

UNGASS NEWS

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UNGASS NEWS

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

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THE UNGASS REVIEW PROCESS

The UN General Assembly's 20th Special Session on the World Drug Problem met in 1998, setting objectives centred on the achievement of significant and measurable reductions in the supply of and demand for illicit drugs over the ensuing 10 year period. The 2008 CND in Vienna began the process of reviewing the progress made toward these objectives, and will be followed by a period of reflection and analysis prior to deciding the future direction of the international drug control system.

The delegates to the 2008 CND confirmed that a 2 day, high-level, political meeting will be held in March 2009 in Vienna, which will agree the framework for the next phase of UN drug policy. The material and reports to be considered at that meeting will be generated through five intergovernmental working groups meeting between June and September 2008, and present draft texts for consideration by governments. These working groups are, respectively, covering Supply Reduction, Money Laundering, Crop Eradication & Alternative Development, Demand Reduction and Precursors & Amphetamine-Type Stimulants. The draft texts from the working groups will then be debated by member states in a series of 'intersessional' meetings (the first is scheduled for September 29th), and a prepared set of texts presented to the high-level meeting in March 2009.

VIENNA NGO COMMITTEE- THE BEYOND 2008 GLOBAL FORUM

The second week in July saw over 300 NGO delegates, from all regions of the world, meet in Vienna. The goal of the "Beyond 2008" event, a partnership between the UNODC and the Vienna Non Governmental Organizations Committee on Narcotic Drugs (VNGOC), was to develop a set of NGO-derived consensus documents for the CND to take into consideration as part of the preparations for its 2009 High Level Segment to review the UNGASS process. After three days of intensive and sometimes heated debate within the Vienna International Centre, the forum successfully produced a Declaration and three associated resolutions. The event was of significance not only because of its unprecedented nature; it also provided the only official mechanism by which civil society can directly contribute to the UNGASS review next year. In-depth discussions of the event can be found on the websites and blogs of some of those NGOs involved in the process

<http://www.ungassondrugs.org/>

<http://www.ihrablog.net/>

<http://blog.aclu.org/>

Here we outline the key points of discussion, provide a taste of some the debates and issues and highlight the notable aspects of the declaration.

During the forum the following issues dominated the proceedings:

- Harm Reduction
- Human Rights
- Fitness for Purpose of the UN Conventions
- Engagement of Drug Users and Other Affected Populations in Drug Policy Analysis
- The Need for a 'Copernican Revolution' i.e. Evidence-Based Drug Policy
- Unintended Negative Consequences of the War on Drugs
- A Special Status for Coca Leaf
- Drug Use as a Health Issue
- Distinctions between Drug Use, Misuse, and Abuse
- NGO Potential to Contribute to Drug Policy
- The Shortfall in Medical and Therapeutic Opiates
- Cost Effectiveness
- A Special Status for Cannabis
- Mechanisms for Reviewing Drug Policy

Somewhat worryingly, the event began in a far from promising fashion. During the first day of the forum various aspects of the procedure were immediately questioned. Of particular concern to some delegations was the process of reviewing the draft declaration word by word—a procedure borrowed from the CND sessions. There were concerns such a procedure left the process open to filibustering—a claim that was justified during the later phases of the debate. However, as Michel Perron, chair of the Beyond 2008 Steering Committee, reminded delegates, the CND was the target audience, and if CND processes were followed the outcome of the forum would be more intelligible to and more likely to be included in policy making by those government officials assembled in March. Other participants were alarmed by the twin issues of the balance of the representatives and the use of the consensus model. In particular, however, anxiety over protocol was dominated by disquiet about a number of abstinence-oriented NGOs having their interventions directed by what appeared to be a US government representative (a situation referred to in the ACLU blog as “A spy in the House.”) Anxieties about these practices were intensified when an official request was made to the UNODC to halt filming of the proceedings by the Hungarian Civil Liberties Union. The appeal was attributed by some to a desire of those involved to remain out of sight and “off-camera.”

However, when the debate on the draft documents began, a mood of consensus gradually emerged. For example, perhaps unsurprisingly bearing in mind the array of NGOs involved, there was considerable discussion as to whether harm reduction should be accepted and supported as legitimate practice or whether some elements, such as safe injection sites, are contrary to the UN conventions. Nonetheless, a compromise was achieved in the form of a consensus definition. Preambular paragraph 6(iv) of Resolution Objective One thus defined harm reduction as meaning “efforts primarily to address and prevent the adverse health and social consequences of illicit/harmful drug use, including reducing HIV and other blood borne infections.” There was also consensus that human rights should be a driver in drug policy and that the UNODC and CND should work more closely with ECHR. The majority of delegates appeared to talk of Human Rights with reference to the contents of the Universal Declaration of Human Rights. However, a group of delegates did propose, without obtaining consensus, that “living in a drug free world” should also be recognized as a human right. Many other issues were also thoroughly discussed and debated with the unanimous declaration of the NGOs at beyond 2008 calling for:

- Recognition of the human rights abuses against people who use drugs;
- Evidence-based drug policy focused on mitigation of short-term and long-term harms and full respect for human rights and fundamental freedoms;
- The UN to report on the collateral consequences of the current criminal justice-based approach to drugs and to provide an analysis of the unintended consequences of the drug control system;
- Comprehensive reviews of the application of criminal sanctions as a drug control measure;
- Recognition of harm reduction as a necessary and worthwhile response to drug use;
- A shift in primary emphasis from interdiction to treatment and prevention;
- Alternatives to incarceration;
- The provision of development aid to farmers before eradication of coca or opium crops;
- Acknowledging that young people represent a significant proportion of drug users worldwide, are disproportionately affected by drugs and drug policy, and should be actively involved in the setting of global drug policy.

(For a copy of the final declarations and resolutions click here: [http://www.vngoc.org/images/uploads/file/BEYOND%202008%20DECLARATION%20AND%20RESOLUTIONS%20FINAL\(1\).pdf](http://www.vngoc.org/images/uploads/file/BEYOND%202008%20DECLARATION%20AND%20RESOLUTIONS%20FINAL(1).pdf))

Despite some initial misgivings, the majority of delegates were optimistic about the process and the eventual consensus outcome. As Martin Jelsma of the TNI, commented, the event was a “remarkable accomplishment that will impress many officials now involved in the UNGASS review process as this can be presented as a consensus outcome of NGOs from all around the world and from different ideological perspectives.”

UNGASS EXPERT WORKING GROUPS—THE STORY SO FAR

In the first ‘UNGASS News’, we described how the work of the five intergovernmental expert groups was structured, and how they were meant to review progress over the last 10 years, and agree papers to enter into the intersessional process that will start in September, and will draft the declarations to be agreed at the political meeting in March 2009. Now that three of the expert working groups have met, it is clear that this process is not running as smoothly as intended:

- While the working groups were meant to be a forum for exchange of information and expert advice, and objective review of the situation, all three conducted so far have seen that objectivity curtailed by member state boasting of achievements, and the taking of political positions. While this is always to be expected to some extent, it has led to the second problem:
- It was hoped that the working groups would agree consensus statements on the progress achieved in the last 10 years, and the nature of future challenges, but (at the time of writing) none of the working groups has produced a clear report of conclusions that can be considered by member states in the run up to the intersessional meetings.

The first three expert working groups met in late June/early July. The earliest, covering Supply Reduction, Manufacturing and Trafficking, clearly came up too quickly at 23rd to 25th June. Few member states had the time to prepare properly, and the discussion document produced by the UNODC did not contain any detailed strategic analysis of the achievements, challenges, and forward policy options for attempts to reduce the production and distribution of controlled drugs. Perhaps it is therefore unsurprising that the working group, as tends to be the case with supply reduction policy discussions, failed to get to grips with the strategic issues (what have current strategies achieved, what are the unintended consequences of current strategies, what can they be expected to achieve in the future, are we working to the correct objectives, what new approaches may produce better results?), but concentrated on operational issues such as co-ordination mechanisms and resources. That said, the proceedings did include some useful exchanges, including consideration of the human rights issues in relation to supply reduction efforts, and the need to focus law enforcement on the organised crime groups causing the most harm to communities and societies. Much of this more sophisticated debate is in danger of being lost, however, as the proceedings were concluded with no clear attempt to embed the key agreements within a report – even those member states who attended the group are unclear what the outcome is, and when and in what format it will be presented.

The same problem exists with the outcome of the working group on Crop Eradication and Alternative Development. In many ways, this working group ran more smoothly, with many member states well prepared, and sending experts as part of their delegation, leading to a more textured discussion. Also, with this subject area, there is a clear division of opinion between those member states (largely from Europe and Latin America) who support a development-based approach to reducing cultivation, and those (primarily the USA) who prefer to put the emphasis on forced eradication and strong military and law enforcement interventions. These differences were played out in the working group around the ‘sequencing’ of interventions (ie whether eradication should only be undertaken when viable alternative livelihoods for farmers are in place), and whether to remove the ‘conditionality’ on development assistance (ie linking it, as the US currently does in several countries, to achievements in crop eradication). There were also notable exchanges as a group of North African countries tried to introduce a greater focus on cannabis cultivation, and the Bolivian delegation called again for Coca Leaf to be removed from the conventions, both proposals receiving little support. This is particularly unfortunate in the latter example, as many independent experts agree that the current status of coca leaf is at best ambiguous; however, it seems that few countries are yet willing to take any diplomatic risks in terms of the scheduling of substances under the conventions. (A fuller report on the proceedings of this group has been posted on the TNI website – www.tni.org – by Tom Kramer, who attended as part of the Dutch delegation).

The uncertain outcomes of this round of working groups means that the process of producing materials on these subjects for consideration at the first of the CND intersessional meetings (scheduled for 29th September) is at present unclear. It is likely that the UNODC will now be preparing such documents, which will at least

be loosely based on the conclusions of the working groups, but which may also be influenced by the views of officials in Vienna, or behind the scenes lobbying by member states. When these documents emerge, those involved so far will be able to see to what extent they reflect the discussions held so far.

Two more expert working groups will be held in September, on Drug Demand Reduction (15-17 September), and Precursors and Amphetamine-Type Stimulants (17-19 September). The first of these is of priority interest to IDPC members and partners, and we will be holding a satellite meeting in the margins. There are encouraging signs that member states are preparing well for this group, and many are planning to include NGO experts in their delegations. As this is the working group that will address issues around harm reduction, enforcement against drug users, and standards of prevention and treatment, many of the fundamental strategic differences between member states will play out here, before being passed on to the intersessional meetings. The next 'UNGASS News' will report on the outcome.

THE RIGHT TO HEALTH

The Office of the High Commissioner for Human Rights and the World Health Organization have recently co-authored a fact sheet on the Right to Health, which is available at the following URL: <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>

Of special relevance during the UNGASS "period of reflection" is the publication's grounding of the Right to Health in current international law. While numerous treaties and resolutions refer to health, the International Covenant on Economic, Social and Cultural Rights is generally considered the central instrument in this respect, and recognizes the right of everybody to the highest attainable standard of physical and mental health.

The fact sheet is of significance to drug policy in a number of important ways. The key element is the central role it gives to the principle of non-discrimination, which means that health services, resources and technologies must be available equally to all sections of society. It recognizes that presently certain groups are marginalized along the lines of ethnicity, religion, political belief and "other social status"; this last category includes drug users (as people subject to health-related stigmatization).

The text informs us that States are under obligation "to prohibit and eliminate discrimination on all grounds and ensure equality to all in relation to access to health care and the underlying determinants of health." (our emphasis). Moreover, "Considering health as a human right requires specific attention to different individuals and groups of individuals in society, in particular those living in vulnerable situations. Similarly, States should adopt positive measures to ensure that specific individuals and groups are not discriminated against."

Explicit support is also given for the role of UN agencies in countering discrimination in access to healthcare, and to the recognition that combatting HIV depends crucially on a commitment to such inclusive measures, and to human rights in general.

We hope that you have found the second edition of UNGASS News to be both informative and helpful to your work in various parts of the world. The next issue is due to appear at the end of September 2008, and will include a report back from the demand reduction working group, and preparations for the intersessional phase of the process.