia, Egypt and Venezuela, as well as the Guatemalan delegate who argued: ‘I don’t understand why we always try to reinvent the wheel when we have a wheel that has been used for some time’. This statement exemplifies the issue at hand here: how can CND discussions ever move forward if resolutions simply reiterate past wording without ever trying to improve? This debate over terminology is not new and regularly resurfaces at the CoW. In the end, the original wording was retained.

Finally, as with Resolution 65/1 on alternative development, the content on gender mainstreaming (OP9) is much weaker than in previous CND resolutions. The final wording refers to impacts on ‘the lives of women, *men*, girls *and boys*’ (emphasis added). As was the case in Resolution 65/1, this is a dangerous trend that may very well end up invisibilising once again the specific impacts of drug control on women and girls. In the final version of the resolution, reference to ‘gender-based violence’ was added at one point in the negotiations, but was also eventually deleted.

Resolution 65/3 (L7): Intensifying efforts to address the diversion of non-scheduled chemicals and the proliferation of designer precursors

Resolution 65/3 was proposed by the USA and entitled ‘Intensifying efforts to address the diversion of non-scheduled chemicals frequently used in the illicit manufacture of drugs and the proliferation of designer precursors’. The ongoing opioid overdose crisis in North America, associated with fentanyl production and supply, was inevitably a key reason for the USA to have proposed this resolution. The objective of Resolution 65/3 was to strengthen and expand the existing international precursor control regime, and to urge Member States to implement the recommendations included in the INCB’s guidance document ‘Proliferation of non-scheduled chemicals and designer precursors: Options for global action.’⁸⁶

From the very start of the negotiations, there was much controversy on how to refer to the INCB guidance, with original language being drastically toned down. ‘Urges member states... to apply [the recommendations of the INCB guidance]’ was eventually replaced with ‘Encourages member states... to make use of’ the document, with two caveats added in the final paragraph.

Interestingly, the first draft of the resolution recognised how ‘the abuse, illicit cultivation and production and manufacture’ of non-scheduled chemicals and designer precursors had ‘reached record levels’, expressing concerns that ‘controlled precursors can be replaced by an almost infinite number of substitutes... and recognizing that it is neither feasible nor desirable to include such an ever-growing number of chemicals in the tables of the 1988 Convention’. This was a strong acknowledgement of the failings of the current drug control regime in keeping up with the range and number of new substances flooding the illegal drug market. ‘The idea we are trying to capture’, explained the USA, ‘is really a practical one... By no means to suggest that the scheduling system is not one we should be using at every opportunity, but to acknowledge the practicality, or rather lack of practicality in doing so with this ever-growing number of chemicals’. Unsurprisingly, this text was drastically toned down by China, Russia and Venezuela. The final agreed version, inaccurately, recognises ‘that the existing scheduling system... *has been effective* in preventing the diversion of known precursors... while noting that controlled precursors can be replaced by an almost infinite number of substitutes’ (emphasis added).

The mention of the role of the WHO within Resolution 65/3 was yet another point of friction. Faced with concerns expressed by Russia and Turkey on referring to the WHO in this context, the USA explained: ‘The WHO has indeed a very clear role and responsibility... When the WHO promotes access and availability, that may indeed include substances that can be used in the illicit manufacture of substances as well, so we should not shut this option out because it can negatively impact our collective measures’. In the end, faced with the pressure of closing the negotiations on the very last day of the CND, any mention to the WHO was removed from the resolution which instead refers to ‘other relevant international and regional organizations and entities, as appropriate’.

A final issue worth mentioning here relates to Portugal’s proposal to add a new paragraph in the preamble on protecting human rights and the rule of law. This was immediately countered by Iran, which considered that there was no connection between human rights and supply reduction issues – a point Iran has regularly made in previous CND sessions. ‘We are not here in the Human

Rights Council’, Iran stated, with China making the point that ‘It is true that the CND is not a platform for human rights issues, it’s a professional platform for drug issues’. To this, Switzerland replied: ‘We cannot say that we are not bound by our commitments because “we’re not the Human Rights Council”’. At that point, Canada reminded the delegates that this language was also used both in the 2016 UNGASS Outcome Document and the 2019 Ministerial Declaration. In the end, the mention of the ‘rule of law’ was deleted, with the USA proposing alternative text directly drawn from the preamble of the UNGASS Outcome Document.

Resolution 65/4 (L5): Promoting evidence-based drug prevention

The last resolution adopted at this year’s CND, Resolution 65/4 ‘Promoting comprehensive and scientific evidence-based early prevention’,⁸⁷ was proposed by France and Slovenia on behalf of the EU. Because previous CND resolutions on prevention were mostly led by conservative Member States, Resolution 65/4 was an attempt to propose positive language on human rights-based, non-stigmatising and evidence-informed drug prevention. And indeed, the resolution does include positive messaging on human rights and the SDGs, and promotes the WHO and UNODC International Standards on Drug Use Prevention.⁸⁸

The resolution also acknowledges ‘the contribution of young people and youth-based associations’ in drug prevention, and the importance of ‘taking their experience into consideration in the development, implementation and evaluation’ of prevention programmes. Surprisingly, this paragraph was proposed by Russia – no doubt to underscore the role of the Youth Forum, which Russia has supported and funded since its inception, and which is, in fact, mentioned later in the resolution. Positively, the resolution also ‘encourages’ Member States to cooperate with universities, civil society and other UN agencies to develop and implement prevention programmes. During informal discussions, Canada attempted to add ‘affected communities’ alongside civil society, but this proposal was rejected by Egypt, Iran, Russia and Turkey.

As with all CND resolutions, this positive language was counter-balanced with more problematic text, including a reiteration of the goal to ‘actively promote a society free of drug abuse’ and alarmist

language on how drug use, especially among children, constitutes a ‘danger of incalculable gravity’.

The crux of the debates on Resolution 65/4 revolved around the inclusion of ‘social marginalisation’ and ‘individual and environmental determinants of health’ in the draft resolution – the latter, it should be noted, being widely accepted terminology used by WHO and in the WHA. Both attempts, supported by Australia, France, the Netherlands, Slovenia, Sweden and Switzerland, were met with strong resistance from Egypt, Iran, Russia, Singapore, Turkey and Venezuela.

The USA and Australia were particularly vocal on the inclusion of the ‘environmental determinants of health’, with the USA stating ‘We are surprised to hear the reservations from Member States who may not understand the term.... It is a very old term and has been used repeatedly in the WHO context. The fact that it is not used in a CND context doesn’t mean we should close our eyes to it’, adding ‘We remain confused about the unwillingness to reference concepts used in Geneva’. Russia’s proposal to replace ‘individual and environmental determinants of health’ with ‘other risk and protective factors’ was eventually accepted.

The attempt to include ‘social marginalisation’ in Resolution 65/4 also led to tense debates, echoing similar conversations held during the negotiation of CND Resolution 64/5 on access services ‘including for people impacted by social marginalization’ last year.⁸⁹ As in 2021, Turkey strongly objected, while Australia fought for ‘social marginalisation’ to be retained, stressing that this was used in the International Standards on Drug Use Prevention (referred to throughout the resolution) and included in the UNGASS Outcome Document. In the end, ‘social marginalisation’ only retained in one operative paragraph as ‘vulnerable members of society especially children in socially and economically marginalised situations’.

As with other resolutions, the war in Ukraine was raised regularly during the negotiations. When discussing whether to reaffirm ‘the goals, objectives *and obligations*’ (emphasis added) of the UN drug control conventions, the USA declared: ‘It is very difficult to accept language reaffirming “obligations” when we know that one delegation in particular is not adhering to the 1988 Convention that requires that States parties do not interfere in the domestic matters and geographical sovereignty of other states’.

NGO engagement

As with the 64th session in 2021, the Vienna NGO Committee on Drugs (VNGOC) was heavily invested before and during the CND in navigating, communicating and troubleshooting the new ‘hybrid’ format, working closely with the CND Secretariat and UNODC’s Civil Society Unit. Over 200 NGO representatives were able to register and access the main meeting platform for the Plenary and the CoW,⁹⁰ with more being able to follow the proceedings without registration via the live webcasts, and there were ultimately enough spaces available to meet the demand. Concerns about physical distancing and limited spaces in the Plenary and CoW rooms were unfounded, given the small number (around 20) of NGO representatives attending in person and the emptiness of the vast rooms in the UN building.

Of course, there were lessons learned and elements to improve as well: for example, the ongoing unwillingness of the UNODC to record, as well as live webcast, the sessions remain an issue for those outside of European time zones, and the lack of a table for NGO materials has taken away a key engagement channel for civil society. However, the format worked well overall and civil society engagement throughout the meeting was strong.

NGO statements in the Plenary

Despite the primary mode of civil society engagement being online again this year, the high level of NGO participation was reflected both in the number of statements made throughout the week (23 in total), as well as the range of topics covered. As in previous years, the statements were coordinated by the VNGOC via an open call for expressions of interest, and reflected diverse views amongst civil society on drug policy issues. Unsurprisingly, many statements highlighted concerns about Russia’s invasion of Ukraine and the resulting humanitarian crisis.⁹¹

Ensuring access to life-saving services for people who use drugs

The **International Committee of the Red Cross** highlighted the effectiveness of harm reduction, and called for support to ensure the provision of interventions such as opioid agonist therapy, particularly in Ukraine. The **Global Fund to Fight AIDS, Tuberculosis and Malaria** also referred to

Box 6 The VNGOC at the 65th session of the CND

Conscious that the vast majority of NGOs would be engaging virtually rather than in Vienna, the decision was made to hold VNGOC meetings and processes online once again. This included the Annual General Meeting, which was held over two parts on Thursday 10th and Thursday 17th March, with just around 10 people physically present in Vienna for the second part.

The Board elections were also successfully managed online for a second year – with consecutive 24-hour voting windows allowing for broader participation across all time zones. A new addition to the process was that the ‘Nominations Committee’ was tasked with providing a recommended slate in addition to the usual list of candidates – a step agreed in 2021 after an intervention by a bipartisan group of NGOs (including IDPC) to try and protect balance on the Board in terms of gender, geography, age and thematic priorities. Of the 146 eligible member organisations, 94 registered to vote and cast their ballots, with the ultimate outcome that the recommended ‘slate’ was elected with clear majorities: Matej Kosir (UTRIP, Slovenia) as Deputy Chairperson, Beatrix Vas (Youth RISE, Hungary)

as Treasurer, and Asia Ashraf (World Federation Against Drugs, Pakistan) as Secretary. A new ‘Nominations Committee’ was also appointed for 2023, when this process will be repeated and will include the new candidates for the role of Chairperson – succeeding IDPC’s Jamie Bridge, who is in his final term in the position.

During the CND week, the VNGOC also coordinated the Informal Dialogues with the UNODC, INCB and the CND Chair, and with WHO representatives a few weeks after the CND (see below). This included collating questions submitted via an open call for inputs. In addition, the VNGOC made two Plenary statements on behalf of the membership, one of which during the general debate (agenda item 3) on civil society engagement and the need to represent those facing humanitarian crises, violence, repression, hostility and war,⁹² and the other on agenda item 11 (other business) on concerns over difficulties for NGOs working on drug-related issues to access ECOSOC accreditation.⁹³ Finally, the VNGOC Board had the opportunity of a first face-to-face meeting with Ms. Waly since her appointment as UNODC Executive Director in 2020.



Jamie Bridge, making a statement on behalf of the VNGOC at the CND

Credit: IDPC

Ukraine as an example of how the twin challenges of drugs and HIV could be addressed, and how to build effective partnerships between civil society and governments. It urged Member States to contribute financially to the Global Fund replenishment later in 2022, put science ahead of stigma, keep the voices of communities at the centre, and honour the SDGs and the principle of leaving no one behind, in line with the UN Common Position on drugs and the 2021 UN Political Declaration on HIV/AIDS.⁹⁴ Also requesting Member States to fulfil their commitments under the Political Declaration on HIV/AIDS (in which governments set ambitious new targets to reduce restrictive legal and policy frameworks, lessen gender-based inequalities, and decrease stigma and discrimination), the **International AIDS Society** raised concerns over the inequalities in access to HIV and hepatitis prevention, treatment, care and support for people who use drugs. Similarly, **Médecins du Monde** and the **International Network of People who Use Drugs** called on Member States to embrace the targets set forth in the Global AIDS Strategy and Political Declaration as key components for informing health and rights-based drug policies.

The **Pakistan Youth Organization** spoke about the importance of comprehensive and evidence-based prevention, treatment, rehabilitation and recovery services, and called on Member States to support their provision, as well as implement the recommendations of the Asia-Pacific Civil Society Common Position on Drug Policy.⁹⁵ The **Fazaldad Human Rights Institute** also emphasised the importance of drug prevention for youth.

Assessing the impacts of the COVID-19 pandemic

Although less prominent than last year, the COVID-19 pandemic also featured in various NGO statements. The Open Society Institute, for instance, explained how the COVID-19 pandemic pushed drug policy innovation, referring to the release of 2,200 people from prison in one day by the US state of New Jersey during a surge of COVID-19 cases. The CND, it noted, could play a leading role in driving such innovation, especially in addressing prison overcrowding and overdose deaths. The impacts of COVID-19 were also highlighted by the Turkish Green Crescent Society, which mentioned changing trends in drug use and called for prioritising

access to services without stigma for young people.

Addressing the global epidemic of pain

Serious concerns about inadequate access to medicines were raised by **IAHPC**, which called on governments to ensure that their budgets are patient- rather than profit-centric to effectively ensure adequate access to medicines. The IAHPC further called on Member States to increase the knowledge of healthcare workers and policy makers about use of pain relief medications, to improve the quality of life of palliative care patients. **DRCNet** raised similar concerns for people living in Ukraine, highlighting the difficulty to access needed medications, including methadone, following the Russian invasion.

Reaching out to rural communities

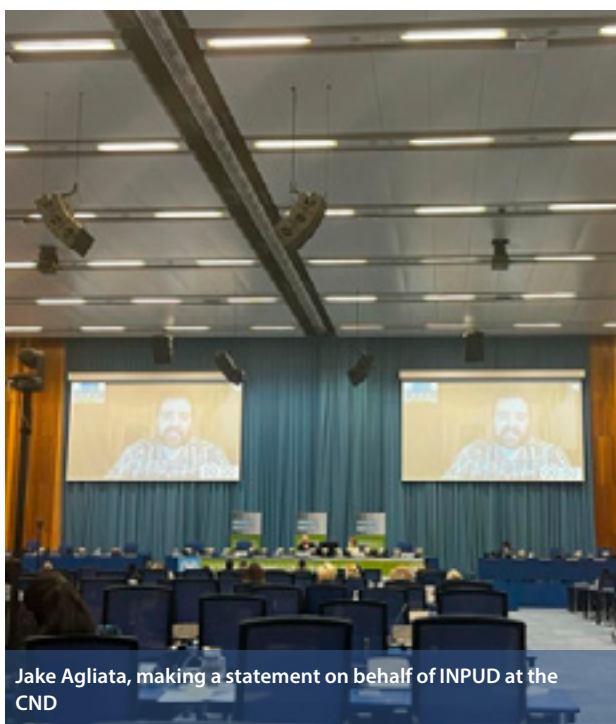
The **Organization for Poverty Alleviation and Development** highlighted the increased price of opium, and corresponding rise in incentives for people to cultivate opium as well as production and trafficking of heroin and methamphetamine, following the Taliban's take over in Afghanistan. Their statement also underscored the inhumane treatment of people dependent on drugs. The **Center for Innovative and Pragmatic Development Initiative** encouraged Member States and civil society to collaborate in addressing drug-related problems, including amongst young people and rural communities.

Redressing pressing human rights issues

Finally, the Argentinian NGO **Centro de Estudios Legales y Sociales** highlighted the progress made in documenting human rights issues in relation to drug policy, including police brutality and systemic racism in Latin America, and called for them to be systematically incorporated into international drug monitoring, while **Harm Reduction International** condemned the ongoing use of the death penalty.

Putting legal regulation on the table

As in the previous CND sessions, civil society positions were divided on the issue of legal regulation. **Smart Approaches to Marijuana** warned about the negative consequences of legally regulating cannabis and other substances such as psychedelics and heroin. While not supporting overly punitive policies, the NGO opposed legalisation, arguing that the goal of achieving a drug-free world



Credit: IDPC

Jake Agliata, making a statement on behalf of INPUD at the CND

should be retained, even if it is not attainable. On the contrary, **Grupo de Mujeres de la Argentina** called for cannabis to be removed from international scheduling, to end the harms resulting from its prohibition. **Transform Drug Policy Foundation**, **Instituto RIA** and **Acción Técnica** also outlined the harms resulting from prohibitionist drug policies, including to communities that grow cannabis, coca leaf and poppy plants, preventing progress towards achieving the SDGs. They called for reforms grounded in social justice to address those harms and contribute to a more peaceful and egalitarian society. In a similar fashion, **Fields of Green for All** promoted reforms to enable traditional cannabis growers to engage in the cultivation and trade in cannabis, in South Africa and other countries. **DRCNet** focused on the tension between legal regulation and the international drug control regime, asserting that it was possible to legalise the use of cannabis for non-medical purposes and still comply with the 1961 Convention.⁹⁶

UNODC resistance on UN systemwide coherence

Several NGOs highlighted the worrying lack of UN coherence on drug policy and human rights, with the UNODC being widely criticised for its lack of leadership in this regard. **IDPC** notably called on Vienna-based UN bodies to welcome the inputs and expertise of other specialised UN entities



Credit: IDPC

Kasia Malinowska, making a statement on behalf of the Open Society Institute at the CND

and experts, especially those working on human rights, in the work of the CND.⁹⁷ This was, in part, in response to the push back from several Member States that had prevented the Working Group on Arbitrary Detention from presenting their landmark report on drug policy at the CND intersessional of December 2021 – which ironically coincided with International Human Rights Day.⁹⁸ To ensure that the CND remains relevant amidst the engagement of several UN agencies in drug policy issues, IDPC recommended that the Commission take measures to support cross-UN cooperation including via the UN implementation Task Team, and to include all relevant UN human rights experts, civil society, and communities, especially at the forthcoming intersessional thematic meeting on human rights. In a similar vein, the **Organization for Poverty Alleviation and Development (OPAD)** highlighted the importance of gender-sensitive drug policies and improved inter-agency cooperation as a crucial tool to counter gender-based discrimination and violence in drug control. OPAD called on the UNODC to honour the commitments made at the 2016 UNGASS and within the UN System Common Position on drugs by discussing drug-related issues in all UN forums to strengthen system-wide coherence and drug policies grounded in human rights, gender sensitivity and social justice.

In a statement delivered by **Dejusticia**, on behalf of **Elementa**, the **Center for Drug and Security**



Ajeng Larasati, making a statement on behalf of Harm Reduction International at the CND

Studies of the Universidad de los Andes and IDPC, concerns were shared about the disconnect between drug policy, the SDGs and the fulfilment of human rights in the UNODC Strategic Vision for Latin America and the Caribbean 2022-2025.⁹⁹ They further highlighted the Strategy's omission of policies that guarantee the highest possible level of health for people who use drugs, including through decriminalisation and harm reduction, and the promotion of alternative development policies that comply with human rights standards, as well as the UNODC's neglect in promoting the UN Common Position on drugs in the region.

Finally, **Youth RISE** referred to the lack of UNODC engagement with community organisations, particularly young people, despite the Office's leadership role in the implementation of the UN Common Position on drug policy and the ambitious targets set out in the Global AIDS Strategy. Echoing Youth RISE, **Students for Sensible Drug Policies** called on the UNODC to publicly outline the ways it engages young people and youth organisations in the development and implementation of drug policies and programmes – requesting the UNODC and Member States to support the engagement of youth organisations in the Youth Forum, the CND and national policy processes.

Informal Dialogue with the UNODC Executive Director

As in previous years, the VNGOC oversaw an open call for questions from civil society several weeks prior to the CND, and then the UNODC retained the final say in the order of the questions, while also merging supposedly similar questions together. The dialogue itself was held on Wednesday 16th March, with a handful of NGO colleagues attending in person and the remainder joining via MS Teams.¹⁰⁰ The UNODC Executive Director, Ghada Waly, took centre-stage for the duration of the event, accompanied by Jean-Luc Lemahieu (Director of the Division for Policy Analysis and Public Affairs) and John Brandolino (Director of the Division of Treaty Affairs). The event was moderated by the VNGOC Chair, Jamie Bridge.

After welcoming remarks in which Ms. Waly emphasised the importance of partnerships in UNODC's new Strategy for 2021-2025,¹⁰¹ all 15 approved NGO questions were read out and answered within the hour. Receiving the questions in advance allows various UNODC teams to contribute to a carefully-crafted 'script' of responses, which Ms. Waly stuck to for the most part. However, she also took the opportunity on several occasions to look up from the pages and give some more personal (and welcome) reflections, thoughts and perspectives.



Credit: IDPC

Ann Fordham, making a statement on behalf of IDPC at the CND

Questions covered topics such as drug prevention, harm reduction, the COVID-19 pandemic, civil society involvement, drug treatment, youth engagement, cannabis policy and the death penalty. When directly questioned on harm reduction (by both IDPC and the Burundi Association of People Who Use Drugs), Ms. Waly emphasised the UNODC’s support for the implementation of the new Global AIDS Strategy¹⁰² and for the ‘reform, development and implementation of effective legislation and policies to facilitate access to evidence-informed HIV services as well as alternatives to imprisonment’. She also indicated a forthcoming ‘advocacy campaign’, travelling together with Winnie Byanyima (the Executive Director of UNAIDS) to ‘promote the agenda’. However, she seemed to stop short of actually using the term ‘harm reduction’ itself. Similarly, when asked about decriminalisation and the UN System Common Position on drugs, Ms. Waly refrained from using the term and instead spoke of the differing views of Member States and the need to ‘provide a range of options and a range of ways to support and to implement the wide range of non-custodial measures’. This kind of diplomatic, inexact response has become standard in these dialogues due to their pre-prepared nature. As that seems unlikely to change in the coming years, NGOs will perhaps need to ‘up the stakes’ in terms of the specificity and probing nature of the questions that are submitted.

One exceptional moment came when Ms. Waly was



Credit: IDPC

Ailish Brennan, making a statement on behalf of Youth RISE at the CND

asked by Kasia Malinowska (Open Society Foundations) about COVID-related mortality in prisons: a non-controversial question which should have been well within the comfort zone of the UNODC. Ms. Waly appeared to have a full response written on the pages in front of her. However, she seemingly opted instead to snap back at Ms. Malinowska (who was sat in the room): ‘Where did you get these data? I haven’t heard that there is a specific increased mortality in prisons across the globe during COVID...’. Such data, it transpires, are readily available online – albeit from individual countries rather than any comprehensive global picture – and it was highly concerning to hear that the head of the UN agency responsible for prisons was unaware of it. It is hard to avoid the conclusion that the tone of the response was more about *who* was asking the question, not *what* they were asking – incidentally, the Open Society Foundations took up Ms. Waly’s invitation to share the data, writing a detailed and referenced follow-up letter to which there has so far been no response at the time of writing.

Informal Dialogue with the CND Chair

The Informal Dialogue with CND Chair, Ambassador Ghislain D’Hoop (Belgium) was held on Thursday 17th March, and moderated by Matej Kosir, Deputy Chairperson of the VNGOC.¹⁰³ The Chair began the dialogue by stressing the importance of civil society involvement, and inviting civil society organisations

to organise dialogues with him throughout the year, in addition to the annual dialogues held at CND. He also highlighted the importance of multi-lateralism and the need for Member States to work together in a peaceful and respectful way – in the backdrop of the heated debates taking place in the main proceedings.

The questions began with IDPC expressing its concern that the Working Group on Arbitrary Detention was blocked from speaking at the CND reconvened in December 2021, and asked the Chair how he will ensure that human rights experts will be able to participate in the autumn CND intersessional dedicated to drug policy and human rights. The Chair responded by explaining that ‘there [were] diverging views on this matter and it is the role of the Chair to allow divergent views, but to preserve the Vienna spirit’ and ensure inclusive and meaningful dialogue.

Several other questions focused on civil society involvement. Instituto RIA, for example, asked how the CND will retain and expand the civic space which was lost due to COVID-19 restrictions. The CND Chair once again emphasised the importance of civil society participation and acknowledged that much more can be done to improve their involvement. Turning to youth involvement in the work of the CND, Students for Sensible Drug Policies asked whether there will be any opportunities for UNODC’s Youth Forum to engage with decision-making at the CND. The Chair stated that he would like to work with the Youth Forum and agreed that more could be done to ensure Youth Forum engagement in thematic discussions. He suggested organising a special dialogue with the Youth Forum during the year to further discuss this engagement.

Various NGOs then turned to other substantive topics, including prison overcrowding, the impacts of the COVID-19 pandemic on access to services for people who use drugs, the availability of controlled medicines, and cannabis-related policies. Fields of Green for All, for instance, asked how the CND intended to implement the necessary changes to the convention following WHO’s recommendation to remove cannabis from Schedule IV of the 1961 Convention and how civil society could support this process. In response, Ambassador D’Hoop stated that redrafting the conventions would take a number of years and much lobbying, encouraging civil society to continue working with their governments on this important topic. However, he stated,

there is currently no consensus on cannabis, and only ‘growing awareness of governments and politicians... will change this’.

Informal Dialogue with INCB President

The third Informal Dialogue held with INCB President Jagjit Pavadia took place on Thursday 17th March, and was moderated by Heloísa Broggiato from the VNGOC Board.¹⁰⁴

Almost half relating to cannabis-related developments. The Veterans Action Council and Instituto RIA asked the INCB President about ways in which civil society could support the Board in providing greater transparency and ensuring civil society participation in processes relating to the development of the guidelines the INCB is producing as a follow up to the WHO recommendation on cannabis adopted by the CND in December 2020.¹⁰⁵ They also expressed concerns over the involvement of private industry in this endeavour. The President referred to the INCB’s work with Member States to implement the WHO recommendations on cannabis and cannabis-related substances, and mentioned how civil society was being consulted via a call for inputs through the VNGOC, as well as regular dialogues with civil society during INCB sessions and country missions. Regarding the private sector, the INCB President explained that private companies were selected by the competent national authorities to provide technical inputs during informal consultations, but they did not participate in the deliberations on the standards to avoid any possible conflict of interest.

EURAD Belgium and Afridi Welfare Foundation then asked about the INCB’s view on moves to legally regulate cannabis markets for non-medical use. The President replied that the INCB has been unequivocal in stating that legal cannabis markets for non-medical or non-scientific purposes, including at the sub-national level, undermines universal adherence to the drug control conventions, and will have adverse effects on public health and control of drug trafficking. In response to a similar question by the International Federation of Social Workers, the President stated that it is necessary to differentiate between the concepts of regulation of cannabis markets for medical purposes and those for non-medical purposes. The former is regulated by a set of control measures under articles 23, 28 and 61 of the Single Convention. As for the latter, the Board has always maintained that these are clearly in violation

of the 1961 Convention, which limits the use of controlled substances to medical and scientific purposes. The Cannabis Education Guild asked about the measures taken by the INCB to prevent Member States from allowing human rights violations against those working in the cannabis sector. The President explained that the Board does not have a mandate from the drug control conventions to inspect or control human rights violations in the cannabis sector or in the supply chain. Rather, the INCB promotes effective adherence to the drug control treaties which is predicated upon the respect and protection of internationally recognised human rights.

Transparency and accountability in the work of the INCB was also a key topic of discussion, and remains a recurring issue of concern for many civil society groups.¹⁰⁶ To a question raised by FAAAT on this issue, the President responded that the principles of impartiality and independence are key to ensuring that the INCB can effectively perform its quasi-judicial functions to monitor and ensure compliance by Member States with their obligations under the international drug control treaties, free from undue political interference or any other pressure. In addition, confidentiality in some of the work of the Board is required by the conventions, for instance when information is submitted by civil society groups during country missions in cases when speaking out or engaging with international actors may lead to potential reprisals. However, the Board makes every effort to inform the international community about its work, including through annual reports, technical publications, alerts, newsletters, press releases and statements, as well as through active participation in CND sessions.

On the critical issue of civil society involvement in the work of the INCB, in response to a question from the International Movement for Advancement of Education Culture Social & Economic Development, the President reiterated the importance of civil society participation to achieve balanced drug control and welcomed their continued inputs in implementing balanced and effective drug control policies in forums such as these Informal Dialogues.

Additional topics covered in the Informal Dialogue included access to medicines, drug trafficking and crypto drug markets, access to health services for people who use drugs, including young people, and human rights issues, including compulsory drug treatment. On the latter, to a question from

the Green Crescent Zimbabwe, the INCB President highlighted the need to ensure adequate access to voluntary treatment services and alternatives to conviction and punishment for people who use drugs. In a welcome move, the President stated that compulsory treatment for people who use drugs is 'in direct conflict with human rights principles', adding that 'the Board advocates for their closure'.

Informal Dialogue with the WHO

The final Informal Dialogue was held on 12th April – several weeks after the CND due to the availability of key WHO colleagues.¹⁰⁷ It was moderated by VNGOC Deputy Chairperson Matej Kosir, and benefited from the insights of three WHO representatives: Annette Verster (Technical Officer on HIV, drug use and most at risk populations), Vladimir Poznyak (Unit Head, Alcohol, Drugs and Addictive Behaviours) and Gilles Forte (Coordinator Policy, Access and Use, Essential Medicines and Health Products Department).

On harm reduction, IDPC questioned the ongoing lack of WHO technical guidance on critical interventions such as drug checking and drug consumption rooms. Ms. Verster gave two reasons for this gap. Firstly, she explained, these interventions are currently only available in a handful of countries in the Global North and the WHO has therefore not had the opportunity to conduct a systematic review of their effectiveness – although she noted that the WHO has acknowledged the potential benefits of these services within their existing guidance documents. Secondly, she continued, the current state of access to the so-called 'comprehensive package' of interventions promoted by the WHO, UNODC and UNAIDS¹⁰⁸ remains severely limited, with less than 1% of people who use drugs having access to such services. Ms. Verster expressed concern that adding more expensive and complex interventions to that package might backfire and deter countries from implementing basic interventions.

Also on the topic of harm reduction, the NGO REAJUD from Mozambique enquired how the WHO could support the development of harm reduction guidelines and rehabilitation centres for people who use drugs. Ms. Verster and Mr. Poznyak both mentioned the WHO's role in providing technical support for countries to implement such interventions. Mr. Poznyak specifically referred to the UNODC and WHO International Standards for the Treatment of Drug Use Disorders,¹¹⁹ as well as the

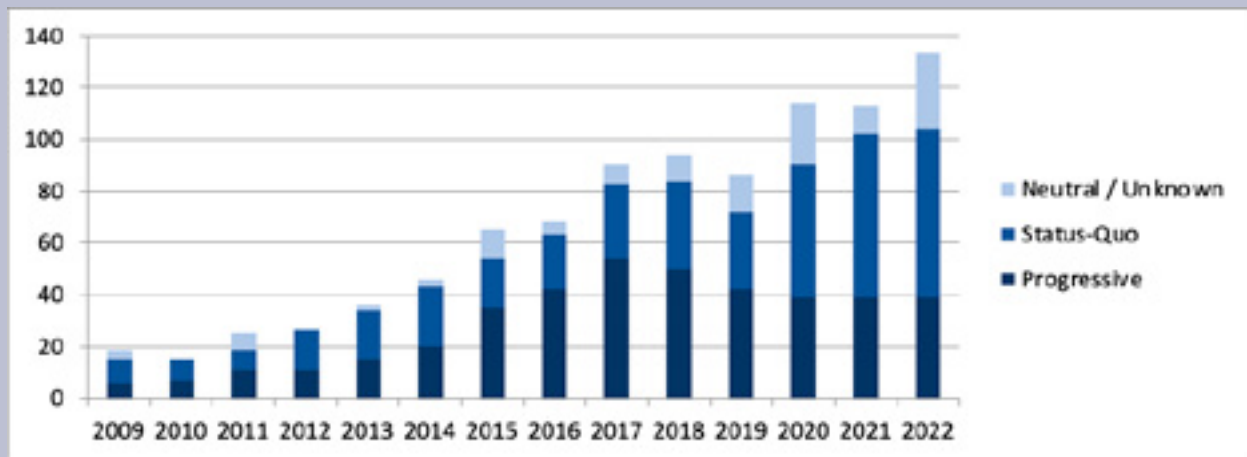
Box 7 Side Events

Despite the hybrid format of the 65th session, the side events remained entirely online. This was another record-breaking year with 134 events planned – and 128 actually taking place as various events were eventually cancelled, due to the diplomatic frictions resulting from Russia’s war in Ukraine. Given the open-access format, the side events were well attended, including by UN and government delegates.

Popular themes included drug trafficking¹¹¹ (15 events), cannabis¹¹² (10 events), women and drugs¹¹³ (7 events) and access to medicines¹¹⁴ (4 events). Other topics included decriminalisation¹¹⁵ and human rights.¹¹⁶ This year, IDPC members organised 27 side events,¹¹⁷ 12 of which were co-organised by

the IDPC Secretariat on topics including cannabis regulation and the concerning issue of corporate capture¹¹⁸ and international scheduling.¹¹⁹ IDPC also held an event to present the findings of the Global Drug Policy Index,¹²⁰ the first index of its kind that measures, evaluates and ranks countries according to how well their drug policies are aligning with the recommendations included in the UN System Common Position on Drugs.

The annual analysis of CND side events based on their stance regarding drug policy reform has not changed much since 2021 as the number of progressive side events has remained around the same.



technical support the WHO is providing countries in assessing their treatment system capacity and improving the quality of services. In this regard, he stressed the importance of ensuring that services are grounded in evidence and ethical principles.

Turning to the issue of access to controlled medicines, IAHPAC mentioned the Stanford Lancet Commission’s recommendation that the WHO coordinate the delivery of genetic morphine to hospitals and hospices in low-income countries to address the ongoing global crisis in access to opioid medicines for pain relief and palliative care.¹²⁰ Gilles Forte explained that the WHO was taking this recommendation very seriously and was willing to engage with the Commission to discuss how this recommendation could be implemented via resource mobilisation, engagement with existing platforms that are procuring these medicines, and reflections on how this process

could be sustained in the long term.

To a question from the Transnational Institute on international scheduling, the WHO response was less straightforward. TNI expressed concerns over the UNODC brochure on international scheduling¹²¹ which worryingly asserts that the CND is authorised to add a substance to the schedules of the 1971 Convention against a WHO recommendation, a move that would severely undermine the WHO’s treaty-mandated role. Mr. Forte stressed the importance of ensuring that no statement or strategy should restrict the ECDD’s mandate. He stressed, however, that this was a complex matter for which the WHO had no official position, adding that the WHO would continue to reflect on this issue and update the group with further information.

The conversation finally turned to **cannabis policy**

reforms. When asked about the possible harmful impacts of cannabis liberalisation, Mr. Forte explained that the ECDD is not mandated to monitor country-level cannabis use – a task reserved to the UNODC. He also clarified that the ECDD had not recommended the legalisation of cannabis, but instead that cannabis remain in schedule I of the 1961 Convention. He stated that the WHO was preparing a report on the possible health impacts of cannabis use, including in countries that have liberalised cannabis, describing the situation as ‘complex’ and calling on the international community to continue monitoring the situation. Following on this conversation, Veterans Action Council asked the WHO how they would ensure patient access to cannabis and other plants used in traditional medicines. To this, Mr. Forte noted that one of the core functions of the WHO was to develop standards, technical assistance and expertise to improve access to all medicines and health products, including cannabis-based medicines. However, he explained that his division was not involved in the supply and procurement of plants because it involved a different set of norms which were not within his unit’s area of expertise. On a related question by Fields of Green for All about how the WHO intended to address the tensions between its own recommendations and the reality of cannabis being used as a traditional medicine in most of the developing world, Mr. Forte explained that the traditional use of cannabis for medical purposes is governed by national laws, and that the ECDD is not mandated to monitor how its scheduling recommendations are implemented in country.

Conclusion

The 65th session of the CND took place in an undeniably extraordinary geopolitical context. While already affected by the lingering restrictions imposed to tackle the COVID-19 pandemic, forcing the session to retain a mostly virtual format, the Russian invasion of Ukraine created huge political tension that impacted both Plenary debates and the negotiation of resolutions. In her concluding speech on Friday, the UNODC Executive Director noted that the Commission had been affected by ‘deep division’, and that it had seen ‘extraordinary steps and procedures, like voting, for the first time in CND history’.¹²² Faced with these major diplomatic tensions, alongside the usual clashes and divisions within the CND debates, it seems increasingly clear that the ‘Vienna spirit’ has reached breaking point, in

particular on issues related to cannabis regulation and human rights. And yet, the consensus-building customs associated with the ‘Vienna spirit’ remain deeply rooted, and were displayed against all odds throughout the CND session, even as dissensus emerged in some spaces.

As such, this year’s CND was successfully completed due in no small part to the skilled leadership of Ambassador D’Hoop, running through its usual agenda and adopting four of its six resolutions (unlike the sister Crime Commission session in 2021, which agenda was completely blocked by geopolitical tensions).¹²⁴ And while the unprecedented level of coordination between Member States on condemning the war and its impacts was highly welcome, on the substantive matters of drug policies government delegates once again shied away from calling for much-needed reforms of the outdated and harmful prohibitionist drug control regime. It was again up to civil society to bring critical data, testimonies and recommendations to the table on the devastating impacts of punitive drug control on millions of people across the world.

Aside from the usual tensions between Member States, this year’s CND also showcased the increasingly obvious divisions between various UN agencies on drug-related matters. Indeed, the welcome engagement from the Heads of WHO, UNAIDS and the Global Fund, and powerful interventions from OHCHR and human rights experts, have put the UNODC Executive Director’s continued silence on human rights issues firmly in the spotlight. This is particularly problematic considering that the UNODC remains the lead agency for the implementation of the UN System Common Position on drugs which, it should be noted, calls on all UN agencies to ‘speak with one voice’ in ‘supporting Member States in developing and implementing truly balanced, comprehensive, integrated, evidence-based, human rights-based’ drug policies.¹²⁴ By remaining silent on fundamental issues such as the death penalty, the ongoing lack of access to harm reduction, extrajudicial killings, criminalisation, mass incarceration and other critical human rights violations committed in the name of the ‘war on drugs’, the UNODC runs the risk of being seen as out of touch with reality, and thereby becoming increasingly irrelevant within the UN apparatus.

All in all, while this year's CND was greatly affected by the external pressure driven by geopolitical conflict, bringing for the first time a rupture in consensus-based policy-making within the Commission, it is yet to be seen whether this year's exceptional events will lead to further fracture in the ever-so-fragile 'Vienna spirit'.

Acknowledgements

This report was drafted by Marie Nougier and Adrià Cots Fernández, with inputs from Daisy Bowdery, Gloria Lai and Jamie Bridge. The authors are grateful to the following reviewers for their valuable inputs and comments: Ann Fordham and Jamie Bridge (IDPC) and Steve Rolles (Transform Drug Policy Foundation).

Endnotes

1. <https://cndblog.org/2022/03/opening-of-the-65th-session-of-the-cnd-plenary-items-1-2-3/>
2. www.cndblog.org
3. https://www.unodc.org/unodc/en/commissions/CND/session/65_Session_2022/65CND_Main.html
4. <https://cndblog.org/2022/03/opening-of-the-65th-session-of-the-cnd-plenary-items-1-2-3/>
5. All these interventions are available at: <https://cndblog.org/2022/03/opening-of-the-65th-session-of-the-cnd-plenary-items-1-2-3/>
6. See: <https://idpc.net/alerts/2021/12/ngos-urge-unodc-s-executive-director-to-mark-human-rights-day-with-a-call-to-reform-drug-policies-that-entrench-inequality>, <https://idpc.net/alerts/2020/12/100-NGOs-sign-open-letter-to-Ms-Ghada-Waly-calling-for-strong-UNODC-statement-on-International-Human-Rights-Day>
7. <https://cndblog.org/2022/03/plenary-item-12-adoption-of-the-report-of-the-commission-on-its-sixty-fifth-session/>
8. <https://cndblog.org/2022/03/opening-of-the-65th-session-of-the-cnd-plenary-items-1-2-3/>
9. Ibid.
10. For example, see: International Drug Policy Consortium (April 2021), Suppressing coherence: The UNODC Strategy 2021-2025 and the UN system Common Position on drugs, <https://idpc.net/publications/2021/04/suppressing-coherence-the-unodc-strategy-2021-2025-and-the-un-system-common-position-on-drugs>
11. See statement of Australia at <https://cndblog.org/2022/03/l3-strengthening-international-cooperation-in-combating-the-misuse-of-information-and-communications-technologies-for-drug-trafficking-and-drug-related-money-laundering/>, and statement of Canada at [\[international-cooperation-in-combating-the-misuse-of-information-and-communications-technologies-for-drug-trafficking-and-drug-related-money-laundering/\]\(https://cndblog.org/2022/03/l3-strengthening-international-cooperation-in-combating-the-misuse-of-information-and-communications-technologies-for-drug-trafficking-and-drug-related-money-laundering/\)](https://cndblog.org/2022/03/l-3-strengthening-</div><div data-bbox=)

12. These delegations where, by order in which the statements were delivered: EU, UK, Colombia, Belgium, Sweden, Spain, Lithuania, Italy, Norway, New Zealand, Malta, Finland, Netherlands, Albania, Japan, Czech Republic, Honduras, Romania, Turkey, Poland, Switzerland, Georgia, Greece, Canada, Australia, Austria, Mexico, Germany, and Cyprus
13. Statement by the USA
14. Statement by the EU and the USA
15. Statement by Slovenia and Spain
16. Statements by UK, EU, Switzerland, the Netherlands, and Canada
17. Statement by Spain
18. <https://cndblog.org/2022/03/opening-of-the-65th-session-of-the-cnd-plenary-items-1-2-3/>
19. <https://cndblog.org/2022/03/plenary-item-5-implementation-of-the-international-drug-control-treaties-3/>
20. <https://cndblog.org/2022/03/item-5-d-implementation-of-the-international-drug-control-treaties-night-session/>
21. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-night-session/>
22. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
23. All citations to Czech statements in this paragraph can be found at: <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
24. <https://www.euractiv.com/section/global-europe/news/un-general-assembly-demands-russia-end-ukraine-war/>
25. The Russian opening statement under Item 3 can be found here: <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
26. The Russian statement under Item 3 (right to reply) can be found here: <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
27. <https://cndblog.org/2022/03/plenary-item-5-implementation-of-the-international-drug-control-treaties-2/>
28. <https://cndblog.org/2022/03/plenary-item-6-follow-up-to-the-implementation-at-the-national-regional-and-international-levels-of-all-commitments-as-reflected-in-the-ministerial-declaration-of-2019-to-address-and-counter-the-w-3/>
29. See amongst others: https://www.theguardian.com/world/2012/aug/28/russia-taisiya-osipova-jailed-drugs?CMP=gu_com, <https://www.hrw.org/news/2019/03/18/russia-rights-defender-sentenced-four-year-prison-term>, <https://www.frontlinedefenders.org/en/case/zhalaudi-geriev-sentenced-three-years-imprisonment-september-2016#:~:text=On%2016%20April%202016%2C%20Zhalaudi,placed%20in%20pre%2Dtrial%20detention.>
30. https://twitter.com/AnnFordham/status/1504490642403213317?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1504490642403213317%7Ctwgr%5E%7Ctwwcon%5Es1_&ref_url=https%3A%2F%2Fidpc.net%2Fblog%2F2022%2F03%2Fthe-limits-of-consensus-

- russia-clashes-with-un-cnd-member-states-over-working-group-nomination
31. <https://cndblog.org/2022/03/plenary-item-12-adoption-of-the-report-of-the-commission-on-its-sixty-fifth-session/>
 32. This text box is drawn from: Bridge, J. (March 2022), 'Breaking the consensus: Russia clashes with other UN CND Member States', IDPC Blog, <https://idpc.net/blog/2022/03/the-limits-of-consensus-russia-clashes-with-un-cnd-member-states-over-working-group-nomination>
 33. <https://cndblog.org/2022/03/item-4-strategic-management-budgetary-and-administrative-questions-continued/>
 34. <https://cndblog.org/2022/03/item-4-strategic-management-budgetary-and-administrative-questions-continued-2/>
 35. <https://cndblog.org/2022/03/item-4-strategic-management-budgetary-and-administrative-questions-continued-2/>
 36. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-night-session/>
 37. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 38. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 39. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-morning-session/>
 40. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 41. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 42. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 43. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 44. <https://cndblog.org/2022/03/plenary-item-5-implementation-of-the-international-drug-control-treaties-2/>
 45. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 46. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-night-session/>
 47. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-night-session/>
 48. <https://idpc.net/media/press-releases/2021/12/on-international-human-rights-day-un-drugs-body-silences-un-human-rights-expert-on-ground-breaking-report>
 49. <https://cndblog.org/2022/03/plenary-item-7-inter-agency-cooperation-and-coordination-of-efforts-in-addressing-and-counter-against-the-world-drug-problem-3/>
 50. <https://cndblog.org/2022/03/plenary-item-7-inter-agency-cooperation-and-coordination-of-efforts-in-addressing-and-counter-against-the-world-drug-problem-3/>
 51. <https://cndblog.org/2022/03/plenary-item-7-inter-agency-cooperation-and-coordination-of-efforts-in-addressing-and-counter-against-the-world-drug-problem-3/>
 52. <https://www.bbc.co.uk/news/world-asia-61239221>
 53. All of these statements can be found in: <https://cndblog.org/2022/03/plenary-item-7-inter-agency-cooperation-and-coordination-of-efforts-in-addressing-and-counter-against-the-world-drug-problem-3/>
 54. <https://unsceb.org/sites/default/files/2021-01/2018%20Nov%20-%20UN%20system%20common%20position%20on%20drug%20policy.pdf>
 55. https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf
 56. <https://www.humanrights-drugpolicy.org/>
 57. See recording at: <https://media.un.org/en/asset/k1r/k1rbebrqiv>
 58. <https://cndblog.org/2022/03/plenary-item-7-inter-agency-cooperation-and-coordination-of-efforts-in-addressing-and-counter-against-the-world-drug-problem-3/>
 59. <https://media.un.org/en/asset/k1r/k1rbebrqiv>, minute 20:00
 60. We identified Australia, Belgium, Cyprus, Jamaica, Japan, Norway and the UAE.
 61. https://www.unodc.org/unodc/en/commissions/CND/session/65_Session_2022/availability_and_access_joint_call.html
 62. See, for instance: https://www.unodc.org/unodc/commissions/CND/session/65_Session_2022/availability_and_access.html
 63. <https://cndblog.org/2022/03/item-5-d-implementation-of-the-international-drug-control-treaties-night-session/>
 64. <https://cndblog.org/2022/03/item-5-d-implementation-of-the-international-drug-control-treaties-night-session/>
 65. <https://cndblog.org/2022/03/plenary-item-5-implementation-of-the-international-drug-control-treaties-2/>
 66. <https://cndblog.org/2022/03/opening-of-the-65th-session-of-the-cnd-plenary-items-1-2-3/>
 67. <https://cndblog.org/2022/03/informal-dialogue-with-the-unodc-executive-director-3/>
 68. <https://idpc.net/publications/2021/04/suppressing-coherence-the-unodc-strategy-2021-2025-and-the-un-system-common-position-on-drugs>
 69. <https://cndblog.org/2022/03/plenary-item-7-inter-agency-cooperation-and-coordination-of-efforts-in-addressing-and-counter-against-the-world-drug-problem-3/>
 70. Ibid.
 71. <https://cndblog.org/2022/03/plenary-item-3-general-debate-continued-afternoon-sessions/>
 72. <https://cndblog.org/2022/03/plenary-item-6-follow-up-to-the-implementation-at-the-national-regional-and-international-levels-of-all-commitments-as-reflected-in-the-ministerial-declaration-of-2019-to-address-and-counter-the-w-3/>
 73. <https://cndblog.org/2022/03/plenary-item-6-follow-up-to-the-implementation-at-the-national-regional-and-international-levels-of-all-commitments-as-reflected-in-the-ministerial-declaration-of-2019-to-address-and-counter-the-w-3/>
 74. <https://cndblog.org/2022/03/plenary-item-5-implementation-of-the-international-drug-control-treaties-2/>
 75. <https://cndblog.org/2022/03/plenary-item-9-contributions-by-the-commission-to-the-work-of-the-economic-and-social-council-in-line-with-general-assembly->

[resolution-72305-including-follow-up-to-and-review-and-imp/](#)

76. For a summary of the discussions at the CoW, please refer to the relevant sessions here: CND Blog (18 March 2022), 65th session of the UN Commission on Narcotic Drugs (#CND65) – CND Blog Index, <http://cndblog.org/2022/03/65th-session-of-the-un-commission-on-narcotic-drugs-cnd65-cnd-blog-index/>
77. The ‘Rolling text’, reflecting negotiations held on the resolution so far, is available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_65/Draft_resolutions/L3_for_circulation_18_March_002.pdf
78. For more information on this initiative, see: Hakmeh, J. (16 September 2021), ‘Russia’s vision for a cybercrime treaty’, Directions Cyber Digital Europe, <https://directionsblog.eu/russias-vision-for-a-cybercrime-treaty/>
79. Ibid.
80. These countries included: Belarus, China, Cuba, Egypt, Iran, Kyrgyzstan, Pakistan, Singapore, South Africa, Syria, Turkey and Venezuela – as well as Mexico which is the only country in the list that usually does not align with Russia in CoW negotiations
81. During the Wednesday afternoon session of the CoW, Canada mentioned the ‘wild allegations by the Russian Federation that the government of Ukraine was being run by drug addicts’ as a justification for the invasion during agenda item 6 of the Plenary
82. The resolution is available here: <https://undocs.org/E/CN.7/2022/L.2/Rev.1>
83. Commission on Narcotic Drugs (2021), Resolution 64/2. Promoting alternative development as a development-oriented drug control strategy, including in the context of the coronavirus disease (COVID-19) pandemic and its consequences, E/CN.7/2021/10, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2021/resolution_64_2.pdf
84. The resolution is available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_65/Draft_resolutions/L4_unedited_revised_for_Plenary_rev.pdf
85. Commission on Narcotic Drugs (2008), Resolution 51/11. Links between illicit drug trafficking and illicit firearms trafficking, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2000-2009/2008/CND_Res-2008-11e.pdf
86. International Narcotics Control Board (2022), Proliferation of non-scheduled chemicals and designer precursors: Options for global action – INCB guidance document, https://www.incb.org/documents/PRECURSORS/Brochure/INCB_brochure_options_non-scheduled_chemicals_ebook_rev.pdf
87. The resolution is available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_65/Draft_resolutions/L5_unedited_revised_for_Plenary.pdf
88. United Nations Office on Drugs and Crime & World Health Organization (2018), International Standards on Drug Use Prevention – Second updated edition, https://www.unodc.org/documents/prevention/UNODC-WHO_2018_prevention_standards_E.pdf
89. See: Commission on Narcotic Drugs (2021), Resolution 64/5. Facilitating access to comprehensive, scientific evidence-based drug demand reduction services and related measures, including for people impacted by social marginalization, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2021/resolution_64_5.pdf. For an analysis of the negotiations around this resolution, see: International Drug Policy Consortium (July 2021), The 2021 Commission on Narcotic Drugs – Report of Proceedings, pp. 13-14, <https://idpc.net/publications/2021/07/the-2021-commission-on-narcotic-drugs-report-of-proceedings>
90. The official list of participants for the 65th session of the CND, including a full list of NGO delegates, is available here: https://www.unodc.org/documents/commissions/CND/2022/LoP_65_CND_Final_V2201781.pdf
91. A number of NGO statements are available on the VNGOC YouTube channel: <https://www.youtube.com/c/ViennaNGOCCommitteonDrugs/videos>
92. The full statement is available here: <http://cndblog.org/2022/03/plenary-item-3-general-debate-continued-night-session/>
93. The full statement is available here: <http://cndblog.org/2022/03/penary-item-item-9-contributions-by-the-commission-to-the-work-of-the-economic-and-social-council-in-line-with-general-assembly-resolution-72305-including-follow-up-to-and-review-and-imp/>
94. Available here: https://www.unaids.org/en/resources/documents/2021/2021_political-declaration-on-hiv-and-aids
95. Available here: <https://vngoc.org/asia-pacific-civil-society-common-position-on-drugs/>
96. For a critique of this position, please see: Jelsma, M., Bewley-Taylor, D., Blickman, T. & Walsh, J., (2022), A house of cards – ‘High compliance’: A legally indefensible and confusing distraction, Transnational Institute, Global Drug Policy Observatory & Washington Office on Latin America, <https://longreads.tni.org/a-house-of-cards>
97. To watch the full statement, see: <https://www.youtube.com/watch?v=4vC8Tii9dyo>
98. International Drug Policy Consortium & Harm Reduction International (10 December 2021), On International Human Rights Day, UN drugs body silences UN human rights expert on ground-breaking report, Press Release, <https://idpc.net/media/press-releases/2021/12/on-international-human-rights-day-un-drugs-body-silences-un-human-rights-expert-on-ground-breaking-report>
99. Available here: https://www.unodc.org/res/strategy/STRATEGIC_VISION_LATIN_AMERICA_AND_THE_CARIBBEAN_2022_2025_ENE17_EDsigned.pdf
100. A summary of the Informal Dialogue is available here: CND Blog (16 March 2022), Informal dialogue with the UNODC Executive Director, <http://cndblog.org/2022/03/informal-dialogue-with-the-unodc-executive-director-3/>
101. Available here: <https://www.unodc.org/unodc/en/strategy/index.html>
102. Available here: <https://www.unaids.org/en/resources/documents/2021/2021-2026-global-AIDS-strategy>
103. A summary of the Informal Dialogue is available here: CND Blog (17 March 2022), Informal dialogue: CND Chair, <http://cndblog.org/2022/03/informal-dialogue-cnd-chair/>

104. A summary of the Informal Dialogue is available here: CND Blog (17 March 2022), Informal dialogue with the INCB President, <http://cndblog.org/2022/03/informal-dialogue-with-the-incb-president-3/>
105. International Drug Policy Consortium (9 December 2020), UN green lights medicinal cannabis but fails to challenge colonial legacy of its prohibition, Press Release, <https://idpc.net/media/press-releases/2020/12/un-green-lights-medicinal-cannabis-but-fails-to-challenge-colonial-legacy-of-its-prohibition>
106. Indeed, this issue has been raised regularly in past dialogues with the INCB
107. A recording of the event is available here: <https://www.youtube.com/watch?v=5Lz42B5GB1E>
108. For more information about the comprehensive package of interventions, see: World Health Organization, United Nations Office on Drugs and Crime & UNAIDS (2012), WHO, UNODC, UNAIDS technical guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users – 2012 revision, <https://www.who.int/publications/i/item/978924150437>
109. See, for example: CND Blog (14 March 2022), Side event: Drug Trafficking through gender lenses: Women's involvement and impact on their lives, <http://cndblog.org/2022/03/drug-trafficking-through-gender-lenses-womens-involvement-and-impact-on-their-lives/>
110. See, for example: CND Blog (17 March 2022), Side event: Global Access to Medicinal Cannabis: Programs, Challenges and Solutions, <http://cndblog.org/2022/04/side-event-global-access-to-medicinal-cannabis-programs-challenges-and-solutions/>
111. See, for example: CND Blog (18 March 2022), Side event: Women, Motherhood and Substance Use: emerging research and on the ground evidence, <http://cndblog.org/2022/03/women-motherhood-and-substance-use-emerging-research-and-on-the-ground-evidence/>
112. See, for example: CND Blog (16 March 2022), Side event: Facilitating Access To Evidence-Based Demand Reduction Services For Marginalized Populations, <http://cndblog.org/2022/03/side-event-facilitating-access-to-evidence-based-demand-reduction-services-for-marginalized-populations/>
113. See, for example: CND Blog (17 March 2022), Side event: Decriminalization in the Americas: Towards a more humane drug policy, <http://cndblog.org/2022/03/decriminalization-in-the-americas-towards-a-more-humane-drug-policy/>
114. See, for example: CND Blog (15 March 2022), Side event: Human rights: the right to equitable health, social and justice remedies for people who use drugs, <http://cndblog.org/2022/03/human-rights-the-right-to-equitable-health-social-and-justice-remedies-for-people-who-use-drugs/>
115. A list is available here: <https://idpc.net/idpc-network-side-events-at-the-65th-session-of-the-commission-on-narcotic-drugs-cnd>
116. CND Blog (15 March 2022), Side event: The green wave hits Europe: Recent cannabis regulation initiatives in Europe, <http://cndblog.org/2022/03/side-event-the-green-wave-hits-europe-recent-cannabis-regulation-initiatives-in-europe/>
117. CND Blog (17 March 2022), Side event: The shortcomings and side effects of substance scheduling, <https://cndblog.org>

The International Drug Policy Consortium (IDPC)

is a global network of NGOs that come together to promote drug policies that advance social justice and human rights. IDPC’s mission is to amplify and strengthen a diverse global movement to repair the harms caused by punitive drug policies, and to promote just responses.

© International Drug Policy Consortium Publication 2022

Report design: Mathew Birch: hello@whatifweconsulting.com

Cover artwork: Rudy Tun : rudo.tun@gmail.com

This report analyses the key issues debated at the 65th session of the Commission on Narcotic Drugs, including the political implications of the Russian invasion of Ukraine, clashes over legal regulation and human rights, negotiations of key resolutions, and highlights from civil society participation.

Funded, in part, by:

