

Turning the tide: Growth, visibility and impact of the civil society drug policy reform movement at the UN

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Introduction

NGO engagement in international drug control can be traced as far back as when the issue started being debated under the League of Nations,⁴ and has been critical in shaping the trajectory of policy developments ever since.⁵ Starting off with only a handful of NGOs attending the Vienna-based Commission on Narcotic Drugs (CND) in the 1950s, civil society participation has grown exponentially in both numbers and breadth of expertise.

Key international drug policy moments studied in this report – including the 1998 and 2016 UN General Assembly Special Sessions (UNGASS) on drugs, the 2009 High Level Segment and its 10-year review in 2019 in particular – have created

the momentum for civil society to engage in, and influence, global drug policy debates.

The participation of a wide range of reform-minded civil society representatives – including affected communities of people who use drugs, people in recovery, patients using medicinal cannabis or essential medicines for pain relief, farmers of crops used for illegal drug production, formerly incarcerated people and others – has had an undeniable impact on UN drug policy events, elevating real lived experience from the ground at often dry and bureaucratic debates in Vienna.

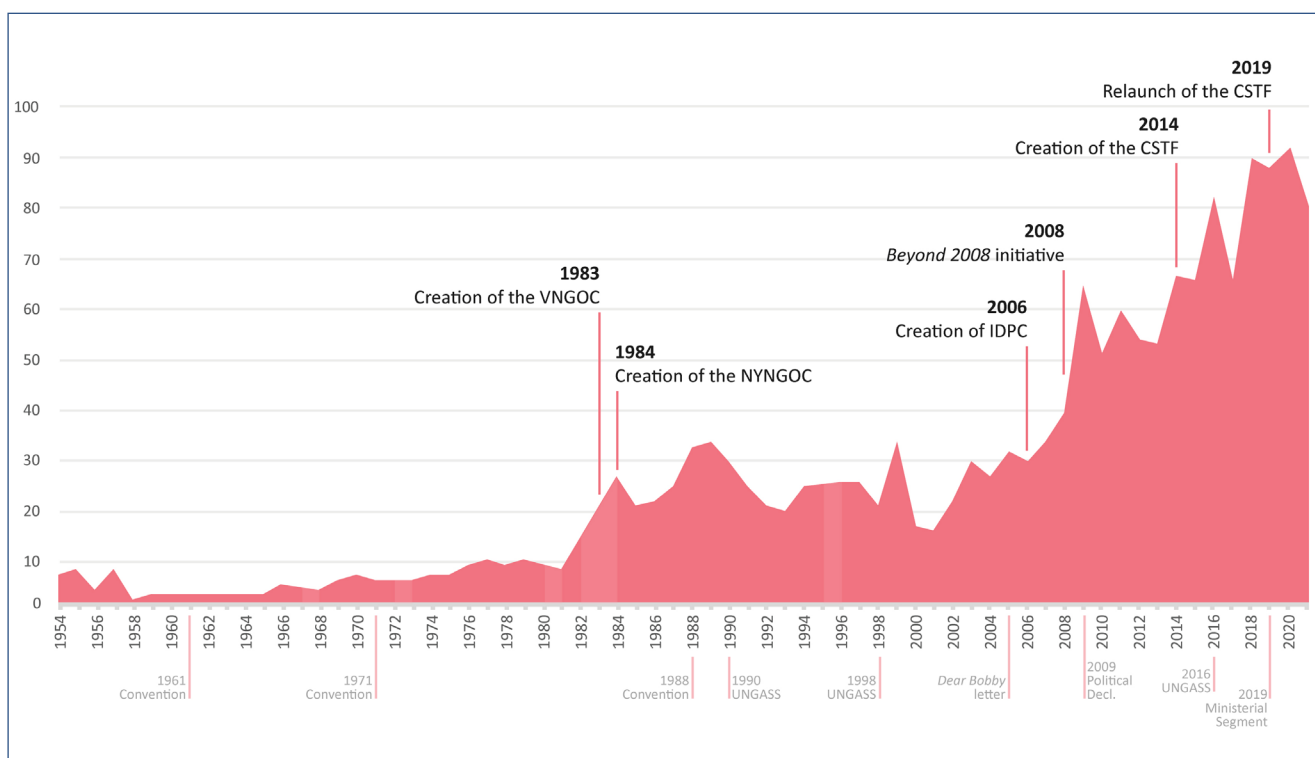
The increasingly strong and coordinated drug policy reform NGO movement has also brought to the fore the devastating consequences of punitive drug policies, encouraged progressive



Credit: Steve Rolles

Civil society at the 2016 UNGASS on drugs

Figure 1 Watershed moments for civil society engagement in global drug policy and number of NGOs participating in CND sessions between 1954 and 2021⁶



Credit: Marie Nougier, design by Juan Fernandez Ochoa

governments to join forces in calls for reform, and supported non-Vienna-based UN agencies to engage in drug policy discussions. This has largely contributed to the increased attention given to the health, human rights and developmental implications of drug control, culminating with the 2016 UNGASS and its Outcome Document, and the adoption of the UN System Common Position on drugs by the heads of 31 UN agencies in 2018.

Reform NGOs have nonetheless faced many challenges along the way. These have included the clearly limited impact made by civil society when using ‘official’ channels of participation, ongoing resistance from both UN entities and governments which are hampering their involvement in UN drug policy debates, and increasingly restricted civil society space, in particular in the context of the COVID-19 pandemic.

This briefing paper⁷ offers a historical analysis of civil society advocacy for drug policy reform at the UN, assessing the many gains made and challenges encountered over time – and ways in which reform-oriented civil society has met, resisted, and generally overcome, these challenges. This paper is based on desk research, discussions with advocates involved in the key events discussed in the paper, and the lived experiences

of the authors, and so is naturally weighted more to the recent moments such as Beyond 2008, the 2016 UNGASS, the 2019 Ministerial Segment, and the advent of the COVID-19 pandemic.

Part 1: 1947 to 2008

The genesis of civil society engagement in UN drug policy debates

As a functional commission of the UN Economic and Social Council (ECOSOC), the CND has the obligation to involve NGOs in its work.⁸ Although the CND has historically been a difficult space for NGO participation, civil society representatives have been attending meetings almost since they began in 1947, albeit initially in small numbers.⁹ In the very early days, civil society groups that were active at the UN were NGOs calling for greater controls (from the temperance or anti-opium movements) and representatives from the industry and commerce that sought to limit controls.¹⁰

To improve civil society participation, the Vienna NGO Committee on Drugs (VNGOC) was founded in 1983,¹¹ and the New York NGO Committee on Drugs (NYNGOC) the following year.¹² In 1984, 26 NGOs attended the CND.¹³ Numbers remained at

this level for several years,¹⁴ including in the Preparatory Committee for the 1998 UNGASS (at the 39th session of the CND).¹⁵ Regular NGO attendees during the 1980s and 1990s included the International Council of Women, the International Council on Alcohol and Addictions, the General Arab Women Federation, the International Association of Lions Clubs/Lions Club International, the International Federation of University Women, and the World Organisation of the Scout Movement.

While participation remained steady for the following decade, there was a clear shift in the composition of civil society groups in attendance in the early 2000s. In 2003, Open Society Foundations appeared on the participants list,¹⁶ and in 2005 Human Rights Watch attended the Commission for the first time¹⁷ (although both organisations and other civil society representatives had attended previously under different ECOSOC badges).

The 1998 UNGASS: A crucial starting point for broader civil society mobilisation

The policy positions of civil society organisations attending the CND meetings today range from those advocating for a drug-free world, proponents of harm reduction and decriminalisation, and those calling for the full legal regulation of all drugs – with much nuance in between these positions and the diverse range of NGO participants, including those working on human rights, criminal justice reform, palliative care and HIV/AIDS. Although this is a relatively recent development. Until the mid-1990s, most NGOs were focused on demand reduction efforts¹⁸ such as drug prevention, treatment and rehabilitation, towards the goal of achieving a drug-free world. In 1996, two years before the second UNGASS on drugs, the Transnational Institute (TNI) joined the only other ‘reform-orientated’ group at the VNGOC – the Transnational Radical Party.¹⁹ Both organisations joined the International Coalition of NGOs, which submitted a ‘draft manifesto’ calling on member states to revise punitive and damaging drug policies.²⁰

With timid support from some member states,²¹ ECOSOC-accredited NGOs were able to observe all the Preparatory Committee meetings in Vienna, as well as the UNGASS itself in New York. Space was given for six civil society interventions

from the floor during the formal proceedings, including a representative from ‘producers’ and one from ‘consumers’. These two powerful interventions were an important achievement for the reform-oriented groups in 1998. The statements brought the realities of disastrous policies momentarily to the fore, as ‘a clear moment when the hypocrisy of the event became briefly apparent and perceptible, even to the ones who were running the show’.²²

Civil society representatives were able to attend the UNGASS side events organised by member states and UN agencies, and to participate in the open discussions following the presentations from the panels. However, only one NGO side event was held inside the UN building,²³ owing to VNGOC concerns that controversial topics would antagonise the UN and member states. Instead, an ‘NGO Village’ was set up in the Church Center opposite the UN building in New York, where all the NGO activities took place. The NGO Village proved to be useful for networking among the civil society groups. However, predictably hardly any of the UN and government delegates crossed the street to attend the NGO-led activities. Nonetheless, the 1998 UNGASS was crucial for mobilising civil society towards drug policy reform through creating alliances between people who use drugs, farmers, human rights advocates, women’s rights campaigners, cannabis activists and others from both the Global North and the Global South.

Perhaps the most significant civil society-led initiative at the 1998 UNGASS was a letter to then UN Secretary-General Kofi Annan calling for ‘a frank and honest evaluation of global drug control efforts’ and stating, ‘We believe that the global war on drugs is now causing more harm than drug abuse itself’.²⁴ The letter was signed by hundreds of distinguished and well-known individuals from around the world, including former presidents, members of congress, authors and others. Most significantly, former UN Secretary-General, Javier Perez del Cuellar, signed the letter. An initiative of the Drug Policy Alliance with the support of WOLA, TNI and others, the letter was published as a full-page ad in the New York Times the day the UNGASS opened. It became *the* talk in the corridors of the UN building, and the press conference held by US ‘drug czar’ Barry McCaffrey

was dominated by questions about the letter, the signatories and the issues it raised.

The other important success by civil society groups at the 1998 UNGASS was the effort to ensure that the SCOPE Plan (the 'Strategy for coca and opium poppy elimination' by 2008) proposed by UNDCP was not taken forward. The plan, strongly supported by the USA, was originally meant to be the main outcome of the UNGASS. Preventing its adoption was one of the main priorities for groups like TNI, the Washington Office on Latin America (WOLA), Acción Andina and others. Thanks to this civil society effort, the SCOPE plan was not mentioned in the 1998 UNGASS outcomes and has never been referred to since. What remained of it, however, was the inclusion in the 1998 Political Declaration of the controversial paragraph 19: 'Welcome the global approach by the United Nations International Drug Control Programme to the elimination of illicit crops, and commit ourselves to working closely with the Programme to develop strategies with a view to eliminating or reducing significantly the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008'.²⁵ In a way, the SCOPE Plan gave birth to the targets to eliminate the global drug market that continue to plague the global drug control debate to date.²⁶

A few years later, and ahead of the CND in March 2005, an unprecedented mobilisation effort saw over 200 NGOs from 56 countries send a joint letter to the CND calling on them to stand firm on harm reduction, noting that 'No less than the future of the HIV epidemic is at stake'.²⁷ This was the first mass mobilisation effort by reform-oriented NGOs, and came in response to the leaked 'Dear Bobby' letter²⁸ between the UNODC Executive Director and the US Assistant Secretary of State that seemed to backtrack on harm reduction commitments. The mobilisation ensured that this story was picked up by mainstream media.²⁹

The 'Beyond 2008' initiative

Throughout the 2000s, the numbers of civil society representatives attending the annual sessions of the CND steadily increased. From then on, the type of NGOs attending the CND started to change dramatically, with the emergence of advocacy groups calling for policy reform, upholding

human rights, ensuring the centrality of health, promoting just and proportionate criminal justice responses, and highlighting structural elements such as the socio-economic pre-determinants of engagement in the drug trade. In 2006, IDPC was formed as a vehicle for collective advocacy in support for drug policy reform, providing comments and analysis on the UN debates as well as encouraging and facilitating NGO participation in global drug policy discussions.³⁰

The increased engagement of groups from the harm reduction and human rights sectors helped to set the stage for the most visible civil society moment to date: the 'Beyond 2008' initiative. The Vienna and New York NGO Committees, with support from the UNODC, set up the 'Beyond 2008' mechanism to facilitate civil society input into the 10-year review of progress made against the targets set in 1998, and to feed into the 2009 High Level Meeting which would lead to the agreement of the 2009 'Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem'.³¹

The 'Beyond 2008' process took over two years and culminated in a Global Civil Society Forum in July 2008 attended by 300 civil society representatives, who all agreed on a consensus declaration that was formally presented to the 52nd session of the CND in 2009.³² The 'Beyond 2008' Declaration was a major achievement in bringing NGOs from across the ideological spectrum behind a consensus statement. Reform-minded groups welcomed the commitment to harm reduction, human rights issues, the need for a culturally appropriate response, the inclusion of the most affected communities, as well as improved access to controlled medicines and alternatives to incarceration. The Declaration was lauded as 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 all different ideological perspectives'.³³ There were, however, concerns over the failure to meaningfully engage groups representing subsistence farmers of crops used for illegal drug production,³⁴ an issue that was taken up seriously by civil society representatives in the lead up to the 2016 UNGASS.³⁵

Box 1 Informal dialogues with UN leadership as a tool for advocacy

Since 2008, ‘informal dialogues’ between civil society and senior UN officials have been organised each year at the main CND meetings. These include dialogues with the UNODC Executive Director, the INCB President and, later on, the CND Chair and WHO staff. The series kicked off with a meeting in 2008 with the then UNODC Executive Director, Antonio Maria Costa. Unfortunately, this first meeting was marked by derogatory remarks about reform-minded NGOs,³⁶ whom he would often refer to as the ‘pro-drug lobby’.³⁷ The following year, Mr. Costa came to the dialogue accompanied with no less than five security guards.

Over the years that followed, however, these dialogues – coordinated and chaired by the VNGOC – have become useful tools for constructive and respectful interactions with UN leadership, and an opportunity to ask difficult questions related to harm reduction, decriminalisation, the rights of indigenous groups, extrajudicial killings, cannabis regulation, etc.

Part 2: 2009 to 2016

The 2009 High Level Segment: Unprecedented NGO participation but obstacles remain

Unsurprisingly following the civil society mobilisation around the ‘Beyond 2008’ initiative, the level of NGO participation and collaboration was unprecedented at the 2009 High Level Segment – with 222 NGO representatives in attendance, representing 66 organisations. Compared with previous years, a larger number of country delegations included NGO representatives and academic experts, including Albania, Georgia, Kyrgyzstan, Lithuania, Mexico, the Netherlands, New Zealand, St Lucia, the UK and Ukraine. Many national delegations also started attending bilateral meetings with NGO representatives,³⁸ a relatively new phenomenon at the time which has now become the norm with various member states. For

the first time also, a room was allocated for NGOs attending the High Level Segment – although in a different building to the main Segment. In the years that followed, the ‘NGO lounge’ became an important space for NGOs to hold formal NGO briefings, bilateral meetings with member states, meet and network, store documentation and simply have a space of their own in the UN building during CND sessions.

Unfortunately, no civil society speaker was able to speak at Segment’s plenary debate, apart from Michel Perron, the Chair of the Beyond 2008 Steering Committee, who was allocated a 5-minute slot to discuss the declaration. And although NGOs were allotted two slots per roundtable (running in parallel with the general debate), these were relegated to the end of the discussions, sometimes without interpretation. Civil society representatives also faced a number of obstacles at the High Level Segment. Importantly, the ‘Beyond 2008’ declaration received little visibility and reflection from the main proceedings and resulting political declaration. In addition, there was no formal response to the request for a civil society hearing to be held or for a ‘marketplace’ to be set up for NGOs to display and share their materials. Once in the UN building, NGO representatives were regularly searched by security guides, while their publications placed on the tiny table space allocated for the 200+ representatives in attendance were regularly thrown away.³⁹

Civil society gains official recognition in Vienna

Only two CND resolutions have ever been adopted on civil society participation – the first in 2006,⁴⁰ and the second (and last) in 2011.⁴¹ The latter was arguably the most contentious of that year, and although the final text was watered down due to push back from China and Russia in particular, the resolution was still a critical milestone.⁴² The following year, the first Informal Civil Society Hearing finally took place at the CND.⁴³ The informal nature of the hearing meant that no official record of the discussions would be kept as part of the CND session – reflecting the cautious attitude of the CND secretariat and UNODC towards NGO engagement at the time. Nevertheless, this was an important initiative for NGO views to be heard and

for governments and UN agencies to outline ways in which they have involved NGOs in their work.⁴⁴

At the time, although the reform community had made significant progress at the CND, especially since the 1998 UNGASS, the situation remained challenging. Conservative organisations primarily from the Global North advocating for a ‘drug-free world’ continued to dominate the membership and Board of the VNGOC since its inception, and the VNGOC Chair served as the sole civil society representative at almost all formal UN events on drugs. Access by the harm reduction community to these ‘official’ channels was tightly controlled and therefore severely limited. In New York, the picture was even more tenuous – the NYNGOC had become dormant after ‘Beyond 2008’, leaving no formal platform for NGO engagement at the UN headquarters.⁴⁵ The often-repeated refrain that ‘everything happens in Vienna’ sought to ensure that the UNODC would maintain its ‘monopoly’ over drug policy issues, side-lining other UN agencies.

Meanwhile, the reform NGO community was extending its network to new regions (see Figure 2) and forging relationships with supportive governments such as Norway, the Netherlands, Colombia, Costa Rica, Mexico and even a growing, if somewhat tentative, relationship with the USA. As a result, when preparations for a 2016 UNGASS began, reform-oriented civil society organisations were well-positioned to influence the debates.

Early UNGASS preparations

In the autumn of 2012, when the UN General Assembly set the date for the next UNGASS on drugs, policy reformers were awed by the sheer possibilities that such a meeting presented. A core group comprising TNI, the Harm Reduction Coalition (now called the National Harm Reduction Coalition, NHRC) and IDPC came together at the CND in 2013 to map out a plan of action. The main objectives were decided early on: 1) to raise awareness about drug policy and the reform community’s goals with key Permanent Missions and UN agencies in New York; 2) to encourage the participation of UN agencies in the lead-up to the UNGASS; and, most importantly, 3) to maximise the participation of civil society.

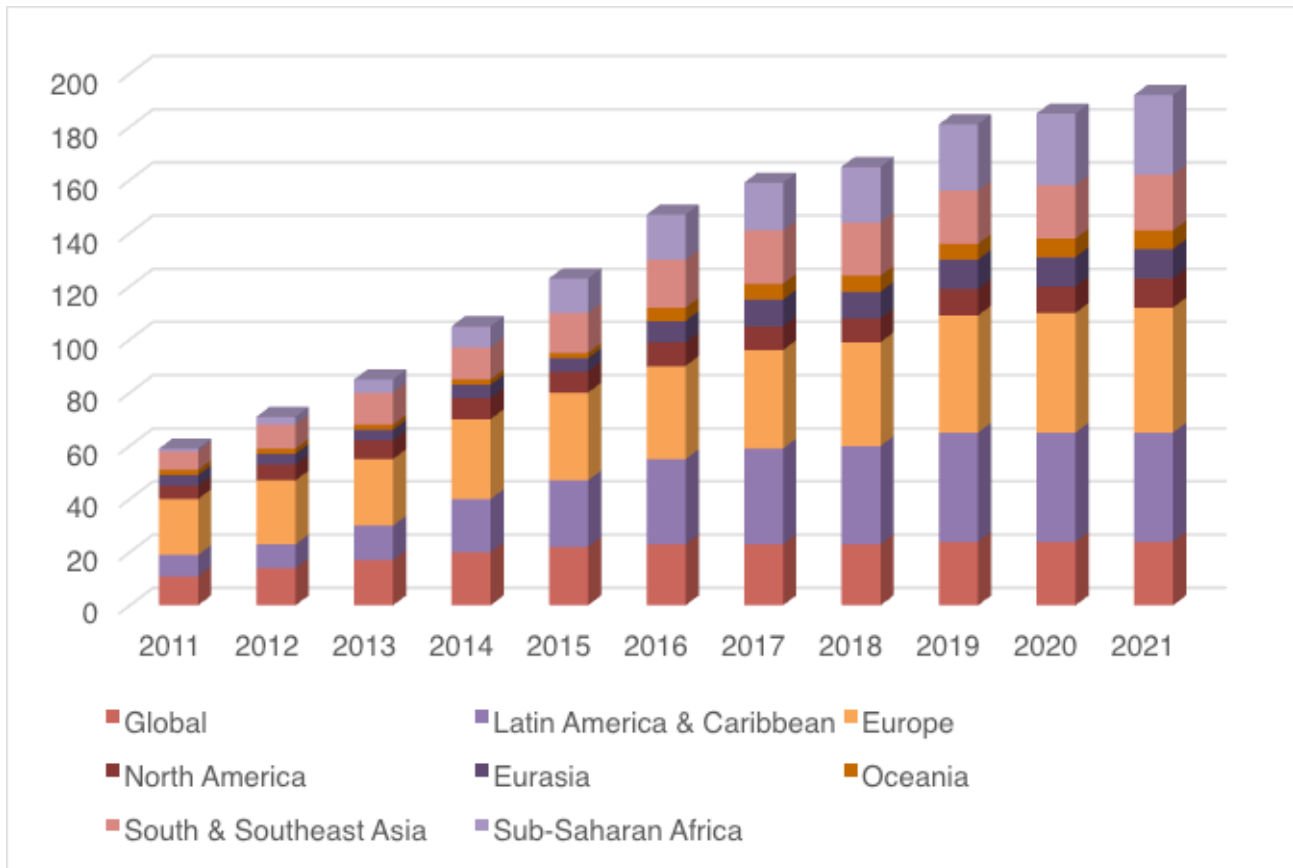
In early 2013, advocacy efforts by IDPC and HRC with Permanent Missions in New York focused on following the negotiations around the drugs ‘omnibus’ resolution. Led by Mexico, this annual resolution constitutes an opportunity for the General Assembly to highlight the drugs issue by supporting existing processes and resolutions on drugs, and can also call on member states and UN agencies to take additional actions.⁴⁶ In parallel, IDPC and HRC began engaging with various New York-based UN agencies, including the UN Development Programme (UNDP), the Department of Political Affairs and UNAIDS, which – while supportive of the drug policy agenda – lacked a strong mandate to fully engage in UNGASS preparations.



Credit: Steve Rolles

Plenary session at the 54th session of the CND

Figure 2 Increase in the number of IDPC members by region between January 2011 and May 2021⁴⁷



Against this backdrop IDPC, HRC and other civil society partners started holding events to raise awareness of drug policy among the UN community in New York on topics such as the Organization of American States’ ‘Report on the drug problem in the Americas’,⁴⁸ women and incarceration, and the modernisation of drug law enforcement.⁴⁹ Although the UNGASS was not to take place for another three years, these events were usually well attended by a wide range of member states, and their content provoked lively discussions, setting the ground for the following years.

Roadblocks, challenges and successes

While reform-minded civil society organisations were encouraged by the interest in the progressive drug policy agenda shown by some member states, particularly from Latin America, challenges and roadblocks appeared early and with surprising intensity. Longstanding tensions within the UN system erupted when choosing between New York and Vienna as the venue for the preparatory meetings. While civil society lobbied hard for New York, the ‘omnibus’ resolution of December 2014 established that almost the entire process

would take place in Vienna, with the President of the General Assembly invited to ‘support, guide and stay involved in the process’.⁵⁰ As a compromise measure, it was later agreed that a High-Level Thematic Debate would be held in New York in May 2015, chaired by the President of the General Assembly and organised under his office in coordination with the CND. Progress with UN agencies was also difficult – without a specific mandate, many UN agencies were loath to infringe upon the UNODC’s ‘territory’.

Tensions between New York and Vienna were also playing out in the NGO Committees. The NYNGOC leadership found that despite its status as a substantive committee under the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CoNGO), it had to continually fight for recognition and opportunities to engage in the process. In New York, the UNODC refused to recognise the NYNGOC, did not communicate or issue invitations to UNGASS briefings, and held out the VNGOC as the only civil society committee – a position that the UNODC continued to hold to this day.⁵¹ In response, reform-minded

Box 2 Civil society engagement in New York and Vienna: A tale of two cities

Owing to the centrality of Vienna in drug policy deliberations, the VNGOC has historically enjoyed more visibility than the NYNGOC. However, both committees have a record of engagement, including at the June 1987 International Conference on Drug Abuse and Illicit Trafficking, at the 1994 NGO World Forum on Drug Demand Reduction that resulted in the Bangkok Declaration,⁵² and when coordinating the NGO Village at the 1998 UNGASS on drugs. The NYNGOC also played a role in the 'Beyond 2008' Global Civil Society Forum and the nine regional consultations leading up to it.⁵³ Yet, by 2011 the NYNGOC had become dormant, while the VNGOC took advantage of the 'Vienna monopoly' to develop a close relationship with the UNODC and the INCB, as the only functioning substantive NGO committee around drugs until the NYNGOC was re-established in 2013.⁵⁴

The call for a Special Session to be held in New York presented a key opportunity to revive the work of the NYNGOC, then called the 'New York NGO Committee on Narcotic Substances'.⁵⁵ After more than a year of preparations, in 2013 the Committee held its first meeting since reforming, at the UN Church Center (the site of the 1998 UNGASS NGO Village). In attendance were 21 NGOs, mostly from New York and nearby states. One year later, an Executive Committee was elected comprised of organisations from Argentina, Brazil, Canada, Mexico and the USA, and the Committee was renamed the 'New York NGO Committee on Drugs'.

NGOs looked to civil society structures in other thematic areas of the UN such as migration, HIV/AIDS, non-communicable diseases and the rights of indigenous peoples, to find instances of best practice around high-level UN meetings. This led to a proposal to form a 'Civil Society Task Force' (CSTF) which would combine the leadership of the two Committees with regional and thematic representatives, thereby ensuring diverse and

inclusive representation. Considerable effort was made to build support for the proposal at the UN headquarters in both New York and Vienna.

In March 2014, the Deputy Secretary-General of the UN, Jan Eliasson, agreed to meet with a small group of civil society representatives at the CND in Vienna. By the time delegations were arriving in Vienna (and after a weekend of tense Committee negotiations), a small group of Committee members from across the ideological spectrum of drug policy had been assembled. Agreeing on the benefits of a coherent approach, the representatives officially presented the CSTF idea to the Deputy Secretary-General together, as a unified group (despite ongoing resistance from certain members of the VNGOC).

The Civil Society Task Force: A unified civil society front for the UNGASS

It was agreed from the beginning that the CSTF was to bring 'comprehensive, diverse, balanced, and inclusive' representation to the UNGASS, and that its members would need to set aside ideological differences to achieve the common goal of civil society participation. A steering committee was formed with two representatives from each Committee, chaired by the Chair of the VNGOC with NYNGOC and VNGOC representatives serving as co-Vice-Chairs. It was also agreed that two representatives from each global region would lead regional consultations. The unique characteristic of the CSTF for the 2016 UNGASS was the addition of nine representatives from affected populations and global issues, including people who use drugs, people in recovery from drug dependence, families, youth, farmers of crops used for illegal drug production,⁵⁶ harm reduction, drug prevention, access to controlled medicines, and criminal justice. In the end the CSTF consisted of 31 members of civil society, and was carefully balanced in terms of geographic, gender, and ideological diversity. In December 2014, just eight months after the contentious civil society meeting with the Deputy Secretary General, the CSTF was launched at the reconvened 57th session of the CND in Vienna, with the UNODC declaring it the 'official' civil society platform for the 2016 UNGASS.⁵⁷ After over two decades of marginalisation by dominant 'status quo' forces, the harm reduction/reform-oriented civil society community had finally achieved equal footing.



Once formed, the CSTF sought to ensure the physical presence of civil society members in the debates. An early opportunity presented itself when the CSTF was called upon to select speakers for the roundtable discussions in the pre-UNGASS segment held during the 57th session of the CND in March 2015. One speaker was chosen for each of the five roundtables on: drugs and health; drugs and crime; human rights, women, children and communities; new challenges, threats and realities in addressing the world drug problem; and alternative development. Notably, for the first time, civil society speakers' interventions from the floor were interspersed with statements from member states, instead of at the end.⁵⁸ These early discussions were a favourable sign for civil society participation in the UNGASS processes to follow.

Another major opportunity for the CSTF came a few months later during preparations for the May 2015 High-Level Thematic Debate on drugs in New York. The UN machinery had reached out to the Chair of the Civil Society Task Force, Esbjörn Hörnberg (from IOGT International), to represent civil society in the first debate. The CSTF Steering Committee pushed back immediately, and Mr. Hörnberg agreed to step aside to allow for the CSTF to select speakers who would be geographically diverse and representative of civil society working on the ground – in line with the CSTF mission. Working with the President of

the General Assembly's Office, the CSTF selected two speakers through a collaborative and transparent process – one from a treatment facility in Lebanon and the other from a harm reduction service in upper Manhattan, USA.⁵⁹ Once again, the CSTF had shown that NGOs could work towards the common goal of civil society inclusion. NGOs from different backgrounds put their own interests aside in the spirit of fairness and balance. These early compromises built trust and a strong foundation for the UNGASS preparations ahead.

Probably the biggest success – as well as one of the main challenges – in the lead up to the UNGASS was the Informal Interactive Stakeholder Consultation (IISC), also held by the President of the General Assembly 'with the support' of the CND, in February 2016.⁶⁰ Not only was civil society able to persuade the President of the General Assembly to hold this controversial hearing (which had not been authorised by a CND resolution), it was enthusiastically supported by his Office despite the objection of certain member states who would rather have kept all of the proceedings in Vienna. Further tensions followed when the Office of the President of the General Assembly and the CND Secretariat ignored the closely negotiated list of CSTF speakers and selected a number of more conservative speakers. After a stressful night of negotiations to protect the CSTF's mandate and push back on political



Panel discussion on new challenges, threats and realities' with Lisa Sanchez from Mexico Unido Contra la Delincuencia (on the right) as the civil society speaker

interference on speaker selection, the original CSTF list was formally accepted.

The first of its kind in drug policy, the full-day IISC was opened by the President of the General Assembly himself and featured civil society speakers from all over the world from people who use drugs and farmers of crops used for illegal drug production to those working in prevention, treatment, harm reduction and as well human rights advocates.⁶¹ Over 300 civil society representatives attended the meeting and made over 50 interventions, the majority of which were reform oriented. With the exception of the keynote speaker (from the Sunny Trust International Addiction Treatment and Rehabilitation Centre in Pakistan), voice after voice from the podium and the floor called for decriminalisation, harm reduction, a health-based approach, human rights, proportionality in sentencing and regulation, in the company of a moderately sized group of member state delegates. Best of all, every one of these concepts appeared in the official meeting summary (despite direct efforts by some UN officials to exclude these statements), which was to become an official UNGASS document.⁶² With all of its challenges, the IISC had marked a turning point in drug policy – when the messages of reform overtook the balance in terms of civil society voices in the UN debates.

Growing momentum for reform

For the drug policy reform community, the UNGASS was seen as a critical opportunity to shift the

paradigm. Criticism of the system had been building up and, at the CND, the number of countries voicing their displeasure with the international drug control system was also increasing.⁶³ IDPC began mobilising its membership around key advocacy messages,⁶⁴ policy analysis and advice to government and UN officials.⁶⁵ Open Society Foundations (OSF), the most prominent donor of drug policy reform, played a critical role in rallying their grantees and using the UNGASS lead-up to bring new civil society and academic actors into the movement.⁶⁶ The work of the reform movement developed around four distinct strands:

1. **Bringing in more diverse civil society perspectives** from other sectors that had not traditionally been engaged on drug policy reform. This included criminal justice, development, palliative care, peace building, women's rights, religious groups, among others. A key component of this was to ensure that the voices of those most affected by drug policies could be heard at the UNGASS (pre-)sessions, in particular people who use drugs coordinated by IN-PUD, farmers (supported particularly by TNI), and formerly incarcerated women (with support from WOLA and IDPC).
2. **Encouraging other parts of the UN system to engage in the UNGASS process**, urging them to consider the human rights, health and development impacts of repressive drug policies that were not duly considered by Vienna-based drug control bodies.⁶⁷ The written contributions and oral statements by UNAIDS, WHO, UNDP,

the OHCHR and UN Women further amplified the message that punitive drug policies are undermining other UN commitments to health, human rights and development.⁶⁸

3. Supporting progressive member states to rebalance the narrative towards health and human rights considerations. This work included proposing suggested language in the negotiations and highlighting previously agreed UN language on key issues.⁶⁹ Meetings for groups of like-minded states were convened outside the UN setting and the pressure of consensus, to find common ground and ways for moving the discussions forward.⁷⁰ NGOs also played a key role in connecting the debates across the UN settings – between Vienna, Geneva and New York and then back to capitals. The collaborative nature of the reform-minded NGOs, facilitated by IDPC and others, engendered transparent information-sharing and encouraged member states to be consistent and more coordinated in their messaging in different UN forums.

4. Media outreach and communications to build public support for drug policy reform. This work aimed to translate the more technical policy ‘asks’ of reform NGOs into engaging messages for the public and the media. OSF funded the Museum of Drug Policy in New York – a pop-up cultural hub that held a full programme of events that ran for the same days as the UN-GASS. A public rally was also organised outside

the UN building, which marked the end of the journey for the ‘Caravan for Peace, Life and Justice’⁷¹ which had travelled through El Salvador, Guatemala, Mexico and the USA, highlighting the human costs of the ‘war on drugs’ on its route. A joint coordinating umbrella campaign called ‘Stop The Harm’⁷² was set up to bring together the diverse drug policy campaigns and initiatives, and the Drug Policy Alliance coordinated a letter to UN Secretary General Ban Ki-moon urging him to set the stage ‘for real reform of global drug control policy’, which was signed by more than 1,000 prominent individuals from all over the world.⁷³ Finally, the Support. Don’t Punish campaign, launched in 2013, was instrumental in coordinating joint messages for reform under a common banner in the lead up to the Special Session.⁷⁴

Part 3: 2016 to 2019

UNGASS 2016: Highlights and challenges

For many civil society participants, the 2016 UN-GASS was a once-in-a-lifetime event. The main highlight was the calibre and diversity of civil society representatives who had been chosen to speak. Eleven speakers in total from all around the world were selected – two for each of the five roundtables (one on the panel and one speaking from the floor) – and five more in the plenary session. This time, there were no sweeping challenges from member states to the CSTF’s



Credit: Steve Rolles

Families uniting to end the war on drugs in front of the UN building in New York



Ricky Gunawan making a statement at the 2016 UNGASS.

recommended list, but the changes came more slowly, trickling in, as the regional representatives for member states were chosen by the Office of the President of the General Assembly – if there was a need for geographical diversity, it was invariably the civil society representative who was called on to be ‘flexible’ and taken off the panel.

A prolonged moment of tension surrounded the selection and last-minute de-selection of the star civil society representative on the human rights panel: Ricky Gunawan, an Indonesian human rights lawyer representing defendants facing the death penalty for their involvement in the drug trade. His work represented everything the reform community was fighting for. In his stead, an Indonesian governmental representative was to appear. Ricky was still slated to make an intervention from the floor, and when he was called on to speak, a hush fell over the room as all of civil society rose to their feet in silent solidarity. As Ricky spoke about his work with people who had been arrested on drug offences and had spent years on death row, some suffering from mental illness, some who had died at the hands of his government, member state delegates also began to silently stand. When he finished the crowd delivered a solid, prolonged applause. It was a profound triumph for civil society – the voices of the community had been heard.⁷⁵ Other speakers – from Brazil, Costa Rica, Ghana, India, Kenya, Myanmar, New Zealand, Norway, Peru, Puerto Rico, Senegal, Slovenia and the UAE – were also outstanding, making powerful, poignant

statements and pleas for better, more compassionate treatment of people who use drugs, farmers as well as respect for human rights, sustainable livelihoods and the need to approach the issue through a public health lens.

There were many other challenges at UNGASS, the most obvious being the logistical issues NGOs faced from the moment they arrived at the UN Headquarters in New York. There were not enough passes the day preceding the UNGASS and hundreds of NGOs were shut out of the Civil Society Forum. The first day of the UNGASS was no better as issue after issue ensued on account of an extremely haphazard pass system. Countless NGO delegates were unable to attend the opening of the UNGASS, including half of the CSTF Steering Committee. NGO representatives who had travelled from all over the world to attend were even denied access to the overflow room and ended up stuck in the hallways. Later, some civil society representatives could not attend the side events they had been asked to speak in for lack of a special pass needed to attend each of these events. Member states who had sponsored the events had not been informed that they were to provide passes for each event, and directions issued by the UN days before the meeting were in direct conflict with what transpired on the day. Further, despite repeated requests, no table space for literature had been provided as is customary at UN events (and had been provided in 1998). Several NGOs also reported having their materials confiscated by security – including a t-shirt that said



Credit: Steve Hollis

‘cannabis is safer than alcohol’ and a pamphlet on cannabis regulation. When confronted, UN officials shirked responsibility and blamed communications issues. It was incredibly frustrating that, after months of planning and coordination by the CSTF to ensure access for civil society, such an unfortunate chain of events had unfolded.

On the substantive aspects of the UNGASS negotiations, it was clear to reform-orientated civil society groups that the UNGASS preparatory process had been neither inclusive nor transparent.⁷⁶ All the negotiations were held in the form of ‘informal’ meetings rather than official ‘inter-sessionals’, which excluded civil society observers. In response, IDPC coordinated a letter signed by 195 NGOs and circulated at the 59th Session of the CND in March 2016⁷⁷ to express the concern that the UNGASS process had failed to be the ‘wide-ranging and open debate that considers all options’ that had been called for by UN Secretary-General Ban Ki Moon in 2013.⁷⁸ The letter also heavily criticised the inability of member states to recognise the ‘lack of progress achieved by international drug control over the past 50 years’, alongside the failure ‘to acknowledge the damage caused by current approaches’.⁷⁹

The role of civil society in bringing to the fore the many harms caused by punitive drug policy was nonetheless recognised by the President of the General Assembly. In his closing remarks, Mogens Lykketoff, concluded: ‘With your experience and expertise, you have brought home to us the immense human cost of this problem and indeed,

at times, of the approaches we take to address it’. He also acknowledged that affected populations ‘need interventions that have proven to work and perhaps as importantly: they need honesty about those that have failed’.⁸⁰ It was an unprecedented admission of the failure of drug control policies in the highest possible UN setting.

The aftermath of the UNGASS: Assessing wins and failures

Many NGOs had come into the UNGASS process with open eyes on what could indeed be achieved at the Special Session, knowing full well that progress would be difficult, and any win would require a significant amount of time, patience and effort. The immediate aftermath of the UNGASS was nonetheless marked by disappointment throughout the drug policy reform movement. The Global Commission on Drug Policy led the charge, holding a press conference the day after the UNGASS, calling the Special Session a failure and a missed opportunity.⁸¹ IDPC also sent out a press release highlighting the many gaps in the UNGASS Outcome Document.⁸² Overall, many civil society observers felt dissatisfied with the whole process and the fact that, once again, member states had failed to leverage a key opportunity to fundamentally change the course of drug policy.

However, those that had closely followed the UN debates for over a decade or more eventually recognised that a major shift had indeed been achieved,⁸³ and this was in many ways made possible thanks to sustained and strategic civil society advocacy. The year following the UNGASS was therefore spent analysing both wins and failures of the UNGASS and civil society advocacy strategies, and reassessing negative perceptions of an Outcome Document which was relatively forward-looking and contained progressive language on human rights, health, harm reduction, access to controlled medicines, proportionate sentencing, gender and development.⁸⁴

Looking back at lessons learned in civil society advocacy, the UNGASS demonstrated that civil society actors could have a real impact on the tone of the debate. Strategic advocacy efforts that chime with the objectives of progressive member states can bear fruit. It is clear, however, that some the most impactful ways to influence the discussion

has been through reform advocacy efforts outside of the official civil society mechanisms – for example through closed informal dialogues with like-minded government officials and direct personal communications, as well as through media pressure. Unfortunately, the hard-fought-for products of the official civil society mechanisms, such as the report of the IISC or the civil society survey report of the CSTF,⁸⁵ were never formally submitted as part of the UNGASS preparations – and influencing the debates through official channels was a serious challenge. That being said, the CSFD succeeded in opening up spaces and ensuring wide civil society participation at the UNGASS.

For reform-orientated civil society organisations, great strides were made in the decade leading up to the UNGASS. Much of this success was built on increasing international solidarity, shared objectives, collaboration and networking. The drug policy reform movement, while still relatively young, had gained in strength, diversity, visibility and credibility – and the momentum of the UNGASS was a major catalyst for this to happen. The media outreach and public engagement around the UNGASS also ensured that drug policy reform increasingly became one of the key social justice issues of the times, and new actors from different disciplines and sectors were joining the calls for change. This provided solid and fertile ground on which to continue to grow the movement in the lead up to the 2019 Ministerial Segment.

The lead up to the 2019 Ministerial Segment

2019 marked the expiry of the 10-year targets agreed in the 2009 Political Declaration and Plan of Action on drugs: to ‘eliminate or reduce significantly and measurably’ illicit drug cultivation, trafficking, consumption and money laundering.⁸⁶

The post-UNGASS period was marked by a sense of diplomatic fatigue, with reluctance from member states to embark on yet another lengthy and difficult search for consensus. The turnover in diplomats based in Vienna also meant that new delegates – many of whom did not have the historical legacy of UNGASS negotiations or strong expertise on drugs – were now involved in the negotiations around the Ministerial Segment and its Declaration.

In response to this challenge, civil society once again played a major role in mobilising like-minded member states, to avoid rolling back on the progress made at the UNGASS. The first role for civil society was an educational one – offering institutional memory and knowledge to new delegates. This was done via informal meetings, briefings to Vienna Missions, side events at the CND, and through the publication of reports and briefings that clearly laid out the wins of the UNGASS and the importance of protecting them in 2019.⁸⁷ The more visible discussion on improved data collection and the need for new metrics and indicators – at the core of which laid the revision of the Annual Report Questionnaire (ARQ) – was another avenue for civil society advocacy.⁸⁸ As reform NGOs had done during the negotiations of the UNGASS Outcome Document, they provided constant feedback on the negotiations of the Ministerial Declaration.

Delineating the format of the 2019 Ministerial Segment

While civil society organisations were still assessing UNGASS wins and failures, they also started to consider the possible objectives, format and outcomes of the 2019 event. The IDPC network quickly called for a robust, scientific evaluation of the past decade of drug policy, as well as a transparent and inclusive consultation to inform the elaboration of a new timeframe beyond 2019. Looking at past UN review processes used in 1998 and 2009, IDPC proposed concrete recommendations on how such a review could be conducted.⁸⁹ For IDPC, the 2019 event needed to be a genuine debate on the state of drug policy, considering all options (as had been called for by Ban Ki Moon in the lead up to the UNGASS) and involving all relevant actors – including all member states, all relevant UN agencies, and civil society.⁹⁰

The idea of an independent review of global drug control was met with considerable resistance from both the UNODC and member states, perhaps reluctant to conduct an evaluation that would inevitably shed light on the devastating failure of the past 10 years of drug control. Meanwhile, the negotiations of the modalities for the high-level event – and whether to give

Box 3 The EU Civil Society Forum on Drugs as a vehicle for advocacy

As had been the case in preparations for the UNGASS – and using the good working relationships they had forged with UN delegates – reform-minded civil society groups were actively engaged in the discussions that shaped the 2019 Ministerial Segment. The EU came to play a critical role in UN discussions on drugs – and the EU Civil Society Forum on Drugs (CSFD – the expert group of the European Commission focused on drug policy issues) therefore came to be a strategic vehicle to deliver recommendations on the Ministerial Segment. As with the CSTF at global level, the CSFD includes NGOs focusing on all aspects of drug policy, and reflecting different ideological perspectives.⁹¹

The CSFD had already built strong ties with the EU in the lead up to the UNGASS, offering inputs and recommendations throughout the negotiations. The Forum took on a similar role for the Ministerial Segment, providing key insights to the EU and its member states on the format and outcomes of the Segment, as well as on the negotiations of the Declaration.⁹² It was certainly positive that many of the inputs from the CSFD were reflected in the official positions of the EU throughout the process, and the transparent and constructive relationship was strengthened between the CSFD and the EU during that period.



Credit: Association Proyecto Hombre

CSFD meeting with the EU delegation at the 62nd Session of the CND

prominence to the 2009 Political Declaration or to UNGASS Outcome Document – became the new battlefield between conservative and progressive member states.

Under the leadership of the Norwegian and Mexican Ambassadors acting as successive Chairs of the CND, member states agreed to ‘convene a ministerial segment open to all States Members of the United Nations and interested stakeholders’ at the 62nd session of CND in March 2019.⁹³ The subsequent CND ‘modalities resolution’ in 2018 stated that the two roundtables would each include a civil society panellist, and explicitly mentioned the CSTF for the first time ever.⁹⁴

Reconvening of the Civil Society Task Force

As the discussions on the modalities of the Ministerial Segment started in 2017, it seemed clear that the important progress made on the balance and structure of civil society organisation around the 2016 UNGASS had to be retained and built upon. The CSTF was reconvened for the Ministerial Segment after more than a year of negotiations, with the VNGOC and NYNGOC Chairs now installed as Co-Chairs of the Task Force. The CSTF itself was expanded to comprise 35 members – with an additional representative for ‘Alternative Development’ and an expanded Steering Committee charged with leading on communications, outreach and fundraising.⁹⁵

In parallel, the balance within the VNGOC itself was significantly shifting, with more and more reform-minded NGOs becoming members, and elections in March 2018 that saw a representative from the reform community (Jamie Bridge from IDPC) elected as the VNGOC Chair for the first time in its history.⁹⁶

As it had done in preparations for the 2016 UN-GASS, the CSTF played a major role in the lead up to the Ministerial Segment, coordinating and fundraising for the participation of dozens of civil society speakers to participate in each thematic CND intersessional meeting in the autumn of 2018, bringing the voices of those most affected all over the world to the discussions held in Vienna. This vibrant civil society engagement in the proceedings, however, was not welcomed by all member states. Indeed, some powerful civil society statements raising human rights concerns associated with repressive drug policies were met with strong opposition from various member states. One of the most shocking incidents happened when the Chinese delegate broke all rules of diplomacy by interrupting the representative from Amnesty International who was discussing the issue of the death penalty. Why, the Chinese delegate demanded, should we discuss human rights in a session relating to supply reduction? Problematically, this criticism was echoed by various conservative member states (all, it should be noted, supporters of capital punishment⁹⁷), but was thankfully met with statements from several progressive delegates in support of the civil society speaker.⁹⁸ The next day, the same Chinese delegate asked the panellist from the Eurasian Harm Reduction Association whether she was herself using drugs.⁹⁹ Although these forms of disrespect and intimidation are now rare occurrences in official CND debates, it underscored the continued resistance met by civil society in Vienna, and thankfully did not go unremarked in the corridors by more supportive member state colleagues.

For its official contribution for the Ministerial Segment, the CSTF once again coordinated a global civil society consultation. Gathering feedback from 461 NGO respondents from 100 countries and territories, the consultation collected information on the views of NGOs around progress made since the adoption of the 2009 Political Declaration



Credit: CSTF

and the UNGASS Outcome Document, and how their work aligned with the Sustainable Development Goals.¹⁰⁰ The report of the consultation was launched at two interactive Civil Society Hearings entitled 'Voices of Civil Society: Beyond 2019' and held in Vienna¹⁰¹ and New York¹⁰² in early 2019, with support from Mexico and Switzerland. Although the preparatory sessions and actual Segment were all held in Vienna, the CSTF considered that a hearing in New York would help keep the drugs issue on the political agenda as a follow up to the 2016 UNGASS. Both hearings featured a range of interventions from civil society experts from around the world, focusing on the role that civil society could play in responding to drug-related challenges beyond 2019, with most messages – as had been the case for the UNGASS IISC – promoting reform. The results of the consultation and Hearings were published as an official CND Conference Room Paper (submitted by Switzerland), forming part of the official documentation for the Ministerial Segment,¹⁰³ the first time for civil society and reflecting a lesson learned from the previous CSTF experiences.

Defining civil society asks for the Ministerial Segment

Building upon the strong momentum created by the UNGASS, the IDPC network mobilised yet again to come up with a new set of 'policy asks' that would inform the advocacy efforts of the reform-oriented NGO movement throughout the

IDPC ASKS FOR THE 2019 MINISTERIAL SEGMENT

ASK 1

DRUG-FREE WORLD TARGETS

↓

HEALTH AND WELFARE, DEVELOPMENT, HUMAN RIGHTS, PEACE, MEANINGFUL TARGETS, ACCESS TO ESSENTIAL MEDICINES, PEACE, REDUCTION OF DRUG DEATHS

ASK 2

REFLECT THE IMPACTS OF DRUG POLICIES ON:

- HEALTH
- HUMAN RIGHTS
- DEVELOPMENT
- PEACE & SECURITY

ASK 3

REFLECT THE REALITIES ON THE GROUND (BOTH POSITIVE & NEGATIVE)

drug checking, legal regulation, mass incarceration, decriminalisation, mandatory sentencing, NPS, death penalty, medicinal killings

ASK 4

END PUNITIVE APPROACHES PUT COMMUNITIES FIRST!

meaningful participation, civil society engagement, gender sensitive

“Drugs have destroyed many lives, but wrong government policies have destroyed many more”
Kofi Annan

address vulnerabilities, social justice

International Drug Policy Consortium (2018). IDPC asks for the 2019 Ministerial Segment. June 2018. http://fileserver.idpc.net/library/IDPC-asks-2019_ENGLISH.pdf

2019 process.¹⁰⁴ Through strategic meetings (including a civil society dialogue in Berlin in February 2018) and a series of online consultations, the following asks were agreed:

While some of these asks were similar to those developed for the UNGASS¹⁰⁵ (i.e., ending punitive approaches, promoting harm reduction, moving away from drug-free targets), the priorities within the reform movement had both matured and shifted since 2016. Key priorities now included the need to understand the implications of drug policy on the UN overarching goals of protecting and promoting health, human rights, development and peace and security. This, no doubt, was a result of the expanding and diversifying reform movement which, by then, included NGOs focusing on a wide array of human rights, feminist, health, development and social justice issues. The key objective for the Ministerial Segment, from a civil society perspective, was to force member states to take drug policy out of its silo and truly consider how their drug control strategies truly contributed to – or undermined – broader UN priorities, such as the achievement of the SDGs.

The 2019 Ministerial Segment: Successes and challenges

Overall, efforts to influence the Ministerial Declaration paid off. In a difficult political environment, reform civil society were more visible and coordinated than ever in Vienna. Although now

in minority, the progressive member states did manage to push back on the problematic language proposed by conservative delegations, and remained strong in the negotiations until the very end – with constant support from civil society. As had been the case when the UNGASS Outcome Document was adopted, many civil society representatives – including IDPC – were dissatisfied with the final version of the Ministerial Declaration.¹⁰⁶ The reiteration of the goals of ‘continue to work towards the eradication’ of the illegal drug market was especially disappointing.¹⁰⁷ Nevertheless, civil society working in collaboration with progressive member states had succeeded in resisting harmful language targeting countries that had adopted legally regulated markets, as well as the explicit reiteration of article 36 of the 2009 Political Declaration on the eradication goals.¹⁰⁸ The latter in particular was a major win as it was the first time in decades that these goals had not been included in a high-level declaration. The progressive front had also ensured that the more forward-looking elements of the UNGASS had made it into the final text – recognising the importance of human rights, the 2030 Agenda for Sustainable Development and other key issues. Furthermore, and possibly one of the most important wins for reform NGOs, the ‘stocktaking’ section of the Declaration includes a lengthy paragraph listing the many ‘persistent and emerging challenges related to the world drug problem’ – as had been clearly highlighted in IDPC’s Shadow Reports. This

Box 4 Taking stock of the past decade of drug policy

In 2018, faced with the vacuum of any meaningful official evaluation of the impacts of global drug policy over the past 10 years, civil society played a critical role in filling this blatant gap – by producing its own analysis of the past decade of drug control. The resulting IDPC ‘Shadow Report’ assessed progress made against the 2009 ‘eradication’ targets, but also vis-à-vis the broader UN priorities of protecting human rights, advancing development, and promoting peace and security¹⁰⁹ – in line with the policy asks that the network had developed a few months before. Reviewing UN data, academic research and civil society analysis, the report painted a damning picture of the past decade of global drug control. The levels of drug cultivation, trafficking and consumption had reached record highs in 2018, while punitive drug control efforts had resulted in catastrophic health, human rights, security and development consequences for affected communities worldwide.

As various Asian governments had ramped up their war-on-drugs approach, IDPC also

produced a Shadow Report documenting the specific impacts of drug control in the region,¹¹⁰ while civil society colleagues from Colombia published their own analysis, using the model of these reports, to call the attention of their government on the severe impacts of punitive drug control.¹¹¹

The reform movement worked together to bring the findings of the Shadow Reports to policy makers and to the media. This coordinated push to global media ensured that the Ministerial Segment was now under the spotlight, and so was the catastrophic impact of the past 10 years of UN drug policy. These civil society reports became a key advocacy tool, leaving member states with nowhere to hide – and with data they could no longer ignore – as they embarked in CND intersessional meetings in the autumn of 2018 to take stock of the situation and initiated the negotiations for a consensus-based resolution on the way forward.



Ann Fordham, IDPC's Executive Director, presenting the Shadow Report at the November CND Intersessional on 'Taking stock'

Credit: Marie Nougier, IDPC

was the first time that member states had genuinely acknowledged the many failings of their global efforts to tackle drugs, including in the areas of access to controlled medicines, rates of drug morbidity and mortality, and human rights

challenges.¹¹² This paragraph is now proving to be instrumental in the follow up to the discussions in Vienna, as the CND established a four-year work plan (2019-2023) to review each of the ‘challenges’ highlighted within this paragraph in turn.¹¹³



Isabel Pereira, Dejusticia, presenting at the roundtable on 'Safeguarding the future'

The Ministerial Segment itself involved a plenary thematic discussion, as well as two roundtables, the first one dedicated to 'taking stock' of the implementation of past commitments,¹¹⁴ and the second on 'safeguarding the future'.¹¹⁵ The Chair of the VNGOC was amongst the first speakers to take the floor at the opening session of the Ministerial Segment, before member states and even prior to the video statement by the UN Secretary-General.¹¹⁶ Unfortunately, no other civil society speaker was able to make an intervention during the plenary as more than 100 government speakers had requested the floor, with debates lasting until late in the evening on both days of the segment. As mandated by CND Resolution 61/10,¹¹⁷ and following a global open call, the CSTF selected one panellist and two alternates for each of the two roundtables. The civil society speakers from Colombia, Lebanon, Nigeria, Russia, Singapore and Slovakia addressed an array of topics such as harm reduction, prevention, the role of families, experiences drawn from the past decade, and recommendations for the future.

Civil society voices were also prominent in side events held at the Ministerial Segment, with five of the 12 events organised in collaboration with civil society (two of which with the CSTF), and most benefiting from at least one NGO presentation.¹¹⁸ Throughout the Ministerial Segment, the key role played by civil society was highlighted by 38 member states¹¹⁹ – interestingly, both from the progressive and conservative sides – as well as

various regional groups¹²⁰ and UN agencies.¹²¹ The importance of involving civil society, the scientific community and academia in drug policy was also included as one of the 'salient points' coming out of the roundtable discussions,¹²³ as well as being reflected in the Ministerial Declaration itself.

Towards UN systemwide coherence on drug policy

The UNGASS had been a catalyst for key UN agencies to start considering drug policy as an issue of concern within their respective mandates. After the Special Session was over, however, there were fears among civil society organisations that the gains made in 2016 to promote more coherent drug policies within the UN system as a whole, might be lost. Several heads or key staff members of UN agencies had been replaced, and the process for UN agency involvement in the 2019 Ministerial Segment discussions remained nebulous.

The Ministerial Segment and its preparatory meetings benefited from strong engagement from UN human rights and health agencies – with support and encouragement from civil society. The OHCHR in particular was present and outspoken at each and every one of the CND intersessionals held in preparation for the 2019 Segment. This, however, was not to the taste of some member state delegates (Russia in particular) which openly criticised the more regular engagement of the OHCHR representative in the drug policy debates.¹²³ With inputs from civil

Box 5 The UN System Common Position on drugs

A sliver of hope came in 2017 with the nomination of a new UN Secretary-General, António Guterres, who had been Prime Minister of Portugal when the country decriminalised drug use. His background in the field of drug policy, as well as his plans for UN reforms were seen as key opportunities for reform-minded NGOs. And he did not disappoint. Although the new Secretary-General has remained surprisingly timid in his statements on issues related to harm reduction and drug policy reform, he led on – and delivered – a milestone for the drug policy reform movement.

In November 2018 the UN System's Chief Executives Board for Coordination (CEB), under the Office of the Secretary-General, released the 'Common position on international drug control policy through effective inter-agency collaboration'.¹²⁴ One of the key objectives of the Common Position is for the UN family to 'speak with one voice' on drug policy. Critically, the Common Position includes strong recommendations in favour of harm reduction, decriminalisation and alternatives to imprisonment. This was a major step forward in improving UN coherence on drug policy, a move that civil society – and IDPC in particular – had been promoting for over a decade. Indeed, the groundwork for the establishment of the Task Team and adoption of the common position was laid out over many years of advocacy and efforts,¹²⁵ with undeniable progress made ahead of the 2016 UNGASS, including with the creation by

the UN Secretary General of the 'UN System Task Force on Transnational Organized Crime and Drug Trafficking' (known as the 'TOC Task Force') in 2011. The TOC Task Force facilitated the active participation of many UN agencies in the UNGASS process, some which had never engaged in drug policy issues.¹²⁶

In 2018, a 'UN system coordination task team on the implementation of the UN system common position on drug-related matters' was established and is now led by the UNODC. Unfortunately, after the production of a landmark report in March 2019, 'What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters',¹²⁷ the Task Team has mostly remained silent. The UNODC has been particularly reluctant to promote the Common Position or play an active role in coordinating the Task Team, and omitted any reference to the document in its Strategy for 2021-2025.¹²⁸ Since 2018, it has therefore been largely thanks to civil society that the Common Position and its Task Team have remained a key focus for debates, with reform NGOs pushing for its dissemination via events in Geneva and Vienna, encouraging member states to include wording on the Common Position in CND and omnibus resolutions and in their statements at the CND, and holding the UNODC accountable for the lack of efforts made to date in leading the Task Team.

society, various UN Special Procedures released statements throughout the Ministerial Segment, highlighting human rights concerns in drug control relating to women,¹²⁹ people of African descent,¹³⁰ drug courts¹³¹ and arbitrary detention.¹³² Meanwhile, UNAIDS used the opportunity of the high-level event to launch its report 'Health, rights and drugs: Harm reduction, decriminalization and zero discrimination for people who use drugs' – with a strong message in favour of decriminalisation and ending stigma.¹³³

Yet another important initiative showcasing the strong collaborative relationship – and alignment of messaging – between civil society and UN agencies, the International Centre for Human Rights and Drug policy, UNAIDS, the WHO and UNDP launched their 'International guidelines on human rights and drug policy'¹³⁴ at the Ministerial Segment.¹³⁵ The Guidelines were later on also endorsed officially by the OHCHR. The first of their kind in this area of work, the Guidelines offer concrete recommendations on how to enshrine human dignity and sustainable development at



Zaved Mahmood, OHCHR delegate, speaking at the October 2018 CND Intersessional

the centre of government drug control responses on issues ranging from development to criminal justice to public health. The Guidelines were developed through extensive consultations between member states, UN agencies and civil society experts.

Part 4: 2020 to April 2021

The 2020 CND: Vocal calls for reform continue

2020 was largely marked by the COVID-19 pandemic, which inevitably impacted upon civil society advocacy at all levels of governance. The 63rd session of the CND in March 2020 was the last major UN event held face-to-face before the world went into lockdown. Due to uncertainty indeed, over the spread of, and risks associated with, the virus, many delegates from capitals cancelled their trip to Vienna, only a handful of resolutions were proposed for negotiations, and a number of side events were cancelled at short notice.

Interestingly, however, civil society participation in the 2020 session was as high as ever, with a record 93 registered ECOSOC-accredited NGOs, and 496 civil society representatives in attendance (only six less than in the previous year). NGO participation in the CND Plenary was as vibrant as ever, with no less than 18 civil society statements delivered over the course of the week, and an unsurprising focus on the WHO cannabis scheduling recommendations which were eventually

put to a vote a few months later, in December 2020. The NGO dialogues with the heads of the UNODC, INCB and CND were overall fruitful and constructive and, for the first time, civil society representatives were also able to meet with WHO representatives.¹³⁶

The COVID-19 pandemic strikes: Shrinking civil society space

Post-March 2020, all UN meetings moved to a virtual setting, with restrictions on travel and gatherings drastically impacting on the traditional ways in which civil society had been advocating for drug policy reform at the UN. This presented opportunities, but also major challenges for civil society space.

The first opportunity for NGO participation presented itself at the occasion of the online launch of the UNODC World Drug Report in July 2020. This was encouraging, in particular because the virtual setting enabled the live participation of a civil society speaker from the Global South, instead of the usual NGOs based in New York. Virtual events also meant that they could be webcast more easily, enabling a broader audience of civil society participants. Physical location would no longer be an impediment to civil society participation at the UN.

Things turned sour, however, as member states established the modalities for their discussions on the WHO recommendations on the rescheduling of cannabis. The recommendations were subjected



IDPC pre-CND orientation meeting, March 2020

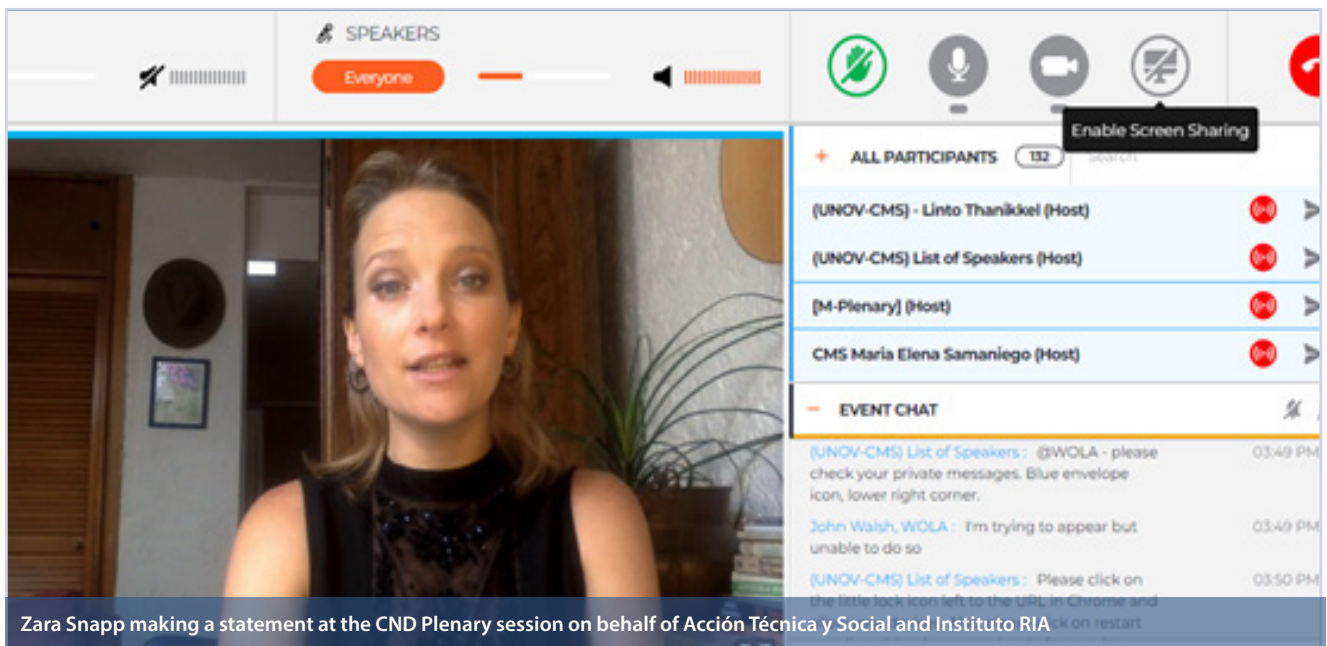
to prolonged and difficult debates prior to the advent of the COVID-19 pandemic. At the 2020 session of the Commission, the CND agreed to hold a series of discussions prior to the vote in December. In May, the CND Chair proposed a new format for these events, labelled as ‘topical meetings’, rather than using the usual intersessional format. The end result was the exclusion of civil society from the discussions. This was met with considerable criticism from civil society, many of which felt that the pandemic was being used as an excuse to justify the exclusion of NGOs from long-awaited debates on international cannabis control – and a dangerous precedent for future CND meetings. The compromise was the holding of an intersessional meeting in September 2020 to summarise the findings of the topical meetings, and allow civil society to participate in the discussions.¹³⁷ At the December meeting, NGOs were able to watch the session live via Webcast, but were unable to travel to Vienna due to ongoing restrictions.

The 64th session of the CND presented another key challenge for civil society – how to ensure that NGOs would have a virtual seat at the table. The VNGOC played an important part in ensuring civil society participation at the first ever main virtual CND session. After lengthy discussions with the CND Secretariat – made all the more difficult as all eyes were set on the Crime Congress, held just one month before the CND – the VNGOC issued a position statement in March 2021 with clear recommendations on civil society participation at

the 2021 CND.¹³⁸ In the end, the CND Secretariat fulfilled most of the VNGOC requests.

158 slots were allocated out of the 750-1,000 in the ‘Interprefy’ platform where NGO delegates were able to watch the Plenary session live, see all participants and send them direct messages. This also enabled connected NGOs to watch the negotiations of the resolutions, although without knowing who was in the ‘room’ or the possibility of contacting them. The rest of the NGOs were able to watch the whole Plenary via webcast translated into all UN languages (in the past, only the CND Opening session of the CND and intersessionals were webcast). NGOs were secured three slots to make statements on each agenda item at the Plenary. These could be delivered either live or as a pre-recorded video, and the VNGOC once again played a critical role in coordinating these statements, ensuring geographical, gender, thematic and ideological balance throughout the week. Finally, the informal dialogues with the UNODC, CND, INCB and WHO were held virtually, continuing the tradition of these important events for civil society.¹³⁹

Here again, the fact that the CND was held virtually meant that civil society representatives who had never been able to come to Vienna could have their voice heard, and could follow the proceedings. At the closing of the CND, a joint statement by the VNGOC and the NYNGOC called on the CND to allow some virtual format to continue for future sessions in an effort to ensure more inclusiveness



Credit: Marie Nougier, IDPC

and transparency in the proceedings.¹⁴⁰ However, the move to an online setting also meant that NGOs had to drastically change their advocacy strategy in order to engage in the CND discussions. Instead of the usual face-to-face meetings, reform NGOs reached out to government delegates via emails, WhatsApp messages, webinars and informal online briefings. Civil society collaboration and coordination also moved online, with pre-CND strategy meetings and discussions to maximise participation and impact on the CND debates and negotiations. Despite the best efforts to influence the debates, however, meaningful engagement remained difficult as face-to-face interactions at the CND remain critical in influencing the overall debates, both at the UN and at national level.

Conclusion

A historical analysis of civil society involvement in international drug policy debates has showed how the reform movement has grown, diversified and become more vocal and recognised over the past two decades, culminating with the 2016 UNGASS on drugs, which was a watershed moment for the crystallisation of the reform community. Increased coordination, joint strategising and messaging have enabled reform NGOs to join forces, share experiences, build on lessons learned from past advocacy, and maximise our impact at UN level. NGO coordination mechanisms such as the VNGOC, the NYNGOC, the CSTF and of course IDPC, have been instrumental in facilitating such

coordination among NGOs, and in improving civil society participation at the UNGASS, the CND and other UN drug policy events.

The momentum created by key moments such as ‘Beyond 2008’ and the 2016 UNGASS enabled advocates to strengthen the movement and seek news avenues for advocacy. Facing one challenge after the other, the reform movement has constantly reinvented itself, drawing from the wide range of experience and expertise of the IDPC network and other partners, in order to overcome issues like restrictions on civil society space, push backs on human rights, losses of key allies due to changes in political leadership at national level, diplomatic fatigue after major global events, and much more.

Despite this undeniable process, however, major challenges remain. The COVID-19 pandemic has understandably led to strict restrictions on travel and gatherings. But there is also a risk that the pandemic is being used by governments and the UN alike to roll back on critical steps forward made over the past decades to ensure civil society engagement in international drug policy. The pandemic has also underscored pressing challenges for the drug policy reform movement: how can civil society hold governments accountable for the ongoing prisons crisis, how can we continue to raise awareness of the serious health consequences of the funding crisis for harm reduction, how can we ensure that the media draws attention on the egregious human rights abuses

that continue to be perpetrated in the name of drug control in countries like Brazil or the Philippines, and how can we encourage more donors to fund drug policy reform in a context of restricted budgets and with all attention turned towards addressing the global pandemic?

As the drug policy reform NGO movement is looking for new avenues for advocacy in this ‘new normal’ which may last well beyond COVID-19, these challenges, as well as protecting civil society space at all levels of governance, will remain pressing issues in the years to come.

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Endnotes

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About this Briefing Paper

This briefing paper offers a historical analysis of civil society advocacy for drug policy reform at the UN, assessing the many gains made and challenges encountered over time - and ways in which reform-oriented civil society has met, resisted, and generally overcome, these challenges.

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About IDPC

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.

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