

**STUCK IN THE INERTIA OF THE PAST:
REPORT OF THE 66TH SESSION OF THE COMMISSION
ON NARCOTIC DRUGS**

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Executive summary

The 2023 session of the UN Commission on Narcotic Drugs (CND) was held with significantly more in-person participation than in the past two years, with most COVID-19 restrictions finally being lifted. The 66th session witnessed yet another clear clash between Member States and UN officials attached to the *status quo* of the global drug control regime – described by the CND Chair, Ambassador Ruiz Blanco of Colombia, as ‘the inertia of the past’ – and a number of countries, human rights experts and civil society which called for transformative change.

Major difficulties in negotiating a very small number of non-controversial resolutions also cast a doubt over the capacity of the consensus-based decision-making process used at the CND to steer global drug policy making in the future, particularly as the system prepares for the mid-term review of the 2019 Ministerial Declaration on drugs in 2024. Recent and more substantive resolutions on drugs adopted by the UN General Assembly in New York and the Human Rights Council in Geneva, only add to doubts about the impact of the CND in Vienna.

One of the most remarkable developments of the 66th session of the Commission was the volume of the voices daring to interrogate and challenge the drug control regime itself. The clearest of these challenges came from a small number of Member States – Bolivia, Colombia, the Czech Republic, and Mexico – as well as from the UN High Commissioner for Human Rights, Volker Türk, in a historical first appearance at the CND. While each of them focused on a different theme, these actors called for transformation in essential elements of the international drug control regime, including prohibition, the secondary role of human rights in drug policy, the scheduling of substances used by Indigenous Peoples, and consensus-based decision-making itself.

Nevertheless, those supporting the *status quo* were also strong and well-coordinated. Throughout the five days of the session, at least 14 countries took the floor to express concern over the legal regulation of cannabis and the resulting contravention of the UN drug conventions. These delegations often used the International Narcotic Control Board (INCB)’s Annual Report for 2022 as a springboard, in particular

its critical chapter on the legal regulation of cannabis. However, other States criticised the Board for using inaccurate data, and for jumping to conclusions when evidence on the impacts of legal regulation is still insufficient or ambiguous. Countries that have moved to legally regulate cannabis defended their policies on pragmatic grounds, whilst avoiding any reference to conflict with the conventions.

A year after the Russian invasion of Ukraine, a new set of practices and rules of engagement have settled in, and they are likely to be part of the ‘normal’ CND landscape for the near future. Whilst drug policy has regained the centre stage at the CND, a coalition of countries that actively prioritise opposition to the aggression remains strong and highly motivated in their joint effort to block Russian initiatives at the Commission, including Russian-led resolutions. Therefore, the Russian Federation’s capacity to shape the outcomes of the CND has been dramatically diminished compared to the past, though still influential.

A total of five draft resolutions were submitted to the CND this year – the smallest number in the recent history of the Commission. Arguably the most important text was Resolution 66/1, which laid down the modalities for the 2024 mid-term review of the 2019 Ministerial Declaration. Although the initial draft was largely procedural, negotiations were still arduous, and agreement was only possible after a hastily arranged high-level Ambassadorial meeting just before the start of the CND. Some delegations strongly contested language on civil society participation in the mid-term review, even though that had been part of the processes in 2014 and 2019, and abides by the rules of procedures of the Economic and Social Council (ECOSOC). After heated debates, the contribution of civil society was reflected in Resolution 66/1, while the final text committed States to ‘work in good faith towards adopting a concise, action-oriented document’ to be adopted at the start of the mid-term review next year.

The complex negotiations concerning the modalities resolution anticipated the difficulties that delegations would face in adopting other texts. One of the draft resolutions, a proposal on the use of drones in drug control submitted

by Kazakhstan and Kyrgyzstan, was not able to achieve any semblance of consensus and was eventually postponed. The most progressive text, the yearly resolution on alternative development now incorporating positive language on the environment and on Indigenous Peoples, was significantly watered down.

In these protracted debates and negotiations, civil society brought a dose of reality to the CND. After two years of COVID-19-related travel restrictions, civil society organisations came

back to the CND stronger and more coordinated than ever before. A total of 135 NGOs registered to attend the session, with more than 570 NGO participants. NGO plenary statements, side events, and informal dialogues brought to light the real impacts of drug policy on the ground, an element that is unfortunately often absent from the Plenary and the Committee of the Whole (CoW), creating space for a meaningful conversation on the implications of drug policies for the health, human rights, and development of communities worldwide.

Introduction

After two years of mostly virtual participation, a rowdy crowd filled the Plenary room at the Vienna International Centre on Monday 13 March 2023 as the 66th session of the CND was about to begin. The new Chair of the Commission, Ambassador Miguel Camino Ruiz Blanco of Colombia, wielded the gavel. Order was called. A seasoned diplomat, Ambassador Ruiz Blanco was not going to devote his first intervention to the usual protocollary niceties. Instead, he challenged the Plenary. ‘We cannot run away from reality’, he said.¹ Perception and data suggested that the war on drugs was being lost. A critical rethinking was necessary. New policies – more humane, more centred on human rights, on access to treatment, on human security – had to be devised. The Commission needed to release itself from the ‘inertia of the past’ and look to the future.

resolution on drugs came to the floor at the Third Committee of the General Assembly, an unexpected development happened. The text, which by 2022 had evolved into a 23-page dinosaur resulting from decades of consensus and aggregation, had been revamped by its penholder, Mexico. Bold language on issues such as Indigenous Peoples’ rights and racial discrimination had been inserted, while the usual drug-free language had been omitted. And the Russian Federation, unable to accept it, called for – and lost – a vote, breaking for the first time the traditional consensus on drug policy at the UN (see Box 2).³ In parallel to the 66th session of the CND, the Human Rights Council was also debating its most ambitious resolution to date on human rights and drug policy. Two weeks after the CND concluded, that resolution was to be adopted without a vote, with language unacceptable to the ‘Vienna inertia’, such as the term ‘harm reduction’ (see Box 3).⁴

This CND Proceedings Report, the latest in a series that now reaches 18 editions,⁵ will seek to answer whether the 2023 session of CND rose to Ambassador Ruiz Blanco’s challenge. Following the practice of prior years, the report will present a considered and nuanced analysis of the main proceedings of the session, identifying the key themes and their relevance to international drug policy debates. It will start by looking closely at the interactions and statements delivered at the Plenary of the CND, before moving to the painful and protracted negotiations that led to the adoption of four resolutions. It will also describe the side events, informal dialogues, and other dynamics that completed the 66th session. The source material is largely drawn from in-person participation by the authors, as well as the CND Blog,⁶ a civil society initiative that transcribes the proceedings at the Plenary and at the CoW, and from the recordings streamed, for the first-time ever, on UN Web TV.



CND Chair, Ambassador Ruiz Blanco, addressing the Plenary. Credit: CND_Tweets

Similar challenges to the securitised approach to drugs prevalent in the Vienna inertia have recently been coming from across the UN system. In September 2022, the President of Colombia addressed the UN General Assembly in New York to demand that Member States ‘end the irrational war on drugs.’² Two months later, when the yearly

Special attention will be given to the implications of the modalities resolution for the mid-term review of the 2019 Ministerial Declaration on drugs. The mid-term review will take place during the 67th session of the CND in 2024, and is meant to be a ‘key moment’ to take stock of progress made and outstanding challenges in the implementation of the 2019 Ministerial Declaration. But, while the draft modalities resolution negotiated by Member States was largely procedural, negotiations were arduous and politically charged, even when the text under discussion relied on agreed language and standard procedure.

If anyone was committed to face reality at this session of the CND, it was civil society and community organisations. Their statements and side events brought to life what is hidden by the ‘inertia of the past’ that continues to characterise most of the CND – the devastating impacts of drug policies on the health, human rights, and security of millions across the world. This report will pay due consideration to them.

The prior session of the CND, in 2022, had been marked by the extraordinary disruption caused by the Russian invasion of Ukraine.⁷ These geopolitical dynamics brought about the first formal rupture of several norms associated with the so-called ‘Vienna spirit’. It was a historical moment. To a significant degree, the 66th CND session went back to normality. But it was a *new* normality. The Russian Federation had lost some of its former ascendancy in the Commission, and a coalition of countries remained committed to block any of their initiatives. In this new context, political conflict in the Plenary and the extreme difficulty of negotiations showed again that the CND consensus-driven process, previously described as a ‘belaboured and shuddering machine’,⁸ continues to require increasing amounts of time and energy to produce less and less results.

The Plenary: the Vienna inertia faces new revolts

Defiance against the UN drug control system

From the outset, one of the most remarkable developments of the 66th CND was the number of voices being heard loud and clear to interrogate and challenge the drug control regime itself. The clearest of these challenges came from a small number of Member States – Bolivia, Colombia, the Czech

Republic and Mexico. The UN High Commissioner for Human Rights, Volker Türk, in a historical first appearance at CND, also joined this group.⁹ To this challenge, a well-coordinated block of Member State and UN officials closely attached to the system responded in force, showcasing the tensions existing at the heart of the UN’s drug policy making body.

This strain was obvious at the opening segment itself. As we have described above, Ambassador Ruiz Blanco took the extraordinary step of using his first intervention as CND Chair to call on Member States to release themselves from the inertia of the past, and to acknowledge that the dominant approach to drug control had failed. The clapping after his intervention was perhaps milder than usual. Speaking immediately after him, UNODC Executive Director Ghada Waly tried to reassure the audience. ‘Polarisation leads to politicisation’,¹⁰ she warned. This was Ms. Waly’s fourth CND, with her current term ending in early 2024. Like in past occasions, she asked delegates to support the global *status quo* on drugs, speaking in favour of a ‘sustainable response built on compassion’ and of interventions such as Opioid Agonist Treatment (OAT) – though the term ‘harm reduction’ was carefully avoided, as usual – while also advocating for prohibition. To the challenge posed by Ambassador Ruiz Blanco she retorted: ‘The international drug control system has helped keep people safe and healthy since its inception’.

Not everyone agreed with this. In a historical development, this year the UN High Commissioner for Human Rights, Volker Türk, delivered a statement at the plenary of the CND.¹¹ His intervention culminated years of growing CND presence by OHCHR and UN human rights mechanisms. The High Commissioner had not addressed the CND in recent history, and Mr. Türk was determined to make sure that it would not go unnoticed. Recognising that ‘if drugs destroy lives, the same can also be true of drug policies’, Mr. Türk called for ‘transformative change’ in the global approach to drugs. To make his point clear, he mentioned the example of Colombia announcing its intent to ‘leave behind prohibition as a dominant paradigm’ in favour of drug policies ‘based on human rights’. It is hard to read this as anything else but a challenge to the mainstream approach to implementing the UN drug conventions. Finally, Mr. Türk concluded by stating his interest in working together with the CND ‘in the months and years ahead’, a reference to the report that his Office has been requested to produce by September

2023, and that will be a key input to the mid-term review of the 2019 Ministerial Declaration.¹² Thus, the Vienna inertia witnessed a clear challenge from the UN human rights system – and a reminder that Geneva is not going away.



Other clear and open challenges to the global drug control regime were voiced by Member States. Although narrow in scope, the most piercing note of defiance came from Bolivia. The coca plant is a mild stimulant that has been used for centuries by Indigenous Peoples in the Andean region for cultural and religious purposes, in addition to being used to produce cocaine for the illegal drug market mainly

localised in the Global North. The 1961 Single Convention on Narcotic Drugs included coca amongst the most dangerous substances in its Schedule I¹³ and committed all Member States to phase out the ancestral Andean practice of coca leaf chewing in 25 years, on arguably racist and prejudiced grounds (see Box 1). In 2012, Bolivia withdrew from the Single Convention and re-acceded in 2013 with a reservation on coca leaf chewing,¹⁴ but there was a general sense that this was not enough. Vice President David Coquehuanca flew to Vienna to present a new initiative – the decision to trigger a process of ‘critical review’ by the World Health Organization (WHO) of the coca leaf under the 1961 Convention, aiming for its global descheduling. He didn’t mince his words, stating that the Single Convention committed ‘an attack on the culture of native peoples’ by scheduling the coca leaf, as a result of ‘western domination’.¹⁵ The intervention was narrowly focused on the coca leaf, with Bolivia arguably still adhering to the traditional prohibitionist rhetoric for other substances. But the denunciation of the Single Convention as a tool of neo-colonial domination rang loud and clear, and could be extrapolated to other substances and other debates.

Box 1. The critical review of the coca leaf: Resolving the tension between Indigenous rights and drug control

The prohibition of substances traditionally used by Indigenous Peoples for cultural and religious purposes is one of the clearest examples of direct conflict between drug control and international human rights norms. This tension has not been resolved, and it is starting to emerge clearly in resolutions at both the UN General Assembly (see Box 2) and the Human Rights Council (see Box 3).

Various national and international drug laws ban substances traditionally used by Indigenous Peoples, limiting use to medical and scientific purposes only. The 1961 Single Convention on Narcotic Drugs, for instance, includes the coca leaf in its Schedule I, and commits countries to phase out its chewing. Similarly, the active ingredients of preparations or plants traditionally used by Indigenous Peoples in the Americas, such as ayahuasca, peyote or the San Pedro cactus, are subject to control under the 1971 Convention on Psychotropic Drugs. However, the natural plant materials that contain those active ingredients were exempted from international

control in the case of the 1971 Convention, so its provisions only apply to the isolated chemical compounds and to preparations made by mixing those with other ingredients. Additionally, the 1971 Convention offers the option of a special reservation for Indigenous uses, which countries like Canada, Mexico, Peru and the USA have used.¹⁶ On top of these international provisions, certain countries have moved to ban possessing or travelling with these substances, or have created legal limbos in which people may end up being criminalised.¹⁷

This set of laws is in tension with international law and standards pertaining to Indigenous Peoples’ rights. Under Article 24 of the United Declaration on the Rights of Indigenous Peoples, ‘Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants’.¹⁸ This language is now reflected in the most recent UN General Assembly resolution on drugs.¹⁹ Furthermore,

under article 15 of the International Covenant on Economic, Social and Cultural Rights, every individual has the right to take part in cultural life.²⁰ The International Guidelines on Human Rights and Drug Policy indicate that Indigenous peoples have ‘the right to use and cultivate plants and plant-based substances that have psychoactive effects, where these are part of their cultural, spiritual, or religious practices’.²¹

This conflict needs to be resolved as a matter of urgency, by amending the international and national legal provisions that ban traditional plants or preparations, or that create legal grey areas in which people are prosecuted. The initiative to trigger a critical review by the WHO’s Expert Committee on Drug Dependence (ECDD) of the classification of the coca leaf under the 1961 Single Convention should be regarded as a first step to finding a structural solution to such tension.



Aymara yatiri (shaman) performing a coca leaf reading on the summit of Mt. Uchumachi near Coroico, Bolivia on the winter solstice or Aymara New Year. Credit: Ali Margeaux Pfenninger

Colombia’s intervention was similarly strong, and with a broader aim. Laura Gil, then speaking as the Vice Minister of Foreign Affairs, was stern: ‘Colombia is tired of contributing with deaths, tired of persecuting its peasants under a failed war on drugs’.²² After announcing support for the just and responsible legal regulation of cannabis, Ms. Gil explained that, as a producing country battered by decades of armed conflict, Colombia did not owe anything to the international community – the opposite was true. This might have been the first time that a government mentioned the need for reparations for decades of harms brought about by the global drug control regime.

On a more subdued tone, but also aiming at the heart of the conventions, the Czech government noted that ‘Evidence repeatedly points to the fact that a drug-free society is unachievable and an unrealistic intention’,²³ and called for an ‘international debate on how to create a safer drug situation that incorporates the possibility to abandon full prohibition and create a strictly controlled market with some substances, such as, for example, cannabis’. The proposal was to formulate ‘viable guidelines’ to the 1961 Convention. Without them, Mr. Jindrich Voboril from the Czech Republic explained, the ‘degradation and disintegration of any international agreement’ would eventually take place.

A last challenge to the system, taking a process-based perspective but potentially with extraordinary implications, came from Mexico.²⁴ Proud of its role in the adoption of a more substantive and progressive UN General Assembly resolution on drugs in December 2022 (see Box 2), Mexico attacked blind adherence to consensus itself as the only possible way to formulate UN drug policy. It did so by reaffirming its ‘opposition to the intention of some [countries] to disfigure the practice of consensus, converting it into a veto’. (Negotiations at the CoW would indeed end up proving that some delegations do use consensus as a tool to unilaterally block agreements). In doing so, Mexico gave voice to the growing off-the-record grumblings in Vienna against the CND’s overreliance on consensus. As negotiations become more and more difficult, they pointed to a future in which a vote at the Commission might be possible.

Prohibitionists strike back: A coordinated assault on legal regulation

If the 66th CND session witnessed some open challenges to the UN drug control regime, the *status quo* struck back with strength and coordination. Throughout five days, at least 14 countries took the floor to express concern over the legal regulation of

cannabis and the resulting contravention with certain UN drug control treaty obligations.

To mount this attack, these delegations often referred to the INCB's Annual Report for 2022,²⁵ which includes a thematic chapter on the consequence of the legal regulation of cannabis. Notably, this chapter has been widely criticised for jumping to unsubstantiated conclusions with regards to the impacts of the nascent cannabis markets, even though in some parts of the report the INCB itself recognises that data are still insufficient.²⁶ It has also been argued that the Board downplays the positive impacts of legal regulation in terms of reducing the presence of law enforcement, and the size of illegal markets. These concerns were confirmed when the then INCB President, Ms. Jagjit Pavadia, used her statement at the opening of the session to condemn legal regulation, ignoring all the notes of caution included in her own report. The focus was even stronger in INCB's statement under Item 5(c), to the point where Canada raised doubts about the 'numerous errors' in the data used by the Board,²⁷ and the Netherlands had to remind the INCB that its very own reporting notes that data are still insufficient to draw a clear picture.²⁸ Nonetheless, many delegations still used the INCB Annual Report as a springboard to attack legal regulation.

While some countries claimed the mantle of neutral enforcers of the conventions, their attacks were at times suspect of political motivations. The clearest example of this is the Russian Federation. While criticising frameworks that legally regulate cannabis, Russia repeatedly described them as 'Western' initiatives.²⁹ In doing so, the Russian Federation was ignoring the debates on legal regulation taking place in countries like Colombia and Mexico, the fact that Uruguay had regulated its cannabis market as early as 2013, or the 2022 reform in Thailand which brought about a loosely regulated and profit-driven legal market. Given that Thailand is by far the largest jurisdiction by population to have regulated cannabis, these developments would merit the attention of the Commission. It was hardly the case, and it seemed clear that Russian Federation's zealous commitment to prohibition was indeed underpinned by geopolitical motivations.

If these politicised dynamics worsen, it is legitimate to ask whether the INCB is risking its own position by continuing to give such political prominence to concerns about legal regulation. Taking a step further, one could wonder whether the only way to address the polarisation and politicisation of the CND is to reformulate the international framework in a

way that accommodates regulatory initiatives that are now an entrenched reality, and will not go away.

With the notable exceptions of Colombia and the Czech Republic, jurisdictions that have proposed or adopted legal frameworks sought to lay low. They either ignored the issue of legal regulation, or approached it through a highly technocratic and pragmatic lens. The conflict with the conventions was consistently side-lined. In an interesting turn of events, while Thailand failed to make any mention of its burgeoning cannabis market, it did steer away from a traditional war-on-drugs narrative and emphasised human rights and access to treatment in their statement.³⁰ With a more forthcoming approach, Malta avowed that it had 'established an authority for the legal regulation of cannabis, promoting the principles of harm and risk reduction', with pragmatism also clear in the statements of the Czech Republic and Uruguay. Canada was equally pragmatic and technocratic, defending its framework as an effort to protect the youth and fight organised crime, and explaining in detail its ongoing process for evaluating the impacts of the legal market. In sum, only the Czech Republic dared to say that the international system should be reformed to accommodate the new initiatives to legally regulate cannabis. This is another way in which many delegations, in the grip of the Vienna inertia, were unable to meet Ambassador Ruiz Blanco's challenge to not run away from reality.

The Vienna fixation with the legal regulation of cannabis stands in stark contrast with an attitude of neglect towards the much more pressing public health and human rights catastrophe associated with the toxic supply of synthetic drugs in North America, which has caused over 106,000 deaths in 2021 alone.³¹ The only country that gave political priority to this was the USA, as it hinted towards the creation of a Global Coalition to address synthetic drugs that was officially launched in July 2023.³² Time will tell whether that coalition is meant to bring real policy change – particularly with regards to a much-needed scaling up of harm reduction and treatment services – or is simply a public demonstration of political pressure on countries like China and Mexico.

The Russian invasion of Ukraine has created a new *status quo*

In 2022, the CND was held in extraordinary circumstances. The Russian Federation had just invaded Ukraine and the Commission was one of the first multilateral meetings to be held after this

aggression. Condemnation of Russia's actions was widespread and a matter of priority for many countries – including mass walkouts from the Plenary when Russia took the floor. In Vienna, this resulted in the end of several norms associated with the so-called 'Vienna spirit', including the first vote in the recent history of the CND outside of scheduling decisions,³³ and a clear breach of the diplomatic practice of not explicitly criticising specific Member States in official statements (a practice that nonetheless remains strictly enforced for all civil society speakers).³⁴

A year later, a new set of practices and rules of engagement have settled in, and they are likely to be part of the 'normal' CND landscape for the near future. And the result is mixed. On the one hand, the conflict has inevitably lost some of its salience; it has become part of the ordinary background of daily news and international relations. For the CND, this has meant that drug policy has regained the centre stage. In 2023, the only non-Western country to refer to the Russian attack was Japan – arguably because of its close alliance with the USA. Global South countries ignored the matter entirely.

On the other hand, whilst small and largely regional, the coalition of countries that actively prioritise

opposition to the war against Ukraine is still powerful – and it can influence the Commission's agenda. At the moment, this group is highly coordinated and remains committed to opposing any Russian initiatives at the CND. In practical terms, this means including a condemnation of Russia's aggression against Ukraine in statements across several items, preventing Russian officials from being elected for positions at the CND and FINGOV, and opposing the adoption of CND resolutions proposed by the Russian Federation. In that regard, it is notable that although at the closing of the 2022 CND Russia had announced that it would bring back its failed resolution on cybercrime, that did not happen in 2023. A similar fate might await the resolution on drones that was proposed this year by Kazakhstan and Kyrgyzstan, as several delegations thought it was connected to Russian influence.

In short, the aftermath of the Russian invasion in Ukraine has brought in a new *status quo*. The CND has certainly continued to function, and the focus on drug policy has returned. But the rules of engagement have changed, and the Russian Federation's historical domination over the proceedings of the Commission continue to be questioned.

Box 2. The 2022 UN General Assembly resolution on drugs: Russia breaks the UN drug policy consensus³⁵

In December 2022, the UN General Assembly in New York made history by adopting a new and progressive resolution on drugs with a vote – the first time in recent history that a substantive resolution on drug policy was not adopted by consensus.³⁶

Drugs 'omnibus' resolutions at the General Assembly have always been adopted by consensus. Because of this, by 2021 the resolution had become an extremely long document, aggregating all sorts of inputs from across the UN system, often mixing relatively progressive text with language straight from the zenith of the war on drugs. In 2022, Mexico, which has traditionally held the pen for this resolution, decided to break with this dynamic. The text was revamped, and the new draft included a greater emphasis on human rights and development, shedding the more ideological UN language, such as the long-standing commitment to 'actively promote a society free of drug abuse'.

The Russian Federation were unhappy with the removal of the drug-free language and that the resolution was, in their own words, 'skewed towards the defence of human rights'.³⁷ They called for a vote on the text, which they went on to lose at both the Third Committee and the Plenary.³⁸ Thus, perhaps ironically, it was the Russian Federation itself which brought about the end of the revered 'Vienna consensus' that has dominated UN drug policy fora, namely the custom of adopting resolutions and political texts on drug policy through consensus among all Member States, rather than by voting.

Whether this fracture will reverberate in Vienna is yet to be seen. But the more progressive language – with new thematic priorities such as racial discrimination and Indigenous Peoples' rights – has already been used in negotiations around some of the CND resolutions, as well as in the latest Human Rights Council resolution on drugs.

Human rights bodies call for transformative change in the global drug control regime

The 66th session marked the highest level of engagement by UN human rights bodies with the CND. Taking a step beyond the OHCHR statements that have become a regular feature of the Commission since 2018,³⁹ this year saw interventions by the High Commissioner for Human Rights (online), a member of the UN Committee on Economic, Social and Cultural Rights (in person), and the UN Special Rapporteur on the right to health (online). The diversity and ambition of these statements reflects the growing activism on drug policy that is emerging from the UN human rights system, and that does not show any signs of abating.

We already saw that High Commissioner Türk took the historical step to intervene at the opening segment of the CND. His call for change was explicitly echoed by Dr. Tlaleng Mofokeng, the UN Special Rapporteur on the right to health. In her statement under Item 9 on UN system collaboration and coordination,⁴⁰ the Special Rapporteur showed a remarkable familiarity with drug policy processes, arguing for better cross-UN dialogue on drug policies and a strong presence of civil society and community in the mid-term review of 2024. But the challenge to the drug control regime came at the end. After restating the known fact that criminalisation aggravates stigma and discrimination against people who use drugs, the Special Rapporteur urged States to ‘End prohibition, decriminalize drug use or the possession, purchase or cultivation of drugs for personal use and other related activities; and introduce appropriate regulations.’

Less defiant but equally powerful, Dr. Serey Nonthasoot of the UN Committee on Economic, Social and Cultural Rights (CESCR) addressed the Plenary in person under Item 5 dealing with the implementation of the UN drug conventions.⁴¹ The CESCR will become an important stakeholder in global drug policy debates in future years, as this body is preparing a General Comment on the human rights impacts of drug policy⁴² – a document that will provide comprehensive guidance on how to develop drug policies in line with the International Covenant on Economic, Social and Cultural Rights. Dr. Nonthasoot is the lead rapporteur for the General Comment, and he came to the CND to present this process. But he also explained the existing jurisprudence of the CESCR on drug policy. He began by highlighting its most important finding: ‘punitive drug policies or criminalization of people who use drugs run counter to the protection and promotion of a variety of human rights’.

This year, many UN bodies – but not the UNODC – invested a significant part of their interventions to highlight the importance of complying with human rights. The WHO called for drug policies that are ‘grounded in human rights, because health is a human right and so is access to medicines.’⁴³ The INCB President claimed that ‘Policies that violate human rights in the name of drug control are inconsistent with the obligations of the conventions.’⁴⁴ But these interventions are always grounded in the notion that there is no tension between the global drug control regime and human rights obligations. The INCB has taken a step further by arguing that implementing the conventions is the only appropriate way to comply with human rights obligations.⁴⁵ UN human rights bodies and experts are taking a different approach. With a core mandate



Dr. Tlaleng Mofokeng, UN Special Rapporteur on the right to health, speaking at the Plenary. Credit: IDPC

centred on preserving the human rights regime, they are willing to interrogate the implications of the extant drug control system, and to explore avenues for meaningful and systemic change.

A good number of delegations also mentioned human rights in their statements. That was the case of the European Union and several European States, such as Belgium, Finland, the Netherlands, Norway, Portugal and Switzerland, amongst others. Positively, human rights are now a key issue across regions, with supportive references to a human rights-grounded approach made by Argentina, Brazil (also mentioning racial discrimination), Canada, Chile, Mexico, Gambia, Ghana, Kenya, Panama, South Africa and Uruguay. Some of these statements called for greater contributions by the human rights system to drug policy debates (coming from Uruguay) and for greater attention to the

human rights dimension of drug policy by the UN-ODC (from Canada). The positive turn to human rights by several African states has now left Asia as the only region in which Member States continue to deprioritise human rights in their CND statements.

In contrast with what happened in 2021 and 2022, delegations that are opposed to a greater focus on human rights did not engage with this issue. This was perhaps a lesson learnt from the attempts to block a presentation by the UN Working Group on Arbitrary Detention at the CND, which ended up bringing greater attention to the findings in that body's breakthrough study on arbitrary detention and drug policy.⁴⁶ Now that the UN High Commissioner for Human Rights has a mandate to contribute to the mid-term review (see Box 3), and seems determined to seize it forcefully, it remains to be seen whether that approach will be sustained.

Box 3. The 2023 Human Rights Council resolution on drugs: Geneva asserts its role in drug policy debates⁴⁷

Three weeks after the CND ended, the Human Rights Council adopted a resolution without a vote, under the title 'Human Rights Council contribution with regard to the human rights implications of drug policy'.⁴⁸ Its key aim was to ensure that UN human rights entities engaged meaningfully in the mid-term review of the 2019 Ministerial Declaration, particularly by mandating the UN High Commissioner for Human Rights to prepare a report on the human rights challenges in addressing the world drug situation. The report will be presented to both the CND and Human Rights Council ahead of the mid-term review. The resolution also represents the most ambitious UN political document on the human rights dimension of drug policy to date, demonstrating that Geneva and New York are becoming spaces for a constructive conversation on drug policies. Some of these advances include:

- The call for Member States to 'adopt a systemic approach to preventing and eliminating racial discrimination at all stages of the development, implementation, monitoring and evaluation of drug policies and programmes'.

- An explicit and supportive reference to 'harm reduction' – this first time in a UN political document on drug policy – with no caveats with regards to national legislation.
- A consolidation of the precedent set by the UN General Assembly Resolution 77/238 that recognises that Indigenous Peoples have the right to their traditional medicines and to maintain their health practices (see Box 1).

The modalities resolution for the mid-term review encourages the contributions of 'relevant United Nations entities' in the process, without mentioning any entity in particular. The Human Rights Council is the first institution to take the CND by its word and claim a role in the review for itself – a sign of the growing importance of human rights in global drug policy debates. The UN High Commissioner now has a mandate and a budget to meaningfully engage. Time will tell whether this is an effective opportunity to place human rights at the centre of the mid-term review.

The 2024 mid-term review: 'A key moment'

Throughout the 66th session, one eye was looking to 2024 and the 'high-level segment' to mark the mid-way point between the 2019 Ministerial Declaration⁴⁹ and the next one being due in 2029. Back in October 2022, IDPC had published its initial recommendations and expectations for the so-called 'mid-term review'⁵⁰ – including meaningful civil society participation, broad UN engagement via the UN Task Team, hybrid accessibility, the production of an evaluation report to guide the discussions, and the adoption of a new CND roadmap from 2024 to 2029 (similar to that adopted for 2019-2024⁵¹) – aligning the work of the CND closer to the 2030 Agenda for Sustainable Development.

In the weeks building up to the CND, Member States were locked in closed negotiations on a draft resolution tabled by the CND Chair (Colombia) to outline the modalities and parameters for 2024. The document⁵² was finally agreed at an Ambassadorial level on the Friday before the CND started (see more information [below](#)).

Throughout the Plenary, the plans and expectations for 2024 were a recurring theme – including in the opening session when the UN High Commissioner for Human Rights told delegates: 'This is a key moment. As you look back, to take stock of results to date, you will also be looking forward... I encourage that the mid-term review embraces full participation by civil society – including the voices of people who use drugs – and by all relevant United Nations bodies, to ensure that drug policies are grounded in human rights, in particular health and development.'⁵³ Several Member States and

regional groups mentioned the importance of taking stock of both progress and challenges, Panama adding the need to make 'necessary adjustments to tackle this global challenge'. The final day of the CND (Friday 17 March) featured a brief agenda item dedicated to the mid-term review, at which the modalities resolution was formally adopted.⁵⁴ Egypt, the EU and the USA all took the floor and specified the important role of civil society in the process, while the USA also urged that the CND must 'drive smart and strategic action... conduct honest stock taking and must learn from lessons', including on synthetic drugs.

The Committee of the Whole

A total of five draft resolutions were submitted to the CND this year (see Box 4), which is the smallest number of resolutions ever tabled in the recent history of the CND for an in-person session.⁵⁵ This seems to be part of a trend pre-dating COVID-19 and the Russian invasion of Ukraine, with the number of resolutions tabled at the CND steadily decreasing since 2018 (see Figure 1). This is likely a reflection of the reality that the Commission is becoming an increasingly difficult forum for negotiations with less willingness from many States to introduce any language or themes that may be considered too controversial. And to make matters worse, this year's CND has shown how even UN-agreed language had somehow become unacceptable to some Member States, breaking with previous CND traditions. It is therefore unsurprising that Resolution 66/1, relating to the modalities for the 2024 mid-term review, was entirely negotiated during informals ahead of the CND, while resolution L6 on drones was withdrawn and deferred after several rounds of unfruitful negotiations.

Box 4. List of resolutions presented at the 66th session of the CND

Resolution 66/1. Preparations for the midterm review to be held during the sixty-seventh session of the Commission on Narcotic Drugs, in 2024 (formerly L2, tabled by the CND Chair)

Resolution 66/2. Safe handling and disposal of synthetic drugs, their precursors and other chemicals used in the illicit manufacture of drugs (formerly L4, tabled by Australia)

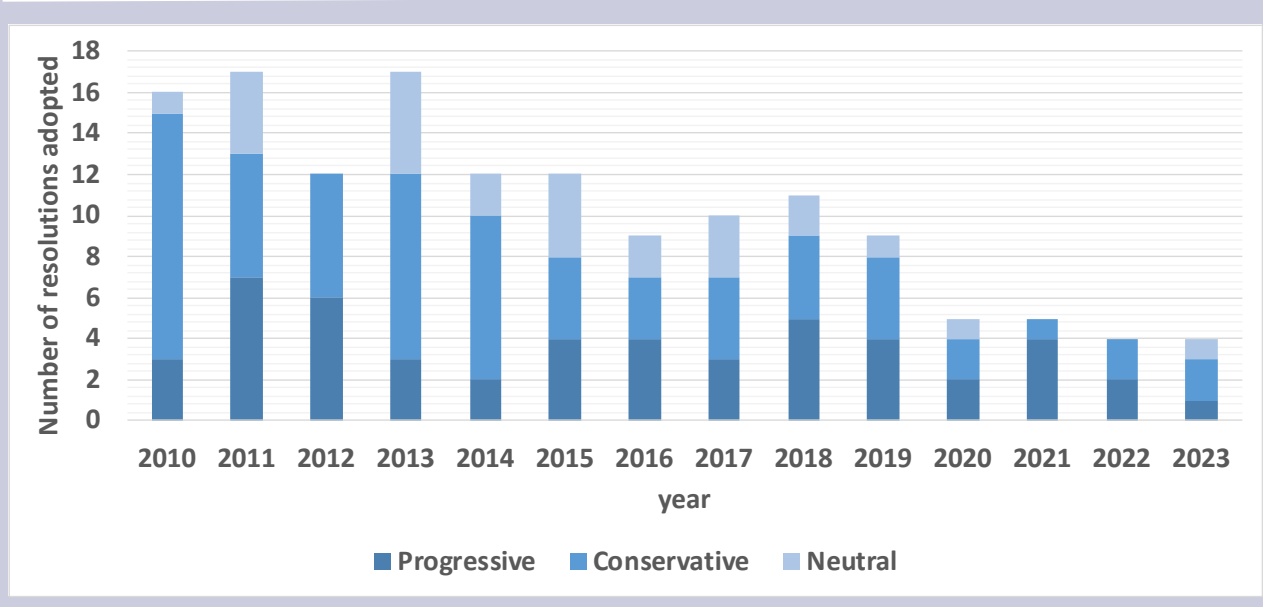
Resolution 66/3. Strengthening information-sharing to increase scientific evidence-based support for international scheduling and the

effective implementation of international scheduling decisions (formerly L5, tabled by the USA)

Resolution 66.4. Promoting alternative development as a development-oriented drug control strategy that is sustainable and inclusive (formerly L3, tabled by Germany, Peru and Thailand)

L6. Expanding the use of uncrewed aircraft systems in countering drug-related crime (tabled by Kazakhstan and Kyrgyzstan) [withdrawn and deferred]

Figure 1. Analysis of CND resolutions, 2010 to 2023⁵⁶



For more information on which resolutions are defined as 'progressive', 'conservative' and 'neutral', please see endnote 56.

Resolution 66/1: Preparations for the 2024 mid-term review

In early February, the Colombian Ambassador, in his capacity as Chair of the CND, formally circulated a draft 'modalities resolution' to clarify the structure, goals and processes for a 'high-level segment' to be held immediately before the regular CND week in March 2024. The draft was largely a copy and paste of previous modalities resolutions for 2014⁵⁷ and 2019,⁵⁸ with the Chair expressing an ambition to agree the text during informal negotiations relatively quickly, ahead of the 66th session. However, hopes of a simple consensus based on previously agreed language were soon dashed, as Member States began to contest and reword almost every single paragraph. First among the many points of contention were the engagement of civil society, and the nature of any outcome document from 2024.

Like-minded Member States – coordinated in the form of a 'Group of Friends for Multistakeholder Engagement' co-chaired by Chile and the Netherlands – worked hard to defend the references to civil society participation in the text, as well as successfully resisting attempts from other Member States ring-led by Egypt, Iran and Turkey to either water down the language or add elements that violated the existing ECOSOC Rules of Procedure⁵⁹ under which the CND must operate. These moves against civil society were worrying to witness in the context

of the CND, after all of the progress made in this forum in recent years – and were possibly a hangover from tensions from other Vienna processes such as the UN Convention against Transnational Organized Crime meetings.⁶⁰ Frustratingly, attempts to mention the Civil Society Task Force⁶¹ in the resolution (as was the case for 2019) were suppressed at an early stage by the CND Secretariat's incorrect assertion that the Task Force no longer existed. In fact, it had merely been kept 'dormant' by the New York and Vienna NGO Committees on Drugs (NYNGOC and VNGOC) 'as an option to return to prior to the next major UN milestone on drug policy'.⁶² But despite a written correction submitted by both the VNGOC and the NYNGOC, the damage had been done – and the final text included a reference to the VNGOC only. Early inclusion of references to the UNODC Civil Society Unit were also removed due to concerns around interference and partiality. On a positive note, this is the first time the VNGOC has been specifically named in a CND resolution.

On the issue of the outcome of the 2024 process, the EU and others were keen to avoid protracted consensus negotiations on a new political declaration – preferring instead a simpler outcome such as a non-negotiated Chair's Summary or a meeting report. However, the CND Chair was adamant that this was inappropriate for a meeting with high-level participation potentially including Heads of State. Ultimately, Member States reached a vague agreement to 'work in good faith towards adopting a

concise, action-oriented document at the opening of the High-level Segment’ – with negotiations to be held during a series of intersessional meetings in October and December 2023.⁶³

In the end, the modalities resolution was agreed at the last moment, at an Ambassadorial level meeting on Friday 10 March, and was formally adopted by the CND on Friday 17 March. The two-day high-level segment will comprise a general plenary debate in parallel to two ‘interactive, multi-stakeholder round tables’ – as was the case in 2019. The round tables will be on the topics of ‘Taking stock: work undertaken since 2019’ and ‘The way forward: the road to 2029’ – and both the roundtables and plenary sessions will include civil society as well as representatives of UN agencies, regional bodies and academia, in line with the existing ECOSOC Rules of Procedure.

Resolution 66/2 on the safe handling and disposal of synthetic drugs

Resolution 66/2 on the ‘Safe and secure handling and disposal of synthetic drugs and their precursors’,⁶⁴ had originally been tabled by Australia in 2022.⁶⁵ After being deferred due to political reasons linked to the Russian invasion of Ukraine, it was re-submitted this year. A technical text aiming to address the dangers related to safe disposal and handling related to the illegal manufacture of synthetic drugs, the main points of contention related to the resolution’s scope.

The 2022 draft raised concerns that the improper disposal of drugs may have detrimental and long-lasting effects on the environment, and welcomed efforts made by the UNODC to support the environmentally responsible disposal of seized chemicals in line with Sustainable Development Goal (SDG) 12.4.⁶⁶ The specific reference this SDG was removed from the final version of the resolution, after opposition from Russia to specific SDG targets being referenced, arguing that the most important point was to indicate that the SDGs and measures to address the ‘world drug problem’ are interdependent and mutually reinforcing. This was despite support from Colombia, France, Mexico and the USA all advocating for the specific reference to be kept in.

As with other resolutions, there was a general disagreement over the use of ‘world drug problem’ terminology; with most of the discussion on this

topic referring to the scope of Resolution 66/2, and whether references to the ‘world’ drug situation were relevant in the context of this narrow and technical document. The use of this term was predominantly debated regarding the opening paragraph of the resolution, with countries like the Czech Republic, the Netherlands and Slovenia, alongside the EU, stating that reference to the ‘world drug problem’ was not relevant in that paragraph, while countries such as Brazil, Iran, Russia and Venezuela supporting the inclusion of the reference. The final version of the text, suggested by the USA, recognises that ‘significant dangers posed by the illicit manufacture and trafficking in synthetic drugs’ as part of the ‘world drug problem’ constitute ‘a serious threat to public health and the wellbeing of humanity’.

Another point of contention related to references to relevant personnel: that is, those on the frontline of synthetic drug disposal, and whether or not civil society and the industry should be included as relevant stakeholders in research and development to improve safe handling and disposal methods. The final agreed text ‘Encourages Member States, industry, academia and *other relevant stakeholders*, as appropriate’ (emphasis added) to continue research and development in this area, following opposition to the inclusion of civil society by China, Iran, Russia and Venezuela, despite support from Finland, the Netherlands, the UK and the USA. In relation to the issue of which personnel are relevant on the frontline of disposal, there was broad support for the inclusion of a reference to those involved in drug responses, including health responses, by Finland, France, Mexico and the Netherlands, alongside the EU, rather than only those enacting drug control measures, such as law enforcement personnel, as proposed by Russia. The final version of the resolution refers to those on the frontline of the drug ‘response’, with specific references to health service providers and emergency response personnel as relevant personnel later on, and notes ‘with concern the risk of exposure’ to synthetic drugs of ‘health service providers and emergency response personnel’ alongside ‘other relevant personnel’ in the preamble.

Resolution 66/3: Underscoring the role of drug laboratories for scheduling decisions

Resolution 66/3,⁶⁷ tabled by the USA, is again a rather technical resolution focusing on the role of drug analysis laboratories in providing ‘laboratory results and data to criminal justice systems, law enforcement

and health authorities and policy makers, as well as 'in the detection and identification of new precursor chemicals' and 'monitoring emerging trends', in an effort to inform international scheduling decisions.



Ambassador Philbert Abaka Johnson (Ghana) chairs the CoW.
Credit: CND_Tweets

There were some concerns that the resolution would seek to strengthen the role of the CND in scheduling decisions, while undermining the fundamental role of the WHO, and in particular the ECDD, in reviewing substances and submitting its evidence-based scheduling recommendations to the Commission. Such attempts have regularly been made in the past – all of which have, so far, failed. These fears once again did not materialise. Resolution 66/3 includes carefully crafted text underscoring 'the importance of the treaty-facilitated process' whereby States parties may 'provide information... to the Secretary-General of the United Nations for consideration by the World Health Organization... for scheduling recommendations made to the Commission on Narcotic Drugs'. The reference to the CND at the end of this paragraph was added by the Russian delegate who also requested deleting the reference to the ECDD, only keeping that of the WHO in the final text.

Another element worth noting was the effort made by various delegates to amend the terminology within the text in order to reduce the stigma attached to some formulations typically used at the CND. This included suggestions by Australia, Canada and the Netherlands to replace drug 'abuse' (proposed by Russia) with 'illicit use' or 'misuse'. To this, the USA as the lead sponsor of the resolution stated being 'very sensitive' to using 'abuse' because it 'has been used in ways that have contributed to stigma and ways that are counter-productive to what we are trying to do, but we do recognize it's treaty language and... in this context we would accept it' – and the term 'abuse', therefore, remained in the final text. In a similar fashion,

but more successfully, Colombia requested substituting 'threat' with 'consequences' when discussing the public health effects of certain drugs, again in an effort 'to remove stigma'.

While focusing almost exclusively on the role of laboratories in informing scheduling decisions, the resolution also raises concerns over the 'increased risks to health and safety' of 'synthetic drugs and non-medical use of prescription drugs' – a legitimate concern considering the devastating opioid poisoning crisis in the USA. In this context, the resolution calls for 'intensified action at the national level' including 'public awareness such as carrying out national campaigns'. There, the Russian Federation negotiated hard for these campaigns to focus on the 'negative public health consequences' of drug use, especially via 'prevention'. On this, the UK called for the inclusion of 'treatment and recovery' alongside 'prevention', while Canada questioned whether this should also cover 'harm reduction', although no further effort was made to include such reference. This was therefore left out of the resolution, despite the critical role of harm reduction services to reduce harms and deaths. This is perhaps *the* missed opportunity of this resolution, which fails to highlight how drug analysis laboratories can also contribute to reducing the possible risks of drug use, for instance by collaborating with civil society and service providers working in the frontlines or by contributing to early warning systems.

Resolution 66/4: Clashes and contradictions on Indigenous rights, the environment and development

This year's annual resolution on alternative development, sponsored by Germany, Peru and Thailand, focused on the environment (following up from last year's Resolution 65/1⁶⁸) and the rights of Indigenous Peoples. As this was the first time in the history of the CND that a draft resolution put such strong emphasis on the rights of Indigenous Peoples, the text was subjected to tense and lengthy negotiations, with Iran being exceptionally difficult throughout the proceedings. The end product inevitably became an odd combination of some of the most progressive language adopted by the CND in the context of alternative development, and highly problematic paragraphs on eradication. This was reflected in the list of 44 government co-sponsors for the resolution, which include the usual countries from Europe and Latin America, but also others known for their punitive drug policies such as

Singapore.⁶⁹ In a way, this resolution is the perfect reflection of how unproductive the current consensus-based practice has become at the CND.

As always, a large part of this resolution is a repeat of previous years, with over 20 paragraphs copied from Resolution 65/1. However, various improvements are worth highlighting here. First among them relates to the environment. Although the text is mostly similar to Resolution 65/1, the paragraph relating to climate change mitigation and biodiversity conservation in the implementation of alternative development programmes now includes the concept of adequate sequencing – a first in a CND resolution. The concept was originally proposed by the UK and, while being questioned by the Russian Federation, it was strongly defended by countries like Germany and Colombia. The Colombian delegate in particular shared his country's own experience of how damaging inadequately sequenced alternative development had been for local farmers.

Also positive is the effort made to push the boundaries of alternative development to encompass broader development objectives such as the need to 'take into account land rights and other land management resources... including those of Indigenous Peoples and local communities'; as well as improving access to markets and infrastructure 'including roads, the establishment of farmer associations and the use of special marketing regimes, for examples, those based on fair trade principles and commercialization of organic products'.

In addition, the resolution goes a step further in acknowledging and promoting women's rights, beyond the usual language on the need to 'mainstream a gender perspective', by encouraging Member States, 'within their efforts to achieve the SDGs', to 'undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources'.

Unfortunately, this positive language was weakened, first of all by the inclusion of common diplomatic caveats like 'in accordance with national laws', and secondly with the addition of eradication language throughout the resolution. This includes the usual call to promote 'a society free of drug abuse', which had been left out of the original draft. Canada, supported by a number of countries including Germany, the Netherlands, Norway, Peru, Uruguay and the USA, resisted the addition of this text for being stigmatising, and proposed that it be replaced with 'promoting the health and welfare of

humankind'. In this regard, Germany's remarks that 'eradication is *definitely not the overall goal of alternative development* as it is targeted towards the Sustainable Development Goals, and not exclusively to drug crop eradication' (emphasis added) were encouraging. Unsurprisingly, there was considerable resistance from other countries including Algeria, Egypt, Indonesia, Iran, Russia and Turkey, and drug-free language remained in the final iteration of the resolution.



More positively, the resolution includes unprecedented language on the rights of Indigenous Peoples, a population that has largely been ignored by the CND and the global drug control regime more generally over the past 70 years – a historical mistake resulting from the colonial legacy of the UN drug control treaties. Several Member States had proposed using the text agreed in the General Assembly Resolution 77/238 that recognises their right to 'traditional medicines and to maintain their health practices, including through the conservation of their vital medicinal plants...'⁷⁰ While this effort failed, the resolution does recognise the 'importance of promoting sustainable and viable livelihoods for the indigenous peoples', and 'encourages Member States' to 'engage Indigenous Peoples... in the development and implementation of policies and actions aimed at promoting sustainable alternative development, taking into account their culture, knowledge and traditions' (see Box 1). Again, this was largely counterbalanced by the inclusion of a paragraph in the Preamble drawn from the UN drug conventions and relating to States' obligation to eradicate all substances 'such as opium poppy, coca bush and cannabis plants' while taking 'due account of traditional licit uses'. This reflects the ongoing tension between drug control and the rights of Indigenous Peoples (see Box 1), an issue that was raised by the US delegate during the negotiations, and which has once again been left unresolved.

More generally, human rights language within the resolution led to tense negotiations. On the 'importance of respecting, protecting and promoting

human rights and the rule of law in the development and implementation of drug policies; Iran stated that this was 'irrelevant', arguing that 'We are not in Geneva to talk about human rights'. Although Iran faced resistance from Australia, Brazil, Guatemala, Peru and Switzerland, this shows how even agreed language ended up being questioned at this year's CND, in particular in the area of human rights.

Resolution L6: A 'drones' resolution that wouldn't fly

The last draft resolution of this 66th session, entitled 'Expanding the use of uncrewed aircraft systems in countering drug-related crime' (L6), was proposed by Kazakhstan and Kyrgyzstan. From the very beginning, the discussion over 'uncrewed aircraft systems', or drones, in the implementation of drug control was set to be a highly controversial issue, despite its increased uses in various parts of the world.

Firstly, the draft resolution automatically presupposed the need to *expand* the use of drones in drug control, in all situations, even though in many contexts it may not be recommended or appropriate to do so considering the risks for the environment (e.g., when used for aerial fumigation) and the possible human rights and safety implications. Canada was the first to highlight these human rights risks in the CoW, highlighting the 'privacy concerns' related to the use of drones to track 'humans', while the UK proposed human rights language to ensure that training on the use of drones is 'ethical'. This was immediately countered by delegations such as Egypt, Pakistan and Russia. Armenia was perhaps the most vocal on the issue of human rights, underscoring that this field was new for the UNODC and the CND, underscoring the 'huge concerns with regards to human rights implications' and the need for 'strong safeguards' on the application of drones.

The most important point of contention related to the actual scope of the resolution. The sponsors,

Egypt, Indonesia and Russia sought to keep this as broad as possible to cover 'drug supply reduction measures'. Others, among them Italy, Mexico, Switzerland, the UK and the USA, wished to narrow it down, limiting it to 'mapping and detecting illicit cultivation, manufacture and trafficking' routes/corridors, with discussions on whether this should cover synthetic drugs only or also crops used in illegal drug production.

After many hours of negotiations, and considering the unreconcilable positions of various Member States on both the focus and scope of the text, Resolution L6 was eventually withdrawn and deferred.

NGO engagement: Ever stronger and more coordinated

After two years of COVID-19-related travel restrictions, civil society organisations came back to the CND stronger and more coordinated than ever before, with reform-minded NGOs being particularly visible throughout the session. A total of 135 NGOs registered to attend the session, with more than 570 NGO participants following the proceedings both online and in person, and almost half of the 150+ side events were (co)organised by civil society.

The VNGOC – which celebrated its 40th anniversary – played an important role in supporting civil society engagement (see Box 5). On the reform side, IDPC continued to play a key coordination and strategising role. The Consortium facilitated civil society participation by securing more than 70 ECOSOC passes, held a multilingual pre-CND webinar⁷¹ and in-person strategising meeting to discuss key advocacy avenues at the 66th session (including coordinating NGO statements at the Plenary, elaborating our recommendations for the resolutions, etc.) and managed various tools to help NGOs and Member States alike to follow the proceedings, including the CND Blog⁷² and the CND App.⁷³



IDPC pre-CND orientation meeting. Credit: Rights Reporter Foundation

Box 5. The VNGOC: 40 years of supporting civil society

The VNGOC marked its 40th anniversary at the 66th session of the CND, having been originally founded back in 1983. Buoyed by the return to a large in-person civil society presence at this session, the Committee marked the occasion with an evening reception hosted by the City of Vienna. Congratulatory speeches by Jean-Luc Lemahieu (UNODC Director for Policy Analysis and Public Affairs, deputising for the absent Executive Director), the Ambassadors of Colombia, Chile and the Netherlands, and Peter Hacker (Vienna's Executive City Councillor for Social Affairs, Public Health and Sports) were accompanied by reflections from the current and former Chairs – Jamie Bridge from IDPC, Esbjörn Hörnberg, Thomas Legl and Michel Peron. The founding Chair, Eva Tongue,⁷⁴ was also commemorated.

Back in the UN building, the VNGOC also hosted a side event to mark the 40th anniversary,⁷⁵ provided the usual guidance for civil society participants, and made two interventions in the Plenary. As in previous CND sessions, the VNGOC also coordinated the Informal Dialogues (see below) and facilitated civil society interventions in the Plenary and various side events.



The VNGOC Annual General Meeting and Board elections also returned to their previous in-person format after a few years online. The position of VNGOC Chair was being contested, as the incumbent Jamie Bridge had served the maximum terms allowed. Jamie received a standing ovation when stepping down from the stage after three terms in the role. The elections themselves were calmly managed by a Nominations Committee including representatives from VNGOC members with a diverse range of views and expertise. Matej Kosir (Inštitut Utrip, Slovenia) was voted in as Chair by a large majority – having been recommended by the Nominations Committee and previously serving as the Deputy Chair of the VNGOC. The other candidate, Ganna Dovbakh from the Eurasian Harm Reduction Association (EHRA), has since been appointed into the vacant Deputy Chair position to ensure a balanced Board for the coming year. In the other votes, Penny Hill (Harm Reduction Australia) was re-elected as Deputy Secretary, and Augusto Nogueira (ARTM, Macau) was elected as Deputy Treasurer – the latter despite not being part of the Nomination Committee's advised 'slate'.



Successful civil society advocacy: Ensuring transparency in CND proceedings

Ahead of the session, civil society had already made their mark on the CND proceedings. For many years, various NGOs had called on the CND to record the proceedings on UN Web TV – the audiovi-

sual archive of the UN library service which already broadcasts and records the meetings of many UN agencies in New York and Geneva.⁷⁶ And yet, this request faced considerable resistance, primarily due to budget constraints. While COVID-19 had enabled the webcasting of various aspects of the CND, the sessions were only available live, rather than being recorded and archived for later viewing. Although

the 66th session of the CND was again going to be hybrid, the Secretariat announced in early February that it would only be livestreamed for those officially registered to attend online – undermining previous gains made in terms of transparency and outreach, especially for NGOs without ECOSOC accreditation. After much civil society advocacy and pressure from various Member States, the CND Secretariat eventually agreed, for the first time in history, to publicly broadcast and record the CND's Plenary sessions on UN Web TV.

NGO statements in the Plenary

The return to in-person participation allowed more space for civil society statements than in the last couple of years, and no less than 26 interventions were made by NGOs in the Plenary throughout the week. The VNGOC kicked off the NGO statements during the general debate, as the VNGOC Chair, Jamie Bridge, made his final speech in this capacity ahead of the Board elections (see Box 5). The VNGOC underscored the progress made in ensuring 'a healthy, productive level of NGO participation' in Vienna, since the Committee was created 40 years ago: 'We bring our unique expertise and experience to the work of the CND', Mr. Bridge explained, a critical added value to a body that has often been criticised for being severely disconnected from the realities faced by communities on the ground. The rest of the week

was used by civil society representatives to highlight a wide range of issues and recommendations. As always, these statements reflected the broad spectrum of NGOs attending the CND, and with this, their diverging views on drug policy.

Highlighting the devastating impacts of the war on drugs

A number of NGOs denounced the devastating impacts of the war on drugs on communities which, in the words of the Institute for Policy Studies, 'is being lost all over the world'. IDPC was among these NGOs, highlighting the 'egregious human rights abuses [that] continue to be committed in the name of drug control, including the use of the death penalty, extrajudicial killings, compulsory detention masked as treatment, police violence, racial and gender-based discrimination'. On the death penalty, Harm Reduction International (HRI) spoke on behalf of the Anti-Death Penalty Asia Network, LBH Masyarakat and the Transformative Justice Collective, reporting that at least 4,000 people had been executed for drug offences in the past decade. 'In 2022 alone', the HRI representative continued, there were 'at least 285 executions – this is an over 100% increase from 2021 and a staggering 850% increase from 2020'.

The serious impacts of punitive measures on the health of people who use drugs were highlighted



Jamie Bridge, speaking on behalf of the VNGOC at the Plenary. Credit: Benjamin Phillips

by various other NGOs, including the International Federation of the Red Cross and Red Crescent Societies which stated that 'Inequalities and health disparities persist between and within countries, with people who use drugs being left behind'. The Helsinki Foundation for Human Rights (HFHR) mentioned how 'restrictive laws criminalising drug use and possession' were hindering 'efforts to stop the HIV epidemic', especially in Eastern Europe and Central Asia, quoting data from UNAIDS according to which 'up to 90% of people who inject drugs will end up in prison at some point in their life'. Hepatitis Australia discussed how 'hepatitis C is the number one cause of death among people who inject drugs', while Physicians for Responsible Opioid Prescribing and Open Society Foundations (OSF) focused on the opioid overdose crisis in the USA, where 300 people died every single day of an overdose death in the past year, with a disproportionate representation of black men. DRCNet also raised concerns over the impacts of prohibition on people of colour, while Students for Sensible Drug Policies (SSDP) discussed the risks faced by young people who use drugs with regards to 'their right to health, to education and to housing' as a result of criminalisation.

On the supply side, Acción Técnica Social (ATS) called the attention of Member States on the thousands

of lives lost in the wars over the control of cocaine routes, and the devastating consequences on land and biodiversity, an issue also raised by Youth RISE.

Promoting better access to health and harm reduction

Faced with this dire situation, many NGO statements called for improved access to health services for people who use drugs. Various NGOs, among them Association Proyecto Hombre, the Singapore Anti-Narcotic Association and Utrip promoted better access to evidence-based prevention, referring back to last year's CND resolution 65/4 on early prevention⁷⁷ which for the first time sought to include positive language on human rights, access to health and reducing stigma.⁷⁸

Many other statements promoted improved access to harm reduction interventions. HRI welcomed the slight uptake in harm reduction services worldwide, but deplored the ongoing limitations in coverage, scale up and funding for these services, in particular for women, the LGBTIQ+ community, migrants, refugees and ethnic communities. On a more positive note, ATS highlighted innovative harm reduction interventions in Colombia, including a pilot safe injection room in Bogota, drug checking services operating in party settings, and access to medicinal



Benjamin Phillips (International Drug Law Advocacy and Resource Centre), Magdalena Dabkowska (Helsinki Foundation for Human Rights) and Martin Jelsma (Transnational Institute) speaking at the Plenary. Credit: Diego Garcia

cannabis. OSF called for improved access to naloxone by giving it to ‘the community and people who use drugs themselves’, and called for the safe supply of some substances to tackle the severe opioid overdose crisis affecting North America.

The International Association for Hospice and Palliative Care (IAHPC) focused on another key health dimension of drug policy – that of access to controlled medicines: ‘Despite the Conventions’ good intentions, modern sciences of governance, supply chain management, addiction medicine, and palliative medicine were non-existent in the mid-20th century.’ ‘In the 21st century, the science, best practice guidelines, and a few governments and sub-national jurisdictions that are meeting their peoples’ needs, can show us the way’, IAHPC continued, concluding that it was high time to ‘shift gears to balanced drug policies that protect public health’.

Reforming drug policies: Decriminalisation and legal regulation

Many of the calls for a health and rights-based approach to drug policy included proposals for reforms. At least five NGOs – Hepatitis Australia, IDPC, Médecins du Monde, OSF and SSDP – urged countries to urgently decriminalise drug use and related activities to ensure better access to services, reduce vulnerabilities, stigma and discrimination, and to save lives.

Interestingly, an even larger number of NGOs called for the legal regulation of not only cannabis, but also other substances such as cocaine, with only one NGO (Smart Approaches Against Marijuana) speaking against legalisation. This is unsurprising since, as Transform recalled in Plenary, ‘We are now approaching half a billion people living in jurisdictions

with legally regulated cannabis markets for non-medical adult use’. Various arguments were made in favour of legal regulation aside from protecting health, including its potential to ‘eliminate drug trafficking, violence and death’ (Institute for Policy Studies) and to mitigate ‘an environmental disaster’ (ATS and Youth RISE).

Modernising the drug control regime

Inevitably, calls for legal regulation were accompanied by criticisms of the global drug control regime. While Dejusticia argued that ‘the implementation of the treaties should not prevent regulatory models from being experimented with cannabis’, NGOs such as ATS and DRCNet concluded that the UN drug control treaties should be ‘modified to accommodate new realities’. The need for ‘normative guidance on best practice in cannabis regulation’ by ‘relevant UN agencies, including the WHO, UNDP, UNODC and UN human rights bodies’ was also highlighted by Transform, to ensure that reforms no longer take place ‘in a vacuum’ and in an effort to ‘achieve the shared goals of the UN Charter, and the SDGs’.

Furthermore, as Bolivia and Colombia’s request that the WHO critically reviews the coca leaf took the centre stage in the main proceedings, this was also the focus of Dejusticia’s intervention, made jointly with Elementa, ATS, Fundación Tierra de Paz and Viso Muto. Seeking to ‘repair the historical error that goes against the rights of Indigenous Peoples’, the NGOs asked that the process be ‘as participatory as possible, including with the involvement of Indigenous Peoples and all those using the plant for traditional and therapeutic purposes’, and that it contributes to ‘dismantling the stigma attached to the plant’.



Steve Rolles (Transform) speaking at the Plenary. Credit: Alex Feis-Bryce

Civil society involvement in the 2024 mid-term review

A final theme related to the 2024 mid-term review of the 2019 Ministerial Declaration. IDPC saw the high-level event as a ‘critical opportunity to place human rights front and centre in UN drug policy’. However, IDPC continued, this requires protecting and expanding civic space, as well as ensuring the participation of all relevant UN entities, including the OHCHR – an intervention that has now been secured with the latest Human Rights Council resolution on drug policy. The plea to improve inter-agency cooperation ‘as envisioned in the UN Common Position’ on drugs and to address ‘shrinking space for civil society’ was echoed by the HFHR, the International Drug Law Advocacy and Resource Centre and OSF, while the VNGOC shared its long-standing experience in coordinating and supporting civil society engagement in partnership with the New York NGO Committee on Drugs, declaring that it stood ready to play a similar role in 2024.

Informal NGO dialogues

This year, all informal NGO dialogues were held in a hybrid format to ensure the broadest civil society participation. As was the case in previous years, questions were submitted in advance via an open call coordinated by the VNGOC, allowing UN representatives to prepare their answers in advance.

Informal dialogue with representatives from OHCHR, UNAIDS, UNDP and WHO

The first Informal Dialogue of this year’s CND took place on Tuesday 14 March. In contrast to previous years, this panel extended beyond the WHO delegation to include representatives from the OHCHR, UNAIDS and the UNDP, a welcome development that brought a fresh set of UN perspectives to Vienna.⁷⁹ The WHO was represented by Jason White (Chair of the Expert Committee on Drug Dependence), Vladimir Poznyak (Coordinator of the Management of Substance Abuse unit) and Annette Verster (Technical Officer on HIV, drug use and most at risk populations). Accompanying the WHO representatives were Zaved Mahmood (OHCHR Human Rights Officer), Boyan Konstantinov (UNDP Policy Specialist, HIV & Health Group) and Christine Stegling (UNAIDS Deputy Executive Director). Although there was a feeling of frustration in the room when only half of the questions had been asked as the Dialogue came to a close, the discussion was nonetheless fruitful and shows how important these spaces are for civil society and UN

entities alike to discuss pressing issues related to drugs, health, human rights and development.



The first question directed at the WHO concerned the use of controlled substances such as ketamine for mental health treatment. Vladimir Poznyak stressed that the WHO is aware of the severe lack of funding in the mental health budgets of many countries. He acknowledged the utility of ketamine in medical procedures, but recognised that more evidence was needed on its uses for mental health. The International Center for Ethnobotanical Education, Research and Service (ICEERS) asked whether the WHO considered anthropological and epidemiological research on non-problematic or adult recreational use in their recommendations and guidelines. Jason White conceded that the UN drug conventions only require the WHO to weigh up the social and health problems of a substance versus its medical use, meaning that other information can end up somewhat ‘buried’.

Moving on to the topic of cannabis reform, the WHO representatives were asked by the Peace and Hope for Youth Development and Slum Child Foundation to ‘clear the air’ about the vote on cannabis scheduling that took place in December 2020. Jason White responded that there had been many misunderstandings about the outcomes of the vote, and that the only change made was the removal of cannabis from Schedule IV of the 1961 Single Convention, and that cannabis remains in the most restrictive category (Schedule I). Another question on cannabis came from the Turkish Green Crescent Society, which expressed concern over the ‘liberalisation of other psychoactive drugs’ resulting from the legalisation and decriminalisation of cannabis. Zaved Mahmood made it clear that, from the perspective of the OHCHR, no distinction should be made between cannabis and other drugs when it comes to the human rights argument in favour of decriminalisation.

With regards to the stigma associated with drug use among young people, Annette Verster acknowledged that stigma is a key barrier to effective care, highlighting that since 2014 the WHO issued guidelines to encourage countries to decriminalise drug use and possession in an effort to reduce stigma and discrimination against key populations. Zaved Mahmood of the OHCHR also referred to the recently published '8 March Principles for a human rights based approach to criminal law proscribing conduct associated with sex, reproduction, drug use, HIV, homelessness and poverty',⁸⁰ a legal framework produced by jurists from around the world to promote decriminalisation for activities such as drug use.

Other subjects raised included the ongoing use of the death penalty for drug offences by Virginians Against Drug Violence, where Zaved Mahmood of the OHCHR reaffirmed High Commissioner Volker Türk's CND opening statement, which called for the abolition of the death penalty for drug offences globally. He commended the INCB for having recently issued a note verbale to all Member States to abolish the practice and acknowledged that the UNODC was also addressing the issue, but made it clear that much more needed to be done by the CND.

Regarding access to healthcare for the imprisoned Ukrainian population, Christine Stegling of UNAIDS told EHRA that the country office has been working with civil society on the ground over the past year to ensure access. Nonetheless, she underscored that the situation was changing into a long-term problem and a lot more needed to be done.

Lastly, IDPC asked all agencies how the UN Task Team responsible for the implementation of the UN System Common Position on drugs planned to contribute to the mid-term review in 2024. UNDP answered first, expressing its wish that the Task Team reconvenes and evaluates the work done since 2019, especially since implementation so far has been insufficient and slow. Zaved Mahmood of the OHCHR referred to the Human Rights Council resolution on drug policy which was then being negotiated to provide a mandate for the High Commissioner to produce a new report for the 2024 review. Vladimir Poznyak emphasised that there was a clear role for the Task Team, but that the parameters for its participation had not yet been defined.

Informal dialogue with the UNODC Executive Director

The Informal Dialogue with UNODC's Executive Director, Ms. Ghada Waly, was held on Wednesday 16

March.⁸¹ As Ms. Waly could only attend part of the Dialogue, she was joined by Jean-Luc Lemahieu (Director of the Division for Policy Analysis and Public Affairs), John Brandolino (Director of the Division for Treaty Affairs) and Mirella Dummar Frahi (Chief of the UNODC Civil Society Unit).

Since Ms. Waly assumed the leadership of the UNODC, there has been considerable frustration from many civil society advocates, among them IDPC, about her lack of willingness to meaningfully engage with reform-oriented civil society, and to promote a health and human rights approach to drug policy. In this context, Ms. Waly's introductory remarks stood in stark contrast with her disinterest in engaging with reform-minded NGOs. The Executive Director explained that it was 'always a highlight to meet with civil society', stating that the UNODC 'treasure[s] the partnership with civil society' and the 'diversity of voices' which has 'contributed to the global debate', before once again being unable to spare one hour in the year to actually engage in a civil society dialogue.

When questioned by IDPC about why requests for the UNODC to make unequivocal statements in favour of human rights had been left unanswered, Mr. Brandolino answered jokingly: 'They save the best questions for me!'. Despite the UNODC's ongoing silence on many of the egregious human rights violations taking place in the name of drug control,⁸² Mr. Brandolino explained that 'human rights are a major pillar of the UN. We take it seriously... Human rights is one of the few cross-cutting issues that we put in our strategy'. To illustrate the UNODC's commitment to human rights, he mentioned the UNODC's use of a 'human rights checklist' as they initiate new programmes, as well as various initiatives on HIV/AIDS and trainings of law enforcement which have 'multiple human rights components'. Addressing IDPC's specific query, Mr. Brandolino justified the fact that they 'might not have international human rights messages going out' by explaining that 'a lot of work is done on an advocacy basis... by working with governments to try to give them a safe space to talk'.

On this, various NGOs asked how the UNODC was working with Member States to protect human rights in drug policy. Mr. Brandolino referred to the entirety of the UNODC's work on drugs and crime, mentioning their programme on alternatives to incarceration through trainings for Member States on international norms and standards, capacity building with the police, and their work in the area of prevention and treatment.

Mr. Brandolino did raise specific concerns over extrajudicial killings, explaining that they had released guidance for law enforcement, as well as their support to the UN Secretary General on the need to abolish the death penalty.

Decriminalisation is another topic on which the UNODC has been particularly weak under Ms. Waly's leadership, and which came up in various points during the dialogue. Ms. Waly described several ways in which the UNODC has engaged with civil society on decriminalisation, but explained that the AIDS agenda had been greatly affected by the COVID-19 pandemic, with HIV/AIDS no longer being considered as a priority by governments. Mr. Lemahieu then pointed to various international guidance documents, indicating that 'imprisonment should be the last resort'. He mentioned informal technical consultations and pilot projects in African countries, as well as a mapping of how countries use punitive measures against people who use. Interestingly, Mr. Lemahieu's answer did not mention the word 'decriminalisation' once.

Responding to a question from the HFHR on the UNODC's efforts to promote harm reduction interventions, Mr. Lemahieu mentioned high-level meetings held in Africa, as well as technical support to design 'effective legislation and policies relating to harm reduction' and to 'reduce stigma and discrimination and promote human rights and evidence-based policies relating to drug use and HIV'. He also explained that OST had been rolled out in countries like Egypt, Pakistan, Tajikistan and Uganda. 'It's more than advocacy and policy,' he concluded, 'it's about making it concrete.'

On legal regulation, the Veterans Action Council enquired about the UNODC's work in monitoring and studying moves to legally regulate certain drugs. Mr. Lemahieu skilfully bypassed the question by concluding that the international drug control system was 'not a system of prohibition... It is a system of public health'. But when Transform asked whether the UNODC would support Member States with technical guidance on legal regulation, Mr. Brandolino was more candid in his answer, acknowledging that his response 'may seem like a cop out answer'. He explained that the global drug control regime they are working under is built solely upon allowing medical and scientific uses of drugs, and this is the mandate they must abide by. As such, he concluded, the UNODC does not have a mandate to provide 'guidance or assistance to those who are using or promoting the use of drugs for non-medical or scientific use'.



Informal NGO dialogue with the UNODC Executive Director.
Credit: IDPC

Informal dialogue with the CND Chair

The Informal Dialogue with CND Chair, Ambassador H.E. Miguel Camilo Ruiz Blanco of Colombia was held on Thursday 16 March.⁸³ The dialogue was moderated by Matej Kosir, from the VNGOC. Joining them on the panel was Jo Dedeyne-Amann, Chief of the Secretariat to the Governing Bodies of the UNODC.

Participation and accessibility of civil society at the CND were core themes throughout the Dialogue. Various NGOs, including IDPC, asked how the Commission would ensure the meaningful engagement of civil society in the 2024 mid-term review and beyond. The Ambassador's responses seemed to show genuine appreciation for the role of civil society, commenting that 'drug policy is too important to leave it only to the governments', and that civil society organisations have an important obligation 'to say things that governments do not want to hear'. The Chair made assurances that ECOSOC-accredited NGOs are expected participate in the formal CND meetings. For those without ECOSOC accreditation, the CSFD enquired how they will be able to participate, particularly those who are unable to travel to Vienna. Again, reiterating the importance of 'meaningful' inclusion of civil society, the Ambassador highlighted the efforts made to facilitate video messages and remote live participation, including via UN Web TV. Jamie Bridge (VNGOC Chair and IDPC) highlighted that elsewhere in the UN, processes allow civil society to submit shadow reports, which could be an option for the UNODC to collect inputs for the deliberations set to take place in the autumn, to which the Ambassador replied it was 'something to think about'.

Turning to youth involvement, SSDP asked the Ambassador to comment on opportunities for engagement between the Commission, the Youth Forum and youth-led civil society more broadly (for more information on youth engagement at the CND, see Box 6). The Ambassador showed a great deal of enthusiasm for the ‘ideas, visions and perspectives’ of young people, referring to the speech given by

the Youth Forum in the Plenary the day prior to the Dialogue as ‘the best possible defence I have ever heard to the fight against drugs, which is prevention’. The Ambassador went on to acknowledge the futility of wasting billions trying to curb drug supply and instead encouraged youth-led civil society to focus on prevention as the crux of their arguments going forward.



Informal NGO dialogue with the CND Chair. Credit: CND_Tweets

Box 6. Youth involvement at the 66th session of the CND

Youth involvement at the CND has greatly improved over the years. This year’s CND saw a growing number of Member States, including Canada meaningfully involving young people in their delegations. Another positive aspect of this session was the record-high number of youth-related side events. Less positive, however, was the fact that only a few of these events featured young people as speakers or were run by youth organisations. Even more problematic is the fact that, as the programme for the CND was released, five youth-related side events had been scheduled at the same time, on the Friday morning. This less-than-ideal situation meant that the youth voice, already struggling to be as visible as it should be, was being sidelined. While the final programme of the CND was reviewed to avoid some of the most problematic clashes, various youth-led side events, in particular those that included youth speakers, were relegated to the final day of the session.

Another issue with youth participation at the CND is the ongoing overreliance on the Youth Forum as the main avenue for bringing the youth voices to the debates. The Youth Forum has long been criticised for the opaque

ways in which its members are nominated (by Member States), and its primary focus on prevention, to the detriment of harm reduction. In practice, this means that the Youth Forum is often disconnected from other existing efforts led by young people at the CND. Interestingly, the CND was an opportunity for the VNGOC to launch the Youth Working Group, bringing together young people from all sides of the drug policy spectrum to draft a common position for youth-led drug policy organisations. This initiative will hopefully contribute to bringing more balance and visibility to the diverse views of young people at the CND.



The Youth Forum at the 66th session of the CND. Credit: CND_Tweets

Moving on to other topics, Virginians Against Drug Violence asked how to improve cohesion between UN processes in Geneva and Vienna. The Ambassador highlighted existing partnerships between the Commission and organisations such as the WHO and the OHCHR and pointed to the fact that many Geneva-based organisations hosted side events at the CND. Movendi International (Sweden) raised concerns over the ‘addiction-for-profit’ industry, to which the Ambassador emphasised the diversity of views on this issue and the importance of a scientific evidence-based approach.

With some time remaining after the pre-submitted questions had been answered, Jamie Bridge asked whether the CND planned to implement another work plan of intersessionals involving civil society from 2024-2029. The Ambassador paused and laughed, before replying: ‘Not yet, but if we are smart there will be.’

Informal dialogue with the INCB President

The final informal dialogue of this year’s CND, also held on Thursday 16 March with the INCB President, then Ms. Jagjit Pavadia, was dominated by questions about the legal regulation of cannabis. Questions were asked by the International Federation of Social Workers and Europe Against Drugs about the INCB’s position on the emergence of regulated legal cannabis markets around the world. Ms. Pavadia referred to the Board’s Annual Report for 2022⁸⁴ which highlights that, in the 1961 Single Convention, countries have committed to prohibiting substances except for scientific and medical purposes. She underscored how such permission carries consequences for public health, including increased use among youth, decreased perceptions of health, increased potency and new means of ingestion such as edibles and vaping designed to appeal to youth. However, Ms. Pavadia did note that the Board acknowledges the disproportionate criminalisation of minority groups, and recommended that States apply alternative measures to conviction for offences of less gravity, such as drug use.

On the tensions between legal regulation and the drug control treaties, Abogado en Bufete HH asked what sanctions the INCB could impose on countries that have legalised the use of recreational cannabis. Ms. Pavadia replied that the Board can request a confidential dialogue with those countries (under article 14 of the 1961 Single Convention and article 19 of the 1971 Convention), which may result in recommendations for action submitted to the ECOSOC and the CND, for instance for embargoes on controlled substances.⁸⁵

Fields of Green for ALL and FAAAT then enquired about the handling of data reported by State Parties on the amount of cannabis for non-medical or non-scientific purposes traded in their legal industry. The President clarified that countries are required to report licit production for medical and scientific purposes but there are some exceptions in relation to cannabis where this will not apply to the use of the cannabis plant for industrial processes, such as in horticulture. Substances with THC or CBD nonetheless need to be reported, she continued, because although ‘some member states feel that CBD is not controlled by the conventions, we feel that CBD is an extract of the cannabis plant’. This is a worrying position considering that the WHO ECDD concluded in December 2020 that CBD was indeed not considered to be internationally controlled.⁸⁶ Nonetheless, the INCB President concluded that ‘until these issues are thrashed out, this is a grey area’.

On the issue of corporate capture of newly regulated markets for cannabis, Movendi International asked how the INCB could use the mandate and power of the Conventions to protect countries’ policy-making process from interference by the alcohol, tobacco and cannabis industries. The President explained that while they are monitoring the situation very carefully, the Board can only make recommendations to Member States not to proceed in the direction of legalisation – an unsurprising but disappointing answer at a time where countries worldwide may benefit from evidence-based guidance and directions on how to avoid, or at the very least reduce the risks of corporate capture in legally regulated markets.

Youth RISE then referred to reforms aimed at expunging criminal records – a positive step being increasingly considered within both decriminalised and regulated markets – asking whether the Board was planning to support or provide guidance on these initiatives to better support young people living with criminal records. Again, the President replied that the INCB continuously encourages States to consider adopting a non-punitive response to minor drug-related offences including for possession for personal use – but without saying whether it would encourage Member States to opt for the expungement of criminal records.

Moving on to another key issue, that of the INCB’s engagement with civil society, the Sudanese Green Crescent Society asked how NGOs could share their insights with the INCB so that the Board could better understand the situation in their countries. Ms. Pavadia referred to a variety of mechanisms to facilitate interaction with civil society groups, including these informal dialogues or INCB country missions. In relation to those, IDPC, the CSFD, and OSF asked how the

INCB decided which NGOs and community-based organisations to meet during its country visits, and specifically, which NGOs it did meet during its latest visit to the USA. The President said that the VNGOC would give them a list of NGOs working in the country, and the Board would then select two to three NGOs to meet during the mission depending on their programme, time and availability. She said that they could not divulge the names of the NGOs they met for their own safety and security.

Finally, ICEERS asked about the recognition of the coca leaf as a cultural heritage, since many people from the Andes who live in other countries wish to use coca as an expression of their culture and social

practices. Ms. Pavadia referred to a booklet released by the INCB regarding what travellers should have on them in relation to controlled substances,⁸⁷ but explained that this may not apply to coca in this context as the guidelines only focus on ‘travellers under treatment’. She stated that the traditional use of coca is not permitted under the conventions, with Bolivia being an exception after it withdrew from the 1961 Single Convention with a reservation on the coca leaf to allow both cultural and medicinal use. With Bolivia’s move to call for a review of the coca leaf by the ECDD, it is the hope of many civil society colleagues that the ongoing tensions between the drug conventions and the right to use the plant for traditional purposes may finally come to an end.

Box 6. Side events: Wide ranging and ever expanding

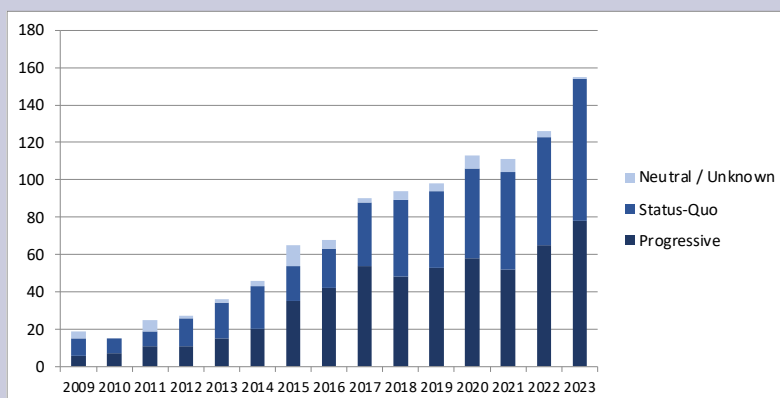
This year’s CND saw the largest number of side events ever recorded, with 155 taking place throughout the week either in person, virtually or in hybrid format.⁸⁸ As always, these events covered a wide range of topics, from harm reduction to the death penalty, legal regulation, the importance of civil society engagement and measures to reduce stigma, including towards women, gender-non-conforming communities and youth. As always, some events also dealt with more conservative themes such as drug prevention and recovery, or measures to tackle organised crime, drugs and arms trafficking.

Positively, human rights took centre-stage in many side events. For instance, in a tiny but packed room, IDPC invited a member of the Committee on Economic, Social and Cultural Rights to discuss their upcoming General Com-

ment on drug policy. The event also featured speakers from Colombia, Indonesia, Norway and the USA who explained how punitive drug control had impacted the right to life, to health, to food security and housing, among many other human rights issues.⁸⁹

Other notable events included one hosted by Bolivia and Colombia on the coca leaf,⁹⁰ and one led by civil society organisations on the importance of aligning drug policies with the protection of the environment⁹¹ – a key issue that remains largely ignored in the main CND proceedings. Yet another powerful event focused on the humanitarian crisis resulting from the Russian war in Ukraine, which showcased how civil society were working creatively to provide life-saving services for people who use drugs in Ukraine and neighbouring countries.⁹²

Figure 2. Number of side events organised at the CND, 2009 to 2023⁹³



For more information on which resolutions are defined as ‘progressive’, ‘status quo’ and ‘neutral / unknown’, please see endnote 93.

Conclusions

Looking back at this year's CND debates, it can be compellingly argued that the CND is becoming increasingly disconnected, both from the realities on the ground, and from the rest of the UN system. It was certainly positive to see a small but vocal number of Member States criticising the current regime, and the session also benefited from strong and unprecedented contributions from UN human rights experts, among them the UN High Commissioner for Human Rights and a member of the Committee on Economic, Social and Cultural Rights. The protection of the rights of Indigenous Peoples was, for the first time in the history of the CND, at the forefront of the debates both in the Plenary session in relation to the coca leaf, and at the CoW regarding the alternative development resolution.

And yet, the 66th session of the CND clearly failed to meet the challenge set out by Ambassador Ruiz Blanco at the opening of the Plenary: to release itself from the 'inertia of the past' and look to the future. Instead, the voices calling for change were rebutted by others expressing loud and clear their dissatisfaction over the moves towards 'drug liberalisation', decriminalisation and legal regulation, and refusing any reconsideration of the existing global drug control framework.

Such clashes and contradictions are becoming increasingly more difficult to reconcile for a UN body that continues to cling onto the fallacy of the 'Vienna consensus' on drugs. This was particularly noticeable during the negotiations of the resolutions, where even the most technical documents and previously agreed CND paragraphs were subjected to lengthy discussions and were considerably watered-down whenever any form of progress on human rights could have been made. Working through consensus in this way allows single Member States, or small groups, to dig in, block, obfuscate and veto – making progress far more difficult and unproductive at the CND than it has proved to be in other UN forums.

As has often been the case in past CND sessions, some of the most powerful interventions came from civil society and community advocates. Taking the floor at the Plenary or at the many side

events that took place throughout the week, many NGOs denounced the blatant abuses committed in the name of drug control globally, and called for much-needed reforms to respond to the realities faced by communities on the ground. But despite the critical role played by civil society in holding the UN accountable for its failed policies, in bringing the lived experiences of affected communities, and in providing a wide range of pragmatic responses to the so-called 'world drug problem', the negotiations over the modalities resolution have shown how fragile civil society space remains at the CND.

Interestingly, other parts of the UN system now seem to be taking the lead in promoting a rights-based approach to drug policy. Following the mandate set out in the UN System Common Position, and in anticipation of the 2024 mid-term review, both the UN General Assembly in New York and the Human Rights Council in Geneva have adopted unprecedented language on issues such as harm reduction, racial discrimination and the rights of Indigenous Peoples – through an unprecedented (and overwhelmingly won) vote in the case of the General Assembly. Meanwhile, the CND is lagging behind in endorsing similar positions. One thing is certain as the UN drug control treaties face increasing pressure from their inability to protect health and human rights, and from reform initiatives focusing on legal regulation. If the CND wishes to remain the UN body with 'prime responsibility' on drug policy, it must take the opportunity granted by next year's mid-term review to move beyond inertia and align with other more progressive areas of the UN. Failing to do so will lead both the CND and the current drug control treaties to continue their current trajectory towards irrelevance.

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Endnotes

1. The intervention can be found here: <https://media.un.org/en/asset/k1c/k1cvjg8wd7>, minute 34
2. Reuters (20 September 2022), 'Colombia's Petro calls on Latin America to unite against war on drugs', <https://www.reuters.com/world/americas/colombias-petro-calls-latin-america-unite-against-war-drugs-2022-09-20/>
3. Fordham, A. (December 2022), "'Drug-free world" no more! Historic resolution at the UN spells end of consensus on drugs', *IDPC Blog*, <https://idpc.net/blog/2022/12/drug-free-world-no-more-historic-resolution-at-the-un-spells-end-of-consensus-on-drugs>
4. Fordham, A. & Cots Fernandez, A. (April 2023), 'Harm reduction, racial justice, Indigenous Peoples' rights: UN Human Rights Council breaks new ground on drug policy', *IDPC Blog*, <https://idpc.net/blog/2023/04/harm-reduction-racial-justice-indigenous-peoples-rights-un-human-rights-council-breaks-new>
5. Previous editions are available here: <https://idpc.net/publications/2022/07/the-65th-session-of-the-commission-on-narcotic-drugs-report-of-proceedings>
6. <https://cndblog.org/>
7. International Drug Policy Consortium (July 2022), *The 65th session of the Commission on Narcotic Drugs: Report of proceedings*, <https://idpc.net/publications/2022/07/the-65th-session-of-the-commission-on-narcotic-drugs-report-of-proceedings>
8. International Drug Policy Consortium (July 2020), *The 2020 Commission on Narcotic Drugs – Report of proceedings*, <https://idpc.net/publications/2020/07/the-2020-commission-on-narcotic-drugs-report-of-proceedings>, p. 2
9. A recording of the statement is available here: <https://youtu.be/TrluTYh0-js>
10. All quotes from the opening segment can be found at: <https://cndblog.org/2023/03/plenary-items-1-2-3-opening-of-the-66th-session-of-the-commission-on-narcotic-drugs/>
11. Video recording of the statement available here: https://www.youtube.com/watch?v=TrluTYh0-js&ab_channel=SecretariattotheGoverningBodiesUNODC
12. See: Human Rights Council (April 2023), *Resolution 52/24. Contribution of the Human Rights Council with regard to the human rights implications of drug policy*, A/HRC/RES/52/24, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F52%2F24&Language=E&DeviceType=Desktop&LangRequested=False>
13. More information on the coca leaf can be found here: <https://www.tni.org/en/publication/coca-leaf-myths-and-reality>
14. Translational Institute (5 August 2014), *Coca leaf: Myths and reality – A beginner's guide to coca*, <https://www.unodc.org/unodc/en/frontpage/2013/January/bolivia-to-re-accede-to-un-drug-convention-while-making-exception-on-coca-leaf-chewing.html>
15. Statement available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_66/Item_3_-_Bolivia.pdf
16. For more detailed information, see: Sanchez, C. & Bouso, J.C. (December 2015), *Ayahuasca: From the Amazon to the Global Village, Drug policy briefing 43* (International Center for Ethnobotanical Education Research & Service & Transnational Institute), https://www.tni.org/files/publication-downloads/dpb_43_eng_web_19122015.pdf. For more details on the legal arguments and relevant quotes from the Commentary and INCB, as well as the legal opinion used in the USA in favour of ayahuasca use by Indigenous Peoples, see: https://www.iceers.org/Documents_ICEERS_site/Reports/UDV/Hoasca_1971_Convention-Legal_Brief.pdf
17. For the case of ayahuasca, see: <https://www.iceers.org/adf/country-by-country-legal-status-map/>,
18. You can find the UN Declaration on the rights of Indigenous Peoples here: https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP_E_web.pdf
19. See: UN General Assembly (January 2023), *Resolution 77.238. Addressing and countering the world drug problem through a comprehensive, integrated and balanced approach*, A/RES/77/238, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F77%2F238&Language=E&DeviceType=Desktop&LangRequested=False>
20. See: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>
21. <https://www.humanrights-drugpolicy.org/>, section 4.3.
22. Statement available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_66/Item_3_-_Colombia.pdf
23. Full intervention can be found here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_66/Item_3_-_Czechia.pdf
24. Statement available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_66/Item_3_-_Mexico.pdf
25. International Narcotics Control Board (2023), *International Narcotics Control Board Report 2022*, https://www.incb.org/documents/Publications/AnnualReports/AR2022/Annual_Report/E_INCB_2022_1_eng.pdf
26. International Drug Policy Consortium & Global Drug Policy Observatory (July 2023), *The INCB Report for 2022, regulated cannabis markets and international legal tensions: A missed opportunity*, [https://idpc.net/fr/publications/idpc;Blickman,T.,Jelsma,M.,Walsh,J.&Bewley-Taylor,D.\(17March2023\),Willfulblindness:INCBcanfindnothinggoodtosayoncannabislegalization\(WashingtonOfficeonLatinAmerica&TransnationalInstitute\),https://www.wola.org/analysis/incb-willful-blindness-cannabis/](https://idpc.net/fr/publications/idpc;Blickman,T.,Jelsma,M.,Walsh,J.&Bewley-Taylor,D.(17March2023),Willfulblindness:INCBcanfindnothinggoodtosayoncannabislegalization(WashingtonOfficeonLatinAmerica&TransnationalInstitute),https://www.wola.org/analysis/incb-willful-blindness-cannabis/)
27. <https://cndblog.org/2023/03/item-5a-implementation-of-the-international-drug-control-treaties/>
28. <https://cndblog.org/2023/03/item-5a-implementation-of-the-international-drug-control-treaties/>
29. See for instance statement under Item 5(c), <https://cndblog.org/2023/03/item-5a-implementation-of-the-international-drug-control-treaties/>
30. Statement available here: https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_66/Item_3_-_Thailand.pdf

31. National Institute on Drug Abuse, *Drug overdose death rates*, <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates> [accessed: 17 July 2023]
32. US Department of State (7 July 2023), *Ministerial declaration on accelerating and strengthening the global response to synthetic drugs*, <https://www.state.gov/ministerial-declaration-on-accelerating-and-strengthening-the-global-response-to-synthetic-drugs/#:~:text=We%20hereby%20establish%20a%20Global,and%20effective%20actions%20at%20the>
33. 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>
34. A detailed analysis of these developments can be found here: International Drug Policy Consortium (July 2022), *The 65th session of the Commission on Narcotic Drugs – Report of proceedings*, <https://idpc.net/publications/2022/07/the-65th-session-of-the-commission-on-narcotic-drugs-report-of-proceedings>
35. For a more detailed analysis, please see: Fordham, A. (December 2022), "Drug-free world" no more! Historic resolution at the UN spells end of consensus on drugs', *IDPC Blog*, <https://idpc.net/blog/2022/12/drug-free-world-no-more-historic-resolution-at-the-un-spells-end-of-consensus-on-drugs>
36. UN General Assembly (January 2023), *Resolution 77.238. Addressing and countering the world drug problem through a comprehensive, integrated and balanced approach*, A/RES/77/238, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F77%2F238&Language=E&DeviceType=Desktop&LangRequested=False>
37. See minute 32:00 of the debate recording: <http://bit.ly/3W2Rwsz>
38. A total of 124 Member States voted in favour of the resolution, 9 voted against, and there were 45 abstentions.
39. See: Cots Fernandez, A. & Nougier, M. (December 2022), *Converging universes: 20 years of human rights and drug policy at the United Nations*, p. 21, <https://idpc.net/publications/2022/12/converging-universes-20-years-of-human-rights-and-drug-policy-at-the-united-nations>
40. See: <https://cndblog.org/2023/03/item-9-contributions-by-the-commission-to-the-work-of-the-economic-and-social-council-in-line-with-general-assembly-resolutions-75-290-a-and-75-290-b-including-follow-up-to-and-review-and-implement/>
41. <https://cndblog.org/2023/03/item-5a-implementation-of-the-international-drug-control-treaties/>
42. <https://www.ohchr.org/en/news/2022/10/committee-economic-social-and-cultural-rights-concludes-seventh-second-session-after>
43. <https://cndblog.org/2023/03/plenary-items-1-2-3-opening-of-the-66th-session-of-the-commission-on-narcotic-drugs/>
44. Ibid.
45. See discussion in: International Drug Policy Consortium & Global Drug Policy Observatory (July 2023), *The INCB Report for 2022, regulated cannabis markets and international legal tensions: A missed opportunity*, <https://idpc.net/fr/publications/idpc>
46. 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/press/2021/12/on-international-human-rights-day-un-drugs-body-silences-un-human-rights-expert-on-ground-breaking-report>
47. For a more detailed analysis, see: International Drug Policy Consortium (April 2023), *Human Rights Council resolution 'Contribution of the Human Rights Council with regard to the human rights implications of drug policy': Analysis and implications*, <https://idpc.net/publications/2023/04/human-rights-council-resolution-contribution-of-the-human-rights-council-with-regard-to-the>
48. Human Rights Council (April 2023), *Resolution 52/24. Contribution of the Human Rights Council with regard to the human rights implications of drug policy*, A/HRC/RES/52/24, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHR-C%2FRES%2F52%2F24&Language=E&DeviceType=Desktop&LangRequested=False>
49. Available here: https://www.unodc.org/documents/commissions/CND/2019/Ministerial_Declaration.pdf
50. International Drug Policy Consortium (October 2022), *Preparations for an inclusive and meaningful mid-term review of the 2019 Ministerial Declaration*, <https://idpc.net/publications/2022/10/preparations-for-an-inclusive-and-meaningful-mid-term-review-of-the-2019-ministerial-declaration>
51. Commission on Narcotic Drugs (2019), *Multiyear Workplan 2019-2023: Implementation of all our international drug policy commitments, following up to the 2019 ministerial declaration "Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of our Joint Commitments to Address and Counter the World Drug Problem"*, https://www.unodc.org/documents/commissions/CND/2019/Follow-up_to_2019_Ministerial_Declaration/In-teressional_Meetings/CND_Workplan_2019-2023.pdf
52. Commission on Narcotic Drugs (2023), *Preparations for the midterm review to be held during the sixty-seventh session of the Commission on Narcotic Drugs, in 2024*, E/CN.7/2023/L.2/Rev.1, <https://undocs.org/Home/Mobile?FinalSymbol=E%2FCN.7%2F2023%2FL.2%2FRev.1&Language=E&DeviceType=Desktop&LangRequested=False>
53. The full speech is available here: <https://youtu.be/TrluTYh0-js>
54. A summary of the discussions on agenda item 10 is available here: CND Blog (17 March 2023), *Plenary Item 10. Preparations for the mid-term review, to be held in 2024, of progress made in implementing all international drug policy commitments, as reflected in the Ministerial Declaration of 2019, to address and counter the world drug problem*, <https://cndblog.org/2023/03/plenary-item-10-preparations-for-the-mid-term-review-to-be-held-in-2024-of-progress-made-in-implementing-all-international-drug-policy-commitments-as-reflected-in-the-ministerial-declaration-of-20/>
55. Please note that in 2022, although four resolutions were eventually adopted, six had originally been tabled, but the those proposed by Russia and Australia were withdrawn and deferred
56. Please note that 'progressive' resolutions generally relate to issues related to access to harm reduction, treatment and other health services, access to controlled medicines,

alternative development, civil society participation, alternatives to conviction and punishment, and women. 'Conservative' resolutions generally relate to issues such as organised crime, supply reduction, prevention and scheduling. 'Neutral' resolutions tend to focus on data collection and information sharing, the budget for UNDP or the UNODC, cooperation with the scientific community, and modalities resolutions for high-level events. The raw database/analysis is available here: <https://www.dropbox.com/s/o6rjf3006ss79gt/Analysis%20of%20CND%20resolutions%202010-2023.xlsx?dl=0>

57. See: Commission on Narcotic Drugs (18 December 2013), *Organization of the high-level segment of the fifty-seventh session of the Commission on Narcotic Drugs, Note by the Secretariat*, <https://undocs.org/Home/Mobile?FinalSymbol=E%2FCN.7%2F2014%2F13&Language=E&DeviceType=Desktop&LangRequested=False>

58. Commission on Narcotic Drugs (2018), *Resolution 61/10. Preparations for the ministerial segment to be held during the sixty-second session of the Commission on Narcotic Drugs, in 2019*, https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_61/CND_res2018/CND_Resolution_61_10.pdf

59. <https://digitallibrary.un.org/record/50230?ln=en>

60. Global Initiative Against Transnational Organized Crime (2022), *UN civil society: Addressing the diminishing space for civil society in UN policymaking bodies on transnational crime*, <https://globalinitiative.net/analysis/un-civil-society-un-toc-cop-11/>

61. The Civil Society Task Force had originally been established in the lead up to the 2016 UNGASS as a joint initiative of the VNGOC and the NYNGOC as part of an effort to ensure broad and diverse civil society engagement in the process. It was then revived and updated for the 2019 Ministerial Segment

62. Vienna NGO Committee on Drugs & New York NGO Committee on Drugs (2019), *Evaluation and final report – Civil society Task Force 2018-2019*, <https://vngoc.org/wp-content/uploads/2020/04/CSTF-Evaluation-Report-2019-FINAL.pdf>

63. See: https://www.unodc.org/unodc/en/commissions/CND/session/66_Session_2023/thematic-sessions.html

64. Commission on Narcotic Drugs (2023), *Resolution 66/2. Safe handling and disposal of synthetic drugs, their precursors and other chemicals used in the illicit manufacture of drugs*, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2023/Res_66_2_2305857E.pdf

65. International Drug Policy Consortium (2022), *The 65th session of the Commission on Narcotic Drugs: Report of proceedings*, p. 14, <https://idpc.net/publications/2022/07/the-65th-session-of-the-commission-on-narcotic-drugs-report-of-proceedings>

66. SDG 12 Hub, 2023. *Target 12.4: Chemicals and Waste Management*. Available from: <https://sdg12hub.org/sdg-12-hub/see-progress-on-sdg-12-by-target/124-chemicals-waste-management>

67. Commission on Narcotic Drugs (2023), *Resolution 66/3. Strengthening information-sharing to increase scientific evidence-based support for international scheduling and the effective implementation of scheduling decisions*, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2023/Res_66_3_2305857E.pdf

68. Commission on Narcotic Drugs (2022), *Resolution 65/1. Promoting alternative development as a development-oriented drug control strategy, taking into account measures to protect the environment*, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2022/Res_65_1.pdf

69. The full list of co-sponsors includes Albania, Angola, Bolivia, Brazil, Ivory Coast, Ecuador, El Salvador, EU member states (27), Guatemala, Honduras, Japan, Mexico, Nigeria, Norway, Paraguay, Peru, Singapore and Thailand

70. UN General Assembly (December 2022), *Resolution 77/238. Addressing and countering the world drug problem through a comprehensive, integrated and balanced approach*, <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F77%2F238&Language=E&DeviceType=Desktop&LangRequested=False>

71. A recording of the webinar is available here: <https://idpc.net/events/2023/02/cnd-66-key-issues-and-opportunities>

72. www.cndblog.org

73. www.cndapp.org

74. <https://vngoc.org/in-memorium/>

75. <https://www.youtube.com/watch?v=Kcb2PML4yek>

76. <https://media.un.org/en/webtv>

77. Commission on Narcotic Drugs (2022), *Resolution 65/4. Promoting comprehensive and scientific evidence-based early prevention*, https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2020-2029/2022/Res_65_4.pdf

78. International Drug Policy Consortium (July 2022), *The 65th session of the Commission on Narcotic Drugs: Report of proceedings*, <https://idpc.net/publications/2022/07/the-65th-session-of-the-commission-on-narcotic-drugs-report-of-proceedings>

79. A summary and the recording of the Dialogue is available here: CND Blog (14 March 2023), *Informal civil society dialogue with OHCHR, UNAIDS, UNDP & WHO*, <https://cndblog.org/2023/03/informal-civil-society-dialogue-with-ohchr-unaid-undp-who/>

80. Available here: International Commission of Jurists (March 2023), *The 8 March Principles for a human rights-based approach to criminal law proscribing conduct associated with sex, reproduction, drug use, HIV, homelessness and poverty*, <https://icj2.wpenginepowered.com/wp-content/uploads/2023/03/8-MARCH-Principles-FINAL-printer-version-1-MARCH-2023.pdf>

81. A summary of the Dialogue is available here: CND Blog (15 March 2023), *Informal civil society dialogue with the UNODC Executive Director*, <https://cndblog.org/2023/03/informal-civil-society-dialogue-with-unodc-executive-director/>

82. See, for instance: Fordham, A. (27 June 2022), 'World Drug Day 2022: Ending the war on drugs is an urgent historic responsibility', *IDPC Blog*, <https://idpc.net/blog/2022/06/world-drug-day-2022-ending-the-war-on-drugs-is-an-urgent-historic-responsibility>

83. A summary and the recording of the Dialogue is available here: CND Blog (16 March 2023), *Informal civil society dialogue with the CND Chair*, <https://cndblog.org/2023/03/informal-civil-society-dialogue-with-the-cnd-chair/>

84. Available here: International Narcotics Control Board

(2023), *Report of the International Narcotics Control Board for 2022*, https://www.incb.org/documents/Publications/AnnualReports/AR2022/Annual_Report/E_INCB_2022_1_eng.pdf

85. For more information on this, please refer to: International Drug Policy Consortium & Global Drug Policy Observatory (January 2023), *The spectre of article 14: The INCB Report for 2021, regulated cannabis markets and the Board's potential enforcement measures*, <https://idpc.net/publications/2023/01/the-spectre-of-article-14-the-incb-report-for-2021-regulated-cannabis-markets-and-the-board-s>

86. In the words of the ECDD: 'The purpose of the pre-review was to determine whether current information justifies a critical review by the Expert Committee of information that may justify the scheduling or a change in the scheduling of the substance in the 1961 or 1971 Conventions. As CBD is not currently a scheduled substance in its own right (only as a component of cannabis extracts), current information does not justify a change in this scheduling status nor does it justify scheduling of the substance'. See: WHO Expert Committee on Drug Dependence (2018), *WHO Expert Committee on Drug Dependence thirty-ninth report*, <https://ecddrepository.org/sites/default/files/2023-01/9789241210188-eng.pdf>

87. Available here: United Nations Office on Drugs and Crime (2003), *Guidelines for national regulations concerning travellers under treatment with internationally controlled drugs*, https://www.incb.org/documents/Psychotropics/guidelines/travel-regulations/Intl_guidelines_travell_study/12-57111_ENG_Ebook.pdf

88. https://www.unodc.org/unodc/en/commissions/cnd_side_events_summary.html

89. A recording of the side event is available here: <https://www.youtube.com/watch?v=nKRLVtdBJXA&t=7s>

90. A summary of the side event is available here: CND Blog (14 March 2023), *Side event: The coca leaf and United Nations drug control: Repairing a historical mistake*, <https://cndblog.org/2023/03/side-event-the-coca-leaf-and-united-nations-drug-control-repairing-a-historical-mistake/>

91. A recording of the side event is available here: <https://www.youtube.com/watch?v=vH-KQzu34nY>

92. A recording of the side event is available here: <https://www.youtube.com/watch?v=gbvaVWnD72U>

93. Please note that 'progressive' side events generally relate to issues related to access to harm reduction, treatment and other health services, access to controlled medicines, alternative development, civil society participation, decriminalisation, legal regulation and women, and from governments or NGOs known to have a health and human rights approach to drugs. 'Status quo' side events generally relate to issues such as organised crime, supply reduction, prevention, and scheduling, as well as anti-legal regulation or decriminalisation, and from governments or NGOs known to be anti-reform and pro-prohibition. 'Neutral' side events tend to focus on data collection and information sharing, or from a stance that is difficult to assess

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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.

This report analyses of the main proceedings of the session, identifying the key themes and their relevance to international drug policy debates. It will look closely at the interactions and statements delivered at the Plenary of the CND, before moving to the painful and protracted negotiations that led to the adoption of four resolutions. It will also describe the side events, informal dialogues, and other dynamics that completed the 66th session.