

What comes next? Post-UNGASS options for 2019

Introduction

The 2016 UNGASS on drugs was hailed as an opportunity 'to conduct a wide-ranging and open debate that considers all options'.¹ Although the UNGASS process had some challenges, it was nonetheless a critical moment for global drug policy reform.² In June 2017, the UN Secretary General welcomed the UNGASS Outcome Document as a 'forward-looking blueprint for action' and called on governments to 'honour the unanimous commitments' made.³

The next opportunity to build on the important progress made at the UNGASS is the 'High Level Ministerial Segment' of the 62nd Session of the Commission on Narcotic Drugs (CND), as agreed in CND Resolution 60/1: 'Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019'.⁴ 2019 is the target date established in the 2009 Political Declaration and Plan of Action⁵ 'for States to eliminate or reduce significantly and measurably' illicit drug supply and demand, the diversion and trafficking of precursors and money laundering.⁶ Evidence from the UN itself shows that these targets are unachievable, and in the 2017 World Drug Report, the UNODC states clearly that the 'drug market is thriving'.⁷

The 2019 moment is fast approaching, and the modalities for the event will likely be finalised at the 61st Session of the CND, which will be held from 12th to 16th March 2018. In this context, it is critical that a clear process be established to:

- Review progress made in light of the 2019 target date set in paragraph 36 of the 2009 Political Declaration, including main trends, achievements and gaps
- Conduct a genuine debate on the state of global drug policy, considering 'all options', and involving all relevant stakeholders
- Delineate a roadmap for 2019 and beyond to

effectively operationalise the recommendations included in the UNGASS Outcome Document.

To inform these deliberations, this IDPC advocacy note outlines some of the key issues and possible options for 2019.⁸

An honest review of progress (or lack thereof) made since 2009

'It is vital that we examine the effectiveness of the war-on-drugs approach and its consequences for human rights. Despite the risks and challenges inherent in tackling this global problem, I hope and believe we are on the right path, and that, together, we can implement a coordinated, balanced and comprehensive approach that leads to sustainable solutions. This would be the best possible way to implement the Special Session's recommendations and to have a positive impact on the lives of millions of people around the world'.⁹

Antonio Guterres, UN Secretary General

In CND Resolution 60/1, member states decided that the Ministerial Segment will be the moment 'to take stock of the implementation of the commitments made to jointly address and counter the world drug problem, in particular in light of the 2019 target date'. At present, the procedure for a review of progress towards these targets remains unclear. However it is imperative that the evaluation process be transparent, scientific, evidence-based and inclusive to honestly reflect on the progress, or lack thereof, that has been made over the past 10 years. A genuine review process will also allow member states to reflect on the ongoing validity and utility of targets

Box 1 Establishing new targets and indicators for the next decade

As the 2009 goals and targets will expire in 2019, the High Level Ministerial Segment presents a key opportunity to move away from the targets included in the 2009 Political Declaration and Plan of Action, and to consider instead new indicators to evaluate progress in global drug control for the next decade. The ongoing work to improve the 'quality and effectiveness'¹⁰ of the ARQ¹¹ is complementary to this process – as improving data collection and analysis is crucial to be able to adequately monitor progress and impact. A number of NGOs have been working towards identifying more measurable, realistic and relevant indicators for the past few years, and are actively contributing to this discussion.¹²

The main objective for this review is threefold. Firstly is the need to move away from process indicators (i.e. activities such as numbers of arrests, seizures and hectares of crops eradicated) and consider outcome indicators (i.e. impacts on health, human rights, levels of corruption, violence and impunity). Process indicators are inherently flawed for a number of reasons, in particular because they do not measure the effects of interventions on

either the scale or diversification of drug markets, or on the people and communities most affected.¹³

Secondly, some of the current imprecise, unrealistic and misconceived indicators (e.g. achieving a significant reduction in demand and supply) should be disregarded, in order to focus on others which are realistic, measurable and relevant to assess progress made.

And thirdly, the updated ARQ should incorporate the new aspects of global drug control enshrined in the UNGASS Outcome Document, in particular in the areas of human rights, availability of controlled medicines, improved access to health services and better health outcomes, and the implementation of development programmes in areas affected by supply-side activities to reduce the risk factors of engagement in illicit economies. This will require embedding these new metrics and indicators in the broader framework of the Sustainable Development Goals (SDGs), especially SDG 1 (No poverty), 3 (Good health and well being), 5 (Gender equality), 8 (Decent work and economic growth), 10 (Reduced inequalities) and 16 (Peace, justice and strong institutions).

focused on eliminating the illicit drug market and the establishment of a 'society free of drug abuse'.

Building on the 2009 process

At the 1998 UNGASS, member states agreed on a Political Declaration that aimed for 'significant and measurable results in the field of demand reduction' and 'eliminating or reducing significantly' illicit crop cultivation by 2008.¹⁴ When this target year came around, proposals for convening another UNGASS were dismissed. Instead, 'to allow additional time for conducting an objective, scientific, balanced and transparent global assessment',¹⁵ member states decided to divide the review process into three stages: 1) a thematic debate at the 2008 CND to discuss the outcomes of an assessment by the UNODC on the global progress against the 1998 Political Declaration; 2) a subsequent 'period of reflection' during which five intergovernmental expert working groups elaborated a number of recommendations;^{16,17} and 3) the negotiation of the new Political Declaration and Plan of Action, adopted at a High-Level Meeting in Vienna in March 2009, structured under three pillars: demand reduction, supply reduction and international cooperation. Civil society fed into the process through a parallel series of consultations and meetings result-

ing in the 'Beyond 2008 Declaration'.¹⁸ This process could be a useful model for member states to consider – albeit for refinement rather than replication.

Evaluating progress made since 2009

The UN drug control system has repeatedly set unrealistic goals to significantly reduce and even eradicate the global drug market. This has left member states with a difficult dilemma – how to emphasize the ongoing priority of an escalating world drug problem, without openly acknowledging the inherent failure and ineffectiveness of existing policies and approaches. This inability to provide an honest critique hampers progress and the exploration of urgently needed new approaches.

2019 therefore constitutes a crucial opportunity for a long-overdue evaluation to explore progress made (or lack thereof) since the adoption of the 2009 Political Declaration. This should provide an honest and objective assessment of the failures of global drug control and its negative impacts on health, security, human rights, development and poverty; an assessment that failed to materialise at the 2014 mid-term review and the 2016 UNGASS. This review would go hand-in-hand with the UNODC's current efforts to update the Annual Report

Questionnaire (ARQ), in order to better reflect the new priority areas within the UNGASS Outcome Document (see Box 1). However, the current proposal by the CND Chair to merely rely on the fourth biennial report of the UNODC Executive Director is not sufficient to ensure a truly comprehensive and inclusive evaluation process.¹⁹

There is a long tradition of evaluation at the UN. Within the UNODC itself, an Independent Evaluation Unit (IEU) is mandated to evaluate the ‘implementation, performance and impact’ of UNODC’s programmes.²⁰ It is therefore not unreasonable for the UNODC to involve the IEU in a cross UN-agency process – perhaps in the form of a UN inter-agency working group tasked with conducting an independent, transparent and participatory evaluation of global drug control since 2009. This assessment would measure any progress towards the goals set forth in the 2009 Political Declaration and Plan of Action, while also taking into consideration the additional aspects covered in the UNGASS Outcome Document, especially in the areas of human rights, health and development.

To ensure that the process is truly participatory, the UN inter-agency working group should call for inputs from member states, UN agencies and civil society – using a model similar to the pre-UNGASS call for contributions,²¹ or that routinely used by the Office of the High Commissioner on Human Rights when drafting its reports on key thematic areas.²² These submissions should be considered seriously and duly incorporated into the review process – and not be merely set aside as has been the case during the UNGASS.²³ The final report should form the basis of discussions on the review of the 2009 Political Declaration at the 2019 High Level Ministerial Segment.

Deciding on the outcome of the 2019 High Level Ministerial Segment

‘UNGASS was a ground-breaking moment that provided a detailed and forward-looking blueprint for action. Together, we must honour the unanimous commitments made to reduce drug abuse, illicit trafficking and the harm that drugs cause, and to ensure that our approach promotes equality, human rights, sustainable development, and greater peace and security’.²⁴

Antonio Guterres, UN Secretary General

Building upon the UNGASS Outcome Document

The UNGASS Outcome Document represents the most recent global consensus on drugs and a blueprint for action going forward. It should therefore not be sidelined in 2019 for the following reasons:

- Its seven-chapter structure (covering health, access to medicines, supply reduction, human rights, evolving trends and realities, international cooperation, and development) is a significant improvement on the three pillars of the 2009 Political Declaration (demand reduction, supply reduction and international cooperation/money laundering). This new structure should be maintained for future UN drug policy documents and debates as it better links the cross-cutting nature of the drug control objective to protect the health and welfare of humankind, with the key priorities of the UN system – human rights, peace, humansecurity, development – and the SDGs.
- The language from 2016 is an important improvement on both 2009²⁵ and 2014²⁶ in the areas of human rights (in particular proportionate sentencing, due process, legal guarantees, ending impunity as well as ending torture, cruel or inhuman treatment, etc.), gender sensitivity, development (with several references to the SDGs), and health (with the recognition of overdose prevention measures and other harm reduction interventions).²⁷ All efforts should be made to consolidate these gains in 2019.
- The drug market, and the world more broadly, has changed significantly since 2009 – in particular the emergence of online drug markets and new psychoactive substances. All these aspects are better addressed in the UNGASS Outcome Document than in previous high-level declarations on drugs.

Operationalising the UNGASS Outcome Document

Based on negotiations in Vienna so far, and on the CND Chair’s background paper, member states appear to agree that there is ‘no need to negotiate a new policy document’, and that the 2019 event should focus on implementation of commitments made to date.²⁸ Given that UNGASS Outcome Document represents the most recent consensus, it would be expedient to focus on the operationalisation of its recommendations as well as taking into account any new indicators agreed through the ongoing data-collection improvement work (see Box 1).

Box 2 Ensuring a long-overdue discussion on cannabis polic

In 2004, in General Assembly Resolution 59/160, member states requested that the UNODC prepare a global survey of cannabis,²⁹ which resulted in a special chapter in the 2006 World Drug Report, entitled ‘Cannabis: Why we should care’.³⁰ In the report, the UNODC stated that ‘[t]he global community is confused about cannabis’, and that ‘[c]oming to terms with cannabis is important because it is, by quite a wide margin, the world’s most popular illicit drug’.³¹ It further recognised that ‘much of the early material on cannabis is now considered inaccurate, and that a series of studies in a range of countries have exonerated cannabis of many of the charges levelled against it’.³² It went on to note that ‘[m]edical use of the active ingredients, if not the plant itself, is championed by respected professionals’. The report acknowledged that supply reduction is impossible given the potential to grow the plant anywhere and that all past attempts to control availability had failed. In its final conclusion, the report already raised the key issue concerning cannabis today, 10 years ahead of the 2016 UNGASS:

‘The world has failed to come to terms with cannabis as a drug. In some countries, cannabis use and trafficking are taken very seriously, while in others, they are virtually ignored. This incongruity undermines the credibility of the international system, and the time for resolving global ambivalence on the issue is long overdue. Either the gap between the letter and spirit of the Single Convention, so manifest with cannabis, needs to be bridged, or parties to the Convention need to discuss redefining the status of cannabis’³³

However, the issue of cannabis was not discussed at the 2016 UNGASS, despite the fact that some jurisdictions had already legally regulated the substance and others announced they would be doing so. The 2019 High Level Ministerial Segment is a critical juncture to take up UNODC’s 2006 recommendation and ‘discuss redefining the status of cannabis’.

In terms of format for an outcome, the CND Chair’s background paper proposes a Chair’s summary combined with a procedural resolution. We welcome this proposal, provided that the Chair’s summary consists of a detailed proceedings document of the 2019 High Level Ministerial Segment, that adequately reflects the breadth of discussions and captures any disagreements at the meeting, without forcing global consensus – given the current political tensions between member states on many drug-related issues. Indeed, in both 2009 and 2016, any language considered as ‘controversial’ was quickly filtered out, watered down or ignored as a result of in the consensus-based negotiations in Vienna.³⁴ Alternatively, a report that pictures different perspectives and scenarios for 2020-2030 may also have merits, using a methodology similar to the one successfully used by the Organization of American States in 2013.³⁵ The procedural resolution should focus on clear actions for operationalising the UNGASS Outcome Document, in the form of a ‘roadmap’ for the next decade, establishing review dates (mid-term in 2024 and final review in 2029) to bring this process into line with 2030 Agenda for Sustainable Development.³⁶

An open and inclusive process

‘At the special session, the General Assembly laid the groundwork for the 10-year review of the Political Declaration and Plan of Action of 2009 relating to the world drug problem, the main policy document guiding international action in this area. I look forward to an inclusive dialogue that is open to new ideas and approaches in the lead-up to that review’.³⁷

Antonio Guterres, UN Secretary General

A wide-ranging and open debate that considers all options

The 2019 process needs to be open and transparent to allow for genuine debate. Instead of simply replicating the recent past, the process should focus on practical recommendations reflecting the divergence of views and the ongoing exploration of new approaches to address drug-related problems more effectively and coherently in the coming decade.

The period from March 2018 to March 2019 should therefore build on the CND ‘inter-sessional’ meetings between member states that have taken place in Vienna over the last two year focused on the seven themes of the UNGASS Outcome Document.³⁸ This

process could now evolve into a series of expert group meetings based on the seven UNGASS themes, with clear recommendations and actions focused on the operationalisation of the Outcome Document – and taking into account progress made on its implementation since its adoption in April 2016.

The expert group recommendations should not rely on consensus in order to acknowledge and respect differing perspectives on drug policy, and should consider all options, including those that may be outside of the scope of the international drug control conventions. For example, the undeniable policy trend towards cannabis regulation in a number of countries was the elephant in the room throughout the UNGASS process (see Box 2) and a more open debate is required on how to deal with the tensions that such reforms create with the treaty regime, also taking into account the cannabis review process initiated by the WHO Expert Committee on Drug Dependence.³⁹

To ensure inclusive discussions, the process should also ensure that all relevant UN entities, civil society, academia and affected populations, as well as all UN member states, are able to participate.

Civil society participation

The strong presence of civil society⁴⁰ in the debates prior to, during and post-UNGASS should be protected and consolidated for the 2019 process. Below are some suggestions to ensure meaningful civil society engagement in the 2019 process:

- Recognition, support and funding for the Civil Society Task Force in the leadup to 2019
- An online civil society consultation to provide inputs into the three broad mandates set forth above – facilitated by the Civil Society Task Force
- Open calls for, and transparent selection of, civil society speakers for upcoming CND intersessionals and other official meetings held in preparation for the High Level Ministerial Segment
- The organisation of a 2-day consultation in Vienna six months before the 2019 Ministerial Segment (September-October 2018) during which priorities and best practices will be identified – followed by a 1-day dialogue between civil society and member states
- The organisation of a half-day civil society hearing in New York two months before the 2019 Ministerial Segment to keep the General Assembly informed of the process, and foster exchange of information and expertise between civil society, UN agencies and member states
- The organisation of a civil society hearing the day before the 2019 Ministerial Segment

- The inclusion of civil society speakers in the panels of roundtables and plenary sessions of the 2019 Ministerial Segment, as well as the option for a number of civil society speakers to make interventions from the floor
- The preparation of a civil society contribution to be presented, and recognised, as an official document of the 2019 High Level Ministerial Segment.

UN agency participation & UN system-wide coherence

‘We are here to affirm the existential commitment of the whole UN system to ensure that the central focus of all our policies is the advancement of human dignity, equality and rights’.⁴¹

Antonio Guterres, UN Secretary General

The gains that were made both during and since the UNGASS in terms of engaging other UN agencies⁴² need to be structurally built in for the 2019 process and beyond. The fact that the CND has been given a leading role on drug policy matters does not mean it holds a monopoly. Both the UN General Assembly⁴³ and the CND⁴⁴ call upon other UN agencies to engage in relevant drug policy issues, to ‘identify operational recommendations that fall within their areas of specialization’ and to implement them in coordination with the UNODC, the INCB and the WHO. The General Assembly has further invited the UNODC to ‘increase efforts to pursue joint initiatives at the policy and programmatic levels with other relevant UN agencies’ and to report to the CND on its progress. The memorandum of understanding signed between the WHO and UNODC in 2017 is a welcome development that strengthens collaboration between the two agencies and gives greater prominence to public health in UN drug control.

Coordination efforts have already begun in New York and Geneva, with the support and encouragement of member states.⁴⁵ In addition, as the mandates of other branches of the UN system very much intersect with drug policy, close coordination is a pre-requisite for a balanced and comprehensive approach, especially in the broader framework of the SDGs. Indeed, in 2017 there has been increased attention given to drug policy within other UN settings such as the World Health Assembly⁴⁶ and the Human Rights Council.⁴⁷

For 2019, progress on UN coordination requires establishing:

- Clear criteria and transparency about UN system-wide coherence and inter-agency collaboration
- A preparatory committee that represents all rele-

vant UN agencies

- Opportunities for representatives of all relevant UN agencies to engage in the review process and the 2019 event (including as keynote speakers in panel discussions and roundtables)
- The appointment of a Special Advisor, or a similar mechanism, by the UN Secretary General to facilitate the involvement of the whole UN system in the 2019 process.

Member states' participation

The annual drugs 'omnibus' resolution recently adopted by the Third Committee⁴⁸ encourages all member states to actively participate in the discussions leading up to the 2019 Ministerial Segment in order to 'foster an in-depth exchange of information and expertise on efforts, achievements, challenges and best practices to address and counter the world drug problem'.⁴⁹ Mechanisms should be in place to facilitate this active participation, particularly among smaller member states and others which do not have a permanent representation in Vienna. In addition to regular UNODC briefings which serve to inform member states on developments in the process, other mechanisms should include formal consultations, hearings and roundtable discussions held in Vienna, New York and Geneva with member states, the CND Chair, as well as all relevant UN agencies and civil society. Close compulsory drug detention and rehabilitation centres and implement voluntary, evidence-informed and rights-based health and social services in the community.

Endnotes

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4. Commission on Narcotic Drugs (March 2017), *Resolution 60/1. Preparations for the sixty-second session of the Commission on Narcotic Drugs in 2019*, https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_60/CNDres_2017/Resolution_60_1_60CND.pdf
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6. Ibid, p. 36
7. United Nations Office on Drugs and Crime (2017), 'Executive summary: Conclusions and policy recommendations', *World Drug Report 2017*, https://www.unodc.org/wdr2017/field/Booklet_1_EXSUM.pdf
8. As per: Commission on Narcotic Drugs (March 2015), *Resolution 58/8. Special session of the General Assembly on the world drug problem to be held in 2016*, https://www.unodc.org/documents/ungass2016/Background/CND_Resolution_58_8.pdf
9. <https://www.un.org/press/en/2017/sgsm18585.doc.htm>
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46. The 70th Session of the World Health Assembly held a discussion on the 'Public Health Dimension of the World Drug Problem' and agreed a decision that requests the Director-General to report on progress every two years until the 75th Session: [http://apps.who.int/gb/ebwha/pdf_files/WHA70/A70\(18\)-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/WHA70/A70(18)-en.pdf)
47. See: http://files.idpc.net/library/CoreGroupStatement_HRC36.pdf
48. General Assembly Third Committee (15 November 2017), *International cooperation to address and counter the world drug problem*, A/RES/72/L.8/Rev.1, <http://undocs.org/A/C.3/72/L.8/Rev.1>
49. Ibid

About this advocacy note

This advocacy note outlines some of the key issues and possible options for the 2019 High Level Ministerial Segment, including in terms of format, evaluation of the 2009 goals, outcome and stakeholder participation.

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About IDPC

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

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