

What comes next? Post-UNGASS options for 2019/2020 – Version 2

Introduction

The 2016 UNGASS on drugs was hailed as an opportunity ‘to conduct a wide-ranging and open debate that considers all options’.¹ Although the UNGASS fell short of expectations, it was nonetheless a critical moment for global drug policy reform.² The next opportunity to build on progress made will be in 2019, when the 2009 Political Declaration and Plan of Action³ will be up for review. The document established 2019 ‘as a target date for States to eliminate or reduce significantly and measurably’ illicit drug supply and demand, the diversion and trafficking of precursors and money laundering.⁴ Evidence from the UN itself shows that these targets are unachievable.⁵

Yet the existence of a ten-year Plan of Action from 2009 inherently implies a review, renewal or some form of closure in 2019.⁶ The holding of the 2016 UNGASS – an event that was originally unforeseen in the lead up to 2019 – has resulted in procedural uncertainties for the mandate, procedure, coordination, nature or outcomes of the 2019 event. The 60th Session of CND will be a key opportunity for member states to discuss the 2019 process, in particular with the negotiation of Resolution E/CN.7/2017/L.9 entitled ‘Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019’.⁷ To inform the discussions, this IDPC advocacy note outlines key issues and possible options for 2019, drawing lessons from the 2009 process.⁸



Drawing from the 2009 process

At the 1998 UNGASS, member states agreed a Political Declaration that aimed for ‘significant and measurable results in the field of demand reduction’ and ‘eliminating or reducing significantly’ illicit crop cultivation by 2008.⁹

When this target year came around, proposals for convening another UNGASS were dismissed. Instead, ‘to allow additional time for conducting an objective, scientific, balanced and transparent global assessment’,¹⁰ member states decided to divide the review process into three stages: 1) a thematic debate at the 2008 CND to discuss the outcomes of an assessment by UNODC on the global progress against the 1998 Political Declaration; 2) a subsequent ‘period of reflection’ during which five intergovernmental expert working groups elaborated a number of recommendations;^{11,12} and 3) the negotiation of the new Political Declaration and Plan of Action, adopted at a High-Level Meeting in Vienna in March 2009, structured under three pillars: demand reduction, supply reduction and international cooperation. Civil society fed into the process through consultations and meetings resulting in the ‘Beyond 2008 Declaration’.¹³ This three-stage process could be a useful model for member states to consider – albeit for refinement rather than replication.

Box 1. Building upon the UNGASS Outcome Document

The UNGASS Outcome Document represents the most recent global consensus on drugs, and should therefore not be side-lined in 2019. Its seven-chapter structure is a vast improvement on the three pillars of the 2009 Political Declaration, and should be maintained for future UN drugs documents and processes as it better links the cross-cutting nature of the key drug control objective to protect the health and welfare of humankind, with the key priorities of the UN system – human rights, peace and security and development – and the recently established SDGs. The language from 2016 is also an improvement on 2009 and before – and all efforts should be made to consolidate these gains.¹⁴

A three-step process for 2019

Step 1: An independent and honest review

2019 will be an opportunity for an evaluation – ideally via an independent or cross-UN process – to explore progress made against the last Political Declaration between 2009 and 2019. This should also provide an honest assessment of the failures of global drug control, and its negative impacts on health, security, human rights and poverty – an assessment that failed to materialise at the 2014 mid-term review and the 2016 UNGASS.

Step 2: A period of reflection and debate

This period would consist in a series of expert group meetings – or thematic CND inter-sessionals – focusing on each chapter of the UNGASS Outcome Document: drugs and health; access to controlled substances; drugs and crime; cross-cutting issues (human rights, youth, children, women and communities); evolving realities, trends, threats and challenges; international cooperation (including UN system-wide coherence); and development. These meetings should result in the development of recommendations and new guidelines and indicators to move the international drug control system forward. The recommendations should not rely on consensus, in order to truly highlight differing perspectives on drug policy, and consider all options, including those that may be outside of the scope of the international drug control conventions. A set of new indicators reflecting the 7 thematic areas should also be incorporated in the Annual Reports Questionnaires (ARQs) to monitor progress.

To ensure open and inclusive discussions, these processes should ensure that all relevant UN entities, civil society, academia and affected populations are able to participate. With respect to the participation of UN bodies, this is clearly mandated in General Assembly resolution A/C.3/71/L.10/Rev.1.¹⁵ In addition, in order to truly reflect coherence across the UN family, the meetings should be co-chaired by the CND and other relevant UN agencies: for example the United Nations Development Programme on development issues, the Office of the High Commissioner on Human Rights on human rights

issues, UNAIDS for health issues, the World Health Organisation for debates relating to access to controlled medicines, etc.

Box 2. Improving UN system-wide coherence

The fact that the CND has been given a leading role on drug policy matters does not mean it holds a monopoly. The mandates of other branches of the UN system very much intersect with drug policy, so close coordination is a prerequisite for a balanced and comprehensive approach. The gains that were made during the UNGASS in terms of engaging other UN agencies¹⁶ and a strong presence for civil society¹⁷ need to be protected and structurally built in for 2019. This requires establishing:

- Clear criteria about UN system-wide coherence and inter-agency collaboration
- Rules of procedure that ensure equal access for all UN member states in the process, noting that many member states do not have permanent representation in Vienna
- Mechanisms to ensure meaningful civil society participation
- A preparatory committee that embodies those principles and represents all relevant stakeholders
- The appointment of a Special Advisor by the UN Secretary General to facilitate the involvement of the whole UN system in the 2019 process.

Step 3: Drafting a new outcome document

It is unlikely that another UNGASS will be held in 2019, with current proposals leaning towards a high-level segment of the 62nd CND in Vienna, possibly accompanied by increased attention to the drugs issue on the agendas of the World Health Assembly, the Human Rights Council and ECOSOC.

During the UNGASS process, frustrations over the legitimacy, exclusivity and lack of transparency were compounded by the actions of the UNGASS Board – and most negotiations took place behind closed doors. To ensure that this

opaque and unaccountable process is not repeated in 2019, member states should consider putting in place mechanisms to ensure transparency, inclusivity and accountability in the discussions. Crucially, a meaningful role should be given to all member states, UN entities and other stakeholders in Vienna, New York, Geneva and elsewhere – the appointment of a Special Advisor by the UN Secretary General to facilitate the active involvement of the whole UN system would therefore yield significant benefits.¹⁸

Whether there will be a new global commitment on drugs for the 2020-2030 period remains to be decided. What is clear is that the 2009 Political Declaration is now obsolete and should not be renewed or extended. Any discussions or new text should take the 2016 UNGASS outcomes as a starting point, rely on the recommendations of the thematic discussions highlighted in Step 2 above, and be strongly linked to the 2030 Agenda for Sustainable Development.¹⁹

In both 2009 and 2016, any language considered as ‘controversial’ was quickly filtered out, watered down or ignored in the consensus-based negotiations.²⁰ Given the current political tensions between member states on so many drug-related issues, the advantages of other types of documents should be considered. For example, a ‘proceedings report’ would reflect the breadth of discussions and capture any disagreements without upholding the façade of global consensus. Alternatively, a report picturing different perspectives and scenarios for 2020-2030 may also have merits, using a methodology similar to the one successfully used by the Organization of American States in 2013.²¹

Regardless of the document format, the 2019 process needs to be far more open and transparent to allow for genuine debate – and instead of being yet another uninspiring consensus-based negotiation exercise, should focus on practical recommendations reflecting the divergence of views and the ongoing exploration of new approaches to address drug-related problems more effectively and coherently in the coming decade.

Endnotes

¹ <https://www.un.org/sg/en/content/sg/statement/2013-06-26/secretary-generals-remarks-special-event-international-day-against>

² For more detailed analysis see, for example:

<http://idpc.net/publications/2016/09/the-ungass-on-the-world-drug-problem-report-of-proceedings>

³ <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf>

⁴ <https://www.unodc.org/documents/ungass2016/V0984963-English.pdf>, p. 36

⁵ In its 2012 World Drug Report, UNODC stated that ‘there may be some 65 million additional drug users by 2050 as compared to 2009/10, or 74 million more by 2100. This would bring the total number of annual drug users close to 300 million persons by the end of the present century’, see:

<https://www.unodc.org/unodc/en/data-and-analysis/WDR-2012.html>; in 2015, UNODC mentioned an ‘an increase of 3 million [people who use drug] over the previous year’, see: https://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf

⁶ The 2009 Political Declaration itself calls for a high-level review by the CND to take place in 2014, for ECOSOC to hold a high-level segment on drugs, and for an UNGASS to be held. The mid-term CND review and an UNGASS have taken place, so those requirements are clearly fulfilled. ECOSOC did have an event in July 2014 on ‘Sustainable Development and the World Drug Problem’ which has been said to have fulfilled the third recommendation. However, a 3-hour panel discussion does not really meet the standards of a high-level ECOSOC segment, so that claim could easily be disputed

⁷ Available at:

<http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.7/2017/L.9>

⁸ As per CND resolution 58/8,

<http://www.un.org/Docs/journal/asp/ws.asp?m=E/2015/28>

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

¹⁰ CND Resolution 50/12 (2007):

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

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

12

http://www.unodc.org/unodc/en/commissions/CND/session/52_Session_2009/HLS_Preparations_EWG/CND52-EWG_Index.html; CND Resolution 51/4 (2008):

https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2000-2009/2008/CND_Res-2008-4e.pdf

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

¹⁴ Fernandez Ochoa, J. & Nougier, M. (2017), *IDPC Briefing Paper – How to capitalise on progress made in the UNGASS Outcome Document: A guide for advocacy* (London: International Drug Policy Consortium), <http://idpc.net/publications/2017/03/how-to-capitalise-on-progress-made-in-the-ungass-outcome-document>

¹⁵ ‘Encourages all relevant United Nations bodies and specialized agencies to identify operational recommendations in the UNGASS outcome document that fall within their area of specialization, and to commence implementing recommendations made in the UNGASS outcome document that are within their existing mandates, in collaboration and cooperation with the UNODC, and the INCB and keeping the CND informed of programmes and progress made to achieve UNGASS goals and requests UNODC to include in the World Drug Report a summary regarding the collaboration and coordination across the United Nations system on the global efforts to implement UNGASS’, General Assembly Third Committee (17 November 2016), *International cooperation to address and counter the world drug problem*, A/C.3/71/L.10/Rev.1, <http://undocs.org/A/C.3/71/L.10/Rev.1>

¹⁶ <http://idpc.net/publications/2016/03/striving-for-system-wide-coherence-an-analysis-of-the-official-contributions-of-united-nations-entities-for-the-ungass-on-drugs>

¹⁷ See, for example: <https://stoptheharm.org/>

¹⁸ This was done, for example, for the UN General Assembly high-level plenary meeting on migrants and refugees in September 2016. For more information, see:

<http://www.un.org/press/en/2016/sga1623.doc.htm>

¹⁹

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

²⁰ <http://idpc.net/media/press-releases/2016/04/diplomacy-or-denialism-the-language-that-the-ungass-outcome-document-overlooked>

²¹

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

About this advocacy note

The 60th Session of CND will be a key opportunity for member states to discuss the 2019 process, when the 2009 Political Declaration and Plan of Action will be up for review. To inform the discussions, this IDPC advocacy note outlines key issues and possible options for 2019, drawing lessons from the 2009 and the 2016 processes.

International Drug Policy Consortium

Fifth Floor, 124-128 City Road
London EC1V 2NJ, United Kingdom

Tel: +44 (0)20 7324 2975

Email: contact@idpc.net

Website: www.idpc.net

About IDPC

The International Drug Policy Consortium is a global network of non-government organizations that specialize in issues related to illegal drug production and use. The Consortium aims to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harm. It produces briefing papers, disseminates the reports of its member organizations, and offers expert advice to policy makers and officials around the world.

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