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UNGASS NEWS

Welcome to the 6th edition of the IDPC ‘UNGASS NEWS’ update. This brief update is intended to provide an overview of progress on the UNGASS review process, drawing attention to significant developments and keeping our network of colleagues around the world abreast of the rapidly changing situation.

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PRACTICAL ARRANGEMENTS FOR THE 2009 CND AND HIGH LEVEL SEGMENT

Amazingly, less than 6 weeks before the event, many of the basic organisational details of the High Level Segment are still not settled. As a reminder, we can state that:

- The High Level Segment (HLS) will take place in Vienna on 11th/12th March 2009.
- The regular CND will take place from 16th to 19th March 2009.
- The HLS will consist of a plenary session, at which Ministers of national governments will make their statements, and panel sessions, where specific issues will be debated.
- ECOSOC registered NGOs have the right to nominate up to 5 delegates (plus their President) to attend the CND. It is possible that there will be a lower number of places available at the HLS.

Several important details are still to be resolved:

- The building that the HLS takes place in is still unknown. This decision will have a big influence on the space and access for NGOs.
- There has been no response from the secretariat to the request from the 'Beyond 2008' organisers for a Civil Society Hearing on one morning of the HLS.
- No final decision has been made on how many NGOs can attend the panels at the HLS.

We understand that these unresolved organisational details are the subject of further discussion in Vienna in the coming week, and are hopeful that some clarity emerges from this process, so we can advise NGOs on their final preparations.

THE ANNEX TO THE POLITICAL DECLARATION

This annex has been under negotiation for over 3 months now, and a final text is still not agreed. Most of the paragraphs in this document of more than 20 pages were agreed at the round of negotiating meetings held on 13th to 16th January. The outstanding issues that are reserved for further discussion in early February are:

- **Harm Reduction:** The inevitable battle between pro- and anti-harm reduction countries has been particularly difficult. Amazingly, despite several global reviews of its effectiveness in preventing HIV, and acceptance of its concepts and language in all other relevant UN bodies, harm reduction continues to be seriously resisted by some countries in Vienna. An impasse currently holds, as 3 countries are continuing to veto even the mildest mention of harm reduction in the annex.
- **Human Rights:** Before 2008, consideration of how countries' human rights obligations should affect their drug control efforts was almost totally absent from CND discussions. Thanks to pressure from NGOs and some progressive countries, the draft annex now has several references to the need to protect and promote fundamental human rights and freedoms, but there is still a battle to ensure that these references are equally applied to supply and demand reduction measures, and to make clear reference to the primacy of UN human rights law over the drug conventions.
- **Alternative Development:** An argument has long raged on the proper integration of crop eradication measures, with efforts to offer alternative livelihoods to those affected. The touchstone issues in this area relate to 'sequencing' (the order in which activities are implemented in a particular crop growing area) and 'conditionality' (the attaching of eradication conditions to aid and trade agreements). Progressive countries want a clear commitment to proper sequencing – crop eradication does not take place until realistic alternative livelihoods are in place; and a clear statement against conditionality. Once again, a small number of countries are resisting this language in the annex.

We understand that there are likely to be a few further suggestions for improved text to be introduced – these may be uncontroversial, or may lead to more extensive negotiations.

Differences of opinion on the structure and status of the Annex also remain unresolved – the secretariat has started to refer to the document as an ‘Action Plan’, while several member states continue to raise questions about the unbalanced structure of the document, and are calling for it to be restructured according to a simple division into ‘Demand Reduction’ and ‘Supply Reduction’ sections.

The outstanding issues on the Annex will be revisited at the series of negotiating meetings scheduled for week beginning 26th January.

THE BODY OF THE POLITICAL DECLARATION

The Chairwoman of the negotiations has always maintained that she hopes to finalise the text of the annex before issuing a draft of the body of the political declaration (PD). This was always likely to be unrealistic, as some of the final language in the annex would depend on how the relevant issues were covered in the body of the PD. This has turned out to be the case, particularly in terms of Harm Reduction, Human Rights and Essential Medicines.

The first draft of the PD was therefore issued by the secretariat on the 15th January, before the annex had been finally agreed, and the negotiations on the text for each document will now continue in parallel. The aim is to present an integrated document to the High Level Segment, in which the principles and commitments in the body of the text are consistent with the statements and action in the annex. The drafts are still some way off such a logical framework and, with many controversial issues still to be resolved, the negotiators in Vienna have a major challenge to produce a credible document by the end of February.

The draft issued by the secretariat is disappointing. Its 30 paragraphs do not follow any logical structure, being a mix of context, concerns, commitments and principles. It also fails to give a clear assessment of progress over the last 10 years, and omits to mention several important challenges facing the international community in the coming years. One area in which the draft is relatively strong is the proposals for future ongoing review, suggesting that there should be 5-yearly reviews of progress through further High Level Meetings, and a full UN General Assembly Special Session (UNGASS) on this subject in 2019.

Member States have been asked to bring their initial proposals for improving the draft PD to the negotiating meetings that commence on the 26th January. It is to be hoped that the first issue to be addressed will be the structure – whatever the substantive disagreements between member states, it is in everyone’s interests to produce a coherent and credible document that satisfies the basic expectations of this 10 year review – which is, as summarized in the Report of the 51st CND, that *“a political declaration and, as appropriate, other declarations and measures to enhance international cooperation should be considered and adopted at the high-level segment, identifying, on the basis of the results of the review process, future priorities and areas requiring further action, as well as goals and targets to be set in countering the world drug problem beyond 2009”*¹.

Moreover, the 2008 UN Secretary General’s report on the state of the world drug problem states that “In 1998, at the twentieth special session of the General Assembly, Member States assumed a series of major commitments to combat the world drug problem. Member States have an obligation to give serious consideration to those commitments, to review what has been achieved and to reaffirm that political commitment by developing new actions, when and where required, as well as to deepen the reach of interventions that have proven effective and efficient.”²

1 CND, Report on the 51st Session

2 UNGASS 2008 Report on progress from Secretary General.

Once a logical structure is agreed, negotiations will go on to address the substantive text. If the negotiations on the annex are a guide, the controversial issues are likely to be:

- The extent to which the declaration will acknowledge the failure to meet the high level objectives set in 1998 (i.e. to eliminate or significantly reduce drug cultivation and supply, and to achieve significant and measurable results in demand reduction).
- The extent to which complicity with human rights and fundamental freedoms, as enshrined in the UN Charter and Universal Declaration, is given prominence.
- The extent to which the challenge of HIV/AIDS prevention is given prominence, and the strength of commitment to harm reduction as the appropriate response.
- The wording of clear and balanced objectives for the next phase of action and review.
- The extent of coverage and prominence of the responsibility to ensure access to controlled drugs for medical uses – for example in substitution treatment and palliative care.
- Whether explicit recognition is given to the need for a better balance between supply reduction, demand reduction, and harm reduction activities.
- Whether explicit recognition is given to the need for closer co-operation from the UNODC, INCB and the CND with civil society in discussing and implementing drug policy.
- Whether there will be any mention of the inconsistencies and disagreements in the scheduling of substances (for example, cannabis or coca leaf) within the conventions.

Given the range of difficult issues, and the time constraints, there is a real risk that an unsatisfactory ‘lowest common denominator’ final document will be produced, or even a serious impasse in the negotiations that threatens the success of the High Level Meeting. It will be interesting to see how member states approach this challenge in the coming weeks – in particular, everyone is eager to see whether the change of administration in the White House will alter any of the strong positions that US negotiators are taking in Vienna.

We hope that you have found this 6th edition of UNGASS News to be both informative and helpful in the work that you are doing around the world. The next edition will be circulated towards the end of February, and will include final details of the outcome of the negotiations on the political declaration and annex, and the arrangements for the meetings in Vienna in March.