

**DRUGS &  
CONFLICT**

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**An Agenda for Vienna  
Change of Course**



*Drugs and Democracy Programme*

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Amsterdam, March 2003

## DRUGS &

## CONFLICT

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In Vienna, on 16 and 17 April 2003, the UN Commission on Narcotic Drugs (CND) will devote a ministerial segment to “evaluate progress made and difficulties encountered” in drug control efforts over the past five years. This is the mid-term review of the goals and targets set at the 1998 United Nations General Assembly Special Session (UNGASS) on drugs, where the world committed itself to “eliminating or significantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008” and to “achieving significant and measurable results in the field of demand reduction”. In this special briefing prepared for Vienna, TNI looks back at the process leading up to UNGASS adopting these unrealistic pledges, highlighting the obstinate avoidance of the fundamental questions necessary for an evaluation of the efficacy of the current approach to drugs control. The briefing also looks forward to Vienna and beyond, offering recommendations for a constructive agenda.

The medical profession takes as its principle Hippocrates’ dictum: “*Primum non nocere - First, do no harm*”. In the same vein, the opening phrase of the 1961 Single Convention, a major step towards the universalisation of a drug control regime, was “*Concerned with the health and welfare of mankind...*”. And it is out of this very same concern that many have started to question the paradigm framing current drug control efforts. The indiscriminate repression unleashed in name of the global prohibition regime, and foremost by the ‘zero tolerance’ and ‘War on Drugs’ interpretations thereof, has lost sight of the *primum non nocere*-principle. Extremes like the massive incarceration of drug law offenders, chemical spraying of drug-linked crops, use of military force against farmers, death penalties for traffickers, denial of basic protective services necessary for preventing the spread of deadly diseases, are all clear examples of the contradictions - not only with this principle but with fundamental human rights. The Hippocratic oath has found a hypocritical application in the field of drug control.

There has been a consistent pattern: from the position that “*investigations should not be allowed to influence international control measures in any way whatsoever*” and threats that if research “*failed to reinforce proven drug-control approaches, funds for the relevant programs should be curtailed*” to the censorship of publications that “*failed to show the great advances in the fight on drugs*”. A fearful attitude to an open-minded and evidence-based drugs debate has characterised policy deliberations at the UN level. The justification has been: “*The UN from its high position must be clear. Any doubt, hesitation, or unjustified review of the validity of goals will only undermine our commitment. Our goals are noble and inflexible. We cannot be successful if there are discordant voices. We cannot retreat, we must be steadfast in our goals*”.

TNI has been engaged for many years in a critical policy dialogue with drug policy officials around the world. This has proved very constructive for clarifying the complexity of the issues and the policy dilemmas at stake. It has helped shape our conviction that a more pragmatic approach is required and, moreover, that this view has considerable backing, not least among policy officials, hitherto curtailed in expressing their views with the freedom we can here. There is an urgent need to create a better climate of debate, to allow officials and experts in the field to air their doubts and table their proposals without fear of being branded traitors to the ‘noble and inflexible goals’ of the UN conventions.

This briefing is offered in the sincere hope that the April review will lead to a more open-minded debate, genuine re-assessment of the applied principles, a greater realism as regards reducing drug-related harms and new space for experimentation and policy diversity.



**I**n New York on 8-10 June 1998, the UN 20<sup>th</sup> General Assembly Special Session (UNGASS) met to discuss the world drug problem. Kofi Annan hoped that “when we look back upon this meeting, we will remember it as a time ... when we pledged to work together towards a family of nations free of drugs in the twenty-first century.” The president of the Special Session, Mr. Udovenko (Ukraine), highlighted the sense of a “growing convergence of views” and a “spirit of togetherness”. He hoped that the session would “go down in history as a truly watershed event”. Despite these grand words, it was a disappointing event in the end. No evaluation of current repressive drug policies took place whatsoever, despite the obvious failure evidenced by the continuous rise in consumption and production of illegal drugs during the 1990s. As a *New York Times* editorial put it, the UNGASS was devoted to “recycling unrealistic pledges”. The world is now about to look back upon this event, at the mid-term review of the UNGASS in Vienna on 16 and 17 April 2003. This briefing lays out the history leading up to the 1998 UNGASS and its goals and targets for 2008. It is also the history of how attempts to achieve some kind of reform within the UN drug system have been mired in a bureaucratic morass.

### The Mexican call

The *UN Decade Against Drug Abuse 1991-2000* became a very busy period for drug policy officials and lawmakers around the world. The first big event was a High-Level three day meeting of the General Assembly in 1993. There was hope that the ‘Fall of the Wall’ and the end of the ideological divide would ease the search for common ground and improve international collaboration. The harmony, however, was to be disturbed by the still unresolved North-South divide, and by European experiments with Harm Reduction, both questioning the existing drug control framework.

A Mexican letter to the Secretary General set the tone for the 1993 meeting. Mexico saw the event as an unprecedented opportunity for international reflection, which had become imperative as consumption was increasing and criminal organisations were thriving and expanding. It wanted more attention focused on the demand side because “drug consumption is the driving force that generates drug production and trafficking, the reduction in demand becomes the radical – albeit long-term – solution of the problem.” Mexico believed that the “most effective means of reducing drug production and trafficking is the gradual reduction in current and future drug consumption.” The letter contained strong criticism of US counter-narcotics operations on Mexican territory and the US unilateral drug certification mechanism. It pointed out that a united front would prosper only if firmly founded on good faith, legal principles, a recognition of the unique identity of each country, and unrestricted respect for its sovereign rights. It attacked “attempts to impose hegemony”, “policies of mutual recrimination” and “assigning blame on the basis of Manichean geographical formulas, which solve nothing”.<sup>1</sup>

Mexico further raised the need to review the current classification of drugs “in order to reduce the illicit drug market”, thereby implying that they considered that for some substances controls could be lifted. The letter went on to outline which areas required urgent attention in order for the notion of a “balanced approach” to be taken seriously, most of which would re-appear on the UNGASS agenda five years down the line: demand reduction, money laundering, chemical precursors, synthetic drugs and funding for alternative development.

The Mexican letter expressed the tensions between the US and Latin America and the classical demand-supply divide in the global drug control system, a result of the unbalanced political power relations under which the three conventions were negotiated. The whole control system built around the con-

<sup>1</sup> *Mexico and international co-operation against the production of, demand for and traffic in drugs*, Letter from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General, 20 October 1993. A/C.3/48/2.

ventions was directed at suppressing illicit supply, while demand-side policies were basically seen as a domestic issue. When the question was posed as to whether a specific, fourth convention on demand reduction was required, the International Narcotics Control Board (INCB) recommended not. The INCB was unconvinced that universally binding treaty provisions on demand reduction could be agreed upon, or that such a treaty would be an appropriate means of dealing with the issue. It added that “demand reduction programs should be developed at the national and local levels, based on knowledge of the real drug abuse situation, and taking into consideration the cultural, political, economic and legal environment.”<sup>2</sup> A similar argument would be just as valid for the supply side and it would have been very wise to have taken into consideration the cultural, political, economic and legal environment in national policies for illicit cultivation.

It was the inherent imbalance in the global drug control system that Mexico, voicing the frustrations of several Latin American producing countries, wanted corrected. Added to this, was the widespread realisation that, aside from being out-of-balance, the drug control efforts had proven disturbingly ineffective thus far, giving rise to doubts about the prohibitionist fundament of the system. Secretary General Boutros Boutros-Ghali urged Member States to bear two aspects in mind: “On the one hand, the speed with which the scourge spreads, with all of its consequences for society and criminality; and on the other hand, the fact that civil society is showing increasing impatience, leading to simplistic or defeatist solutions. More than ever, resolute action is needed at the level of the very planet itself.”<sup>3</sup>

*“We have the machinery  
(...) and we need to make  
it bite”*

## Making the system bite

A divide between re-assessing international drug control policies and re-affirming them became increasingly apparent during the three days. Several delegates stressed the need to ‘restate commitment’, ‘reinforce’ and ‘strengthen’ the current system. In the words of the UK delegate: “We have the machinery; we need now to make it work better. In particular, we need a more solid international front in support of the 1988 United Nations Convention. This is an instrument with teeth, and we need to make it bite.”

Other delegates, however, used terms like ‘review’, ‘overall evaluation’, ‘try new strategies’, and ‘redefine our actions’. Several defended a non-repressive approach to consumption, such as Mr. Torben Lund, Minister of Health in Denmark, who said: “I believe that we have reached the point where we must realize that there is a need for new approaches to the drug problem. ... There may be a need to shift the focus of our efforts from law enforcement to prevention and treatment.” The need for an open-minded debate was stressed by Mr. Baltasar Garzón Real, representing the Spanish National Drug Plan. “The time has come to pause and meditate on the solutions that should be adopted,” Garzón said, urging a general debate to evaluate what has been achieved and to think about the future. “We should come to this debate without any preconceived ideas or immovable dogmas. We must be open to the exchange of ideas.” A process of reflection within and by the United Nations would be appropriate, according to Garzón, because “the United Nations is the most appropriate forum and the optimum sounding board for an exchange of ideas and for the adoption of decisions on new lines of action that would help us achieve our objectives.”

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<sup>2</sup> Effectiveness of the international drug control treaties, Supplement to the Report of the International Narcotics Control Board for 1994, United Nations, New York 1995. E/INCB/1994/1/Supp.1: 6.

<sup>3</sup> United Nations General Assembly, 48<sup>th</sup> Session, Official Records, Agenda Item 112, International Drug Control, 26-28 October 1993. A/48/PV.37-42.

At the conclusion of the 1993 debate, resolution 48/12, drafted by Mexico, was adopted under which the General Assembly requested the CND to evaluate drug control instruments, so as to identify areas of “satisfactory progress and weakness” and to recommend “appropriate adjustments of drug control activities whenever required”. It was also to consider convening an ad hoc expert group to contribute to the examination of the issues and identify “concrete action-oriented recommendations”.<sup>4</sup> Several initiatives followed, but their course clearly established the political limits of the search for ‘appropriate adjustments’. Discussions were opened about the need to review the classification of coca and cannabis products under the Conventions. Proposals were tabled to examine the costs and benefits of Harm Reduction and decriminalisation strategies. And Mexico started to rally support for a global summit of reflection, which eventually led to the 1998 UNGASS.

*“Harm Reduction was perceived as the Trojan Horse of those factions championing the cause of legalization”*

The ten participants were carefully chosen. Miguel Ruiz-Cabañas, then at the Mexican embassy in Washington, who later went on to head Anti-Narcotic Matters at the Mexican Foreign Ministry, represented Mexico. The other countries were the USA, India, Argentina, the Russian Federation, Sweden, Poland, Japan, Egypt and Nigeria, the latter represented by Philip O. Emafo, then working as a consultant for UNDCP, who went on to become president of the INCB in 2002. No-one was invited from a country known for a more liberal approach. The group met twice at Vienna in the second half of 1994. It

supported the INCB, which it said provided substantial arguments “to counter the strong movement aimed at showing that the international drug control regime, based on the application of the inter-

treaties, had failed and that legalization was the only solution”.<sup>6</sup> One participant demanded efforts to defuse the ‘harm-reduction’ issue, which was considered highly divisive. “Harm Reduction was perceived as the Trojan Horse of those factions championing the cause of legalization.”<sup>7</sup>

### The Advisory Group

The UNDCP convened an inter-governmental ad hoc advisory group to recommend ‘appropriate adjustments’. The group was advised by Mr Hamid Ghodse, president of the INCB, who declared: “It does not appear necessary to substantially amend the international drug control treaties at this stage, but some technical adjustments are needed in order to update some of their provisions” and some “shortcomings should be eliminated”.<sup>5</sup>

According to the UNDCP Executive Director, however, “a more detailed study of the implications of decriminalisation and of harm-reduction campaigns, as suggested by the advisory group, might well produce new perspectives leading to unexpected solutions”.<sup>8</sup> In his report to the CND, which wove suggestions from the INCB and the advisory group, the Executive Director recommended a two-pronged approach. First, UNDCP should provide “con-

<sup>4</sup> General Assembly Resolution, Measures to strengthen international cooperation against the illicit production, sale, demand, traffic and distribution of narcotics and psychotropic substances and related activities, 28 October 1993. A/RES/48/12: art. 9 & 11.

<sup>5</sup> Report of the International Narcotics Control Board for 1994, New York, 1995. E/INCB/1994/1, par. 21, b, c.

<sup>6</sup> Report of the meeting of the ad hoc intergovernmental advisory group held pursuant to Commission on Narcotic Drugs resolution 3 (XXXVII), 18 November 1994. UNDCP/1994/AG.7: par.5.

<sup>7</sup> Ibid., par. 60.

<sup>8</sup> Follow-up to the results of high-level plenary meetings at the 48th session of the General Assembly to examine the status of international cooperation against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances; Implementation of General Assembly resolution 48/12, Report of the Executive Director, 1 February 1995. E/CN.7/1995/14: par.45.



crete and sound arguments against legalization of the non-medical use of drugs” and second, UNDCP should “undertake a study on the implications of decriminalisation and of harm-reduction campaigns”.<sup>9</sup>

The advisory group supported the idea of convening an international conference. “Such a meeting would provide an opportunity, *inter alia*, to evaluate Government achievement to date in the field of drug abuse control, and the possibility of adopting a declaration of principles on demand reduction. It was felt that the meeting would be an appropriate forum for both Governments and UNDCP to reaffirm principles and positions on legalization, decriminalisation, harm reduction and other relevant issues”.<sup>10</sup> Mr Giacomelli, the UNDCP Executive Director, took up this recommendation in his report to the CND, adding that the event should not only ‘reaffirm’ but also ‘examine’ such positions.<sup>11</sup>

The group also recalled a statement made at the opening of the 1994 CND session by Mr Giacomelli that it was “increasingly difficult to justify the continued distinction among substances solely according to their legal status and social acceptability. Insofar as nicotine-addiction, alcoholism, and the abuse of solvents and inhalants may represent greater threats to health than the abuse of some substances presently under international control, pragmatism would lead to the conclusion that pursuing disparate strategies to minimize their impact is ultimately artificial, irrational and uneconomical”.<sup>12</sup>

As regards the shortcomings and inconsistencies in the conventions, the Executive Director recommended that the CND should convene a “group of experts to review the adequacy of existing definitions in the 1961 and 1971 conventions, with particular reference to various cannabis and coca leaf products”.<sup>13</sup>

CND Member States were then invited to comment on these recommendations.<sup>14</sup> Peru stated that there “was a need to re-examine traditional ways of addressing drug control issues,” and that an international conference therefore “should be forward-looking and promote innovative solutions instead of being overly influenced by traditional ways of addressing the problem.” Peru and South Africa endorsed the proposal to convene an expert group on coca and cannabis, and a similar forum to evaluate alternative development programmes. South Africa and Australia supported the idea to undertake a study on the implications of decriminalisation and harm reduction policies, with the provision by Australia that if such programmes were to be assessed “other models of drug abuse programmes should also be evaluated and that any assessment of drug abuse programmes, including harm reduction programmes, should be balanced and open-minded.” As far as the second part of the two-pronged plan was concerned, with its call for “sound arguments against legalization”, Australia felt that such research “would need to be impartial and address both sides of the legalization argument to allow for a balanced and open debate”.

## End station CND 1996

At its session in April 1996, the CND had to decide what to do about the recommendations of the advisory group. One by one, the proposals that could have opened the debate and paved the way to regime changes were blocked. “While there was some support for convening an expert group meeting to review the adequacy of existing definitions in the 1961 and 1971 conventions, with particular reference to various cannabis and coca leaf products, ... the opinion was expressed that no expert group meetings should be convened on issues that were within the competence of the International Narcotics Control



<sup>9</sup> Ibid., par. 52.

<sup>10</sup> UNDCP/1994/AG.7: par. 79.

<sup>11</sup> E/CN.7/1995/14: par.35.

<sup>12</sup> Statement by Executive Director of the United National International Drug Control Programme at the Thirty-seventh Session of the Commission on Narcotic Drugs, Vienna 13 April 1994.

<sup>13</sup> E/CN.7/1995/14: par.46c.

<sup>14</sup> Follow-up to General Assembly resolution 48/12, Report of the Executive Director, January 1996. E/CN.7/1996/3.

Board”.<sup>15</sup> This was only one of the ‘opinions expressed’, but it meant there was no consensus and therefore that there would be no review for cannabis and coca.

The suggestion to study decriminalisation and harm reduction was blocked in another way. “Any move towards the legalization of the non-medical use of drugs was strongly opposed. Such a move would not only contravene the provisions of the international drug control treaties, but would also represent a serious setback for international cooperation in drug control. Whereas there was some support for UNDCP research on the issue of legalization of the non-medical use of drugs, it was stated that such research might send wrong signals to proponents of legalization”.<sup>16</sup> This was only ‘stated’, but it meant there was no consensus and therefore that such a study could not be undertaken.

Finally, the proposal to convene an international conference where amendments to conventions could have been adopted was blocked on the grounds that it would be ‘cost-intensive’ at a time when “the UN was experiencing the worst financial crisis since its foundation. However, the Commission concluded that many of the objectives of a conference could also be achieved by convening a special session of the General Assembly”.<sup>17</sup> The CND thus adopted a resolution<sup>18</sup> recommending what became the 1998 UNGASS. Its objective was set as being to “lead to renewed commitment by Governments to the fight against drug abuse and illicit trafficking, and also strengthen the implementation of the international drug control instrument”.<sup>19</sup> Words like ‘evaluate’, ‘examine’, ‘scientific review’, ‘identify weakness’, ‘appropriate adjustments’ or ‘develop new strategies’ did not survive this CND session nor make it into the final resolution.

## Renewed commitment

Before this proposal could be considered by the General Assembly, it had to pass through the Economic and Social Council (ECOSOC) under whose authority the CND operates. ECOSOC devoted a three-day high-level segment in 1996 to the outcome of the CND meeting.<sup>20</sup> Mr Schroeder, then president of the INCB made his point clear in the opening session: “Governments should keep in mind that experiments in the field of harm reduction currently taking place in several developed countries could be misused by those advocating the legalization of drugs. ... In the view of the Board, legitimisation of the non-medical use of drugs of abuse under the rubric of ‘harm minimization’ could not be justified.”

Australia was not intimidated. Its delegate replied that harm minimisation measures were the key to his country’s strategy. They were being introduced, without necessarily awaiting the elimination of drug misuse. While a harm minimisation strategy might not be appropriate for all countries, it had produced significant successes in reducing the social, economic and health-related harms in Australia. The UNGASS scheduled for 1998 would provide “an excellent opportunity to determine whether any improvements were needed in established structures, with a view to making them even more effective in the work of the international community to combat narcotic drugs.” Portugal declared that governments must be open to public debate in the search for adequate solutions, particularly when there were doubts about the effectiveness of some measures. Switzerland’s observer said: “The international community should not allow itself to be discouraged by setbacks, but should take the opportunity to critically evaluate future strategies;

<sup>15</sup> Commission on Narcotic Drugs, *Report on the 39th Session (16-25 April)*, Economic and Social Council, Official Records 1996. E/1996/27: Supp.7, par.16.

<sup>16</sup> *Ibid.*, par. 27.

<sup>17</sup> *Ibid.*, par. 18.

<sup>18</sup> Resolution. *Special session of the General Assembly devoted to the combat against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities*. E/CN.7/1996/L.16.

<sup>19</sup> E/1996/27: Supp.7, par.17

<sup>20</sup> ECOSOC, *Substantive Session of 1996, Provisional Summary Records of Meeting*, New York, 25-27 June 1996. E/1996/SR.10-15.



*it should do so in a spirit of open-mindedness, ready to learn from the experiences of others and prepared to experiment where necessary.”*

These views were exceptions. Overall, the meeting confirmed the dominant paradigm. ECOSOC approved the CND report, including the recommendation to convene a Special Session of the General Assembly in 1998. The UN Secretary General subsequently submitted a report to the General Assembly on the possible outcome of such a special session, fully purged of re-assessing language. “The special session could reiterate the importance of the international drug control treaties ... and could reaffirm their relevance and adequacy”. It would also help “to achieve universal adherence and implementation by the end of the millennium.” The session “could result in a reaffirmation by Governments of the political importance of drug control and in renewed commitment”.<sup>21</sup> Preparations for the 1998 UNGASS could begin, a responsibility handed back to the CND in a series of preparatory sessions in Vienna.

By the end of 1996, the most controversial views and recommendations of the previous few years, which could have turned the UNGASS into a moment of genuine reflection, had been effectively neutralised. The ‘zero tolerance’ lobby must have been displeased to see some of them resurge in the official UN World Drug Report published in 1997. A full chapter was devoted to the ‘Regulation-Legislation Debate’<sup>22</sup> written in the spirit – as mentioned on the back cover – of going ‘beyond the rhetoric normally surrounding the issue’: “In recent years there has been increasing criticism that the resources poured into the ‘war on drugs’ have been badly spent; and that the inter-

*national drug control regime, instead of contributing to the health and welfare of nations, may have aggravated the situation... Amidst perceptions of an impasse in the drug policy field, numerous pressure groups have emerged, calling for changes to international drug control through the relaxation of prohibition – for example, through modifications to the existing drug control Conventions – and through a new emphasis on measures to reduce the harm associated with illicit drug use. Because*

*“The international drug control regime, instead of contributing to the health and welfare of nations, may have aggravated the situation...”*

*these groups are eclectic in back-ground and include academics, politicians, medical scientists, economists and influential opinion leaders, for the most part motivated by serious and well-founded concerns, they represent a serious challenge to the current philosophy of drug control.”*

### 1998 UNGASS: the compromise

Having played a key role in the call for the Special Session, Mexico aspired to its presidency. This was blocked by the USA, concerned about Mexico’s critical tone. It took hours of hard bargaining behind the scenes before a compromise was reached offering Portugal the presidency. Mexico still played a strong role in the preparations for UNGASS, chairing the inter-governmental group that elaborated the draft for the ‘Guiding Principles of Demand Reduction’, one of the key documents on the UNGASS agenda. Mexico also submitted draft texts on money laundering and precursor issues. Mexico’s aim, according to its Ambassador to the UN in Vienna, was to help adjust the international drug control regime such that demand reduction could play a greater role in “bringing into balance the strategy that previously over emphasized one side of the problem”.<sup>23</sup>

<sup>21</sup> General Assembly 51<sup>st</sup> session. *Preparations for and possible outcome of a special session of the General Assembly on international drug control*. Report of the Secretary-General, 9 October 1996. A/51/469.

<sup>22</sup> *World Drug Report*, UNDCP/Oxford University Press, 1997, pp.184-201.

<sup>23</sup> R. Lajous Vargas, ‘La ONU y el Narcotráfico’, *Nexos*, 246, June 1998.

[http://www.nexos.com.mx/internos/foros/drogas/drogas\\_8.asp](http://www.nexos.com.mx/internos/foros/drogas/drogas_8.asp)

It was also hoped that UNGASS would mark the end of the 'era of fingerprinting'. Both Mexico and Colombia stressed that the old dichotomy between traditional producer and consumer countries should give way to the principle of 'shared responsibility', acknowledging not only the imbalances of the past but also the fact that the traditional dividing lines had become more blurred over time. After several difficult negotiations, especially on the demand reduction and precursor issues, the UNGASS outcomes eventually reflected this spirit. Many documents approved did emphasise the responsibility of the 'North' to, among other things, reduce demand, regulate the trade in chemical precursors, control the production of amphetamines type stimulants (ATS), and address the money laundering issue.

The main threat to achieving this new balance arose from a proposal put forward by Pino Arlacchi, appointed as the new Executive Director of the UNDCP in September 1997, in the midst of the preparatory process. His SCOPE-plan, the 'Strategy for Coca and Opium Poppy Elimination by 2008', called for wiping out illicit crops in Colombia, Bolivia, Peru, Burma, Laos, Vietnam, Afghanistan and Pakistan, the eight countries where coca and opium production is concentrated.<sup>24</sup> SCOPE brought back the rhetoric of a 'drug-free world' through total elimination of drug-linked crops and would have shifted the burden of responsibility back to the opium and coca producing countries.

The plan was never endorsed, but provided the impetus for the adoption in the UNGASS Political Declaration of its most controversial article 19 which calls for, "eliminating or sig-

nificantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008".<sup>25</sup> Only after fierce debate, was it agreed that the same year would also be the target date for "eliminating or significantly reducing the illicit manufacture, marketing and trafficking of psychotropic substances, including synthetic drugs, and the diversion of precursors", as well as for "achieving significant and measurable results in the field of demand reduction". These are the pledges that are on the agenda of the

April 2003 mid-term review "to evaluate progress achieved and difficulties encountered" halfway to the 2008 deadline.

During the Special Session, only a few delegates continued to express doubts about the carefully negotiated and fragile consensus. Raymond Kendall, Secretary

General of Interpol, stressed the need for a new policy that "should not naively confuse reality with any type of demagogic faith, but be based on objective information and multidisciplinary research." Similarly, The Netherlands emphasised the need for evidence-based strategies: "The next step should be to evaluate the results of our past efforts in order to find out what works and what does not. In discussing new strategies, let us not get trapped in the ideological disputes of the past. Let us instead base our discussions on facts and on the practical experiences we have gained over the years".<sup>26</sup>

In the years since the UNGASS, however, little space was to be found in that direction. UNDCP Executive Director Pino Arlacchi heavily censored the second World Drug Report 2000. The section that was meant to follow up the 1997 chapter on the regulation debate was scrapped altogether, as was a full

*"In discussing new strategies, let us not get trapped in the ideological disputes of the past. Let us instead base our discussions on facts and on the practical experiences we have gained over the years"*

<sup>24</sup> T. Blickman, *Caught in the Crossfire: Developing Countries, the UNDCP, and the War on Drugs*, TNI/CIIR, London, June 1998. <http://www.tni.org/drugs/reports/caught.htm>

<sup>25</sup> Political Declaration, General Assembly 20<sup>th</sup> Special Session, 9th Plenary Meeting, June 10, 1998. A/RES/S-20/2.

<sup>26</sup> General Assembly 20<sup>th</sup> Special Session, Official Records, 8-10 June 1998. A/S-20/PV.1-9.

section on cannabis and several others. The co-ordinator, Francisco Thoumi, left the agency in protest. *“Arlacchi was very concerned because the original draft did not reflect his vision of the world drug situation. In particular, he argued that it was too pessimistic and that it failed to show the great advances in the fight on drugs that had taken place recently. He frequently argued that the world drug problem was on the verge of being solved and that there were only three countries that were real problems: Colombia, Afghanistan and Myanmar”*.<sup>27</sup> Quite a few other UNDCP staff were forced to leave or resigned over differences with Arlacchi. There was a purge – some say a witch-hunt – to cleanse the UN drug control system of suspected ‘defeatist’ elements that might further disrupt the ‘spirit of togetherness’.

## Conclusions

The consensus-driven functioning of the UN drug control machinery has led to strange outcomes. *“There is something very special about illicit drugs. If they don’t always make the drug user behave irrationally, they certainly cause many non-users to behave that way.”*<sup>28</sup> In private, most authorities agree that it is unrealistic to expect to eradicate drugs and that the present regime is ineffective. As soon as they sit down in the conference halls in Vienna and New York, however, they shift into consensus-mode and the majority of officials are swept along in a ritual of rhetoric, while the minority prefers to keep as low a profile as possible. Thus, after a decade of high-level meetings during which it is widely acknowledged that *“the problem advanced faster than the remedy”*, any initiative to *“seek out the reasons for the impotence of the present system of control”* is neu-

*“There is something very special about illicit drugs. If they don’t always make the drug user behave irrationally, they certainly cause many non-users to behave that way”*

tralised and every recommendation for ‘appropriate adjustments’ is thrown to the wind. After all this, the international community concluded in 1998 they could still accomplish in 10 years what they had been unable to achieve in the 25 years they had agreed to in the 1961 Convention.

The INCB had already announced in its 1994 paper: *“The international community has expressed a desire not to reopen all debates but to build on those commonly defined strategies and broad principles and to seek ways to further strengthen measures for drug control”*.<sup>29</sup> The many calls, coming from the very same ‘international community’, to *“critically evaluate strategies in a spirit of open-mindedness, ready to learn from experiences and prepared to experiment where necessary”* have been countered with Manichean cold war-like accusations of treason to ‘our noble cause’.

Looking back at the history of the 1998 UNGASS reveals the limitations of the rational functioning of the UN drug control machinery. Behind the apparent unanimity of the UNGASS outcomes, lies a long-standing conflict within the UN system between nations desperately trying to maintain the status quo of a prohibition regime rooted in ‘zero tolerance’, and those recognising its failure, illusion and hollow rhetoric who are opting for a more rational and pragmatic approach. Instead of the proclaimed ‘growing convergence of views’, it is evident there is a growing divergence and an impasse which urgently needs to be broken.

<sup>27</sup> F. Thoumi. ‘Can the United Nations support “objective” and unhampered illicit drug policy research? A testimony of a UN funded researcher’, *Crime, Law & Social Change* 38, 2002, p. 161–183.

<sup>28</sup> *Marihuana, the Forbidden Medicine*, Lester Grinspoon and James Bakalar, Yale University Press, 1993.

<sup>29</sup> E/INCB/1994/1/Supp.I: 8

## WHO: 'Six Horsemen ride out'

The World Health Organization (WHO) has a particular role in the making of UN drug policy, relatively separate from the hardcore triangle UNDCP-INCB-CND. Its role is restricted to recommending, on the basis of health considerations, under which schedule of the 1961 and 1971 conventions particular substances should be categorised. This is a task for which the WHO convenes an Expert Committee on Drug Dependence every two years. The WHO only can make recommendations, the CND decides. From the beginning, the WHO has been at odds with the established drug control system, never finding a rationale to live with the existent illicit-licit distinction. Its mandate to look purely at health impacts leads the WHO consequently to refer to "psychoactive substances, including alcohol and tobacco". The latter two constitute a far bigger headache to them than the illicit drugs placed under the schedules of the drug control conventions. Their own statistics show, for example, that all illicit drugs taken together are estimated to cause 0.6% of lost "Disability-Adjusted Life Years", compared with 6.1% caused by alcohol and tobacco.<sup>1</sup>

In 1990, at the beginning of the Decade Against Drug Abuse, the WHO established its Programme on Substance Abuse (PSA), appointing six staff members to strengthen WHO's contribution to the field. The *British Journal of Addiction* applauded the decision with an editorial under the title "Six Horsemen ride out". One of the commentators in the journal welcomed the PSA "because now attention can be directed to correcting the balance, formerly too heavily weighted on the side of supply reduction and drug laws enforcement, whose practitioners have often reminded one, in the intensity of their belief in the 'wickedness', not only of traffickers but of the chemicals themselves, of those honest brokers (dispensers) of justice who condemned so many innocent old women to death as witches".<sup>2</sup> He referred to the historical document *Discoverie of Witchcraft*, published in 1584 to protest the rising tide of persecution of innocents by a superstitious clergy, a book condemned to be burned by King James I of

England. The author saw an important function for the PSA in producing scientific facts to bring common sense to the drugs issue, which "I hope no-one would wish to burn". Subsequent events suggest that he was somewhat optimistic.

The enthusiastic PSA team decided to expand the mandate of the Expert Committee to cover a broader range of issues related to demand reduction. The 1992 Expert Committee therefore met with a dual mandate. Ten substances had to be reviewed for scheduling, but the experts were also asked "to look at the various strategies and approaches for reducing substance use and its harmful consequences". After debating the practice of traditional coca chewing in the Andes and Khat use in Africa, the committee "recommended studies looking towards possible changes in international control provisions concerning these traditional patterns of use". The Committee also concluded in its report that the "primary goal of national demand reduction programmes should be to minimize the harm associated with the use of alcohol, tobacco and other psychoactive drugs. ... for maximum effectiveness, national policies should be oriented to explicitly defined 'harm minimization' goals".<sup>3</sup> This conclusion was reached "not without some grumbling", especially from the side of two committee members, Hamid Ghodse, then INCB president, and Philip O. Emafo, nowadays president of the Board. In the end though, they went along with the report, which "adopted a relatively wide-ranging view of harm reduction, so that, for instance, regulation of the supply was seen as among the potential harm reduction strategies".<sup>4</sup>

## WHO: Cocaine Project

In 1992, the PSA launched the "WHO/UNICRI Cocaine Project", which according to a press release in March 1995 was the largest global study on cocaine use ever undertaken. "The sometimes unexpected conclusions of the study do not represent an official position of WHO".<sup>5</sup>

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## WHO: 'Six Horsemen ride out'

A Briefing Kit summarising the results of the study was circulated at the March 1995 CND meeting. The conclusions strongly conflicted with accepted paradigms, for example *"that occasional cocaine use does not typically lead to severe or even minor physical or social problems ... a minority of people start using cocaine or related products, use casually for a short or long period, and suffer little or no negative consequences, even after years of use. ... Use of coca leaves appears to have no negative health effects and has positive, therapeutic, sacred and social functions for indigenous Andean populations."* The largest future issue, according to the study, was whether the world *"will continue to focus on supply reduction approaches such as crop destruction and substitution and law enforcement efforts in the face of mounting criticism and cynicism about the effectiveness of these approaches. ... There needs to be more assessment of the adverse effects of current policies and strategies and development of innovative approaches. ... Current national and local approaches which over-emphasize punitive drug control measures may actually contribute to the development of health-related problems."*<sup>6</sup>

***"If WHO activities relating to drugs fail to reinforce proven drug-control approaches, funds for the relevant programs should be curtailed"***

Almost as soon as the Briefing Kit started to circulate in the UN corridors, USA officials used their full weight to prevent the release of the

study. *"The United States government has been surprised to note that the package seemed to make a case for the positive uses of cocaine,"* was the response of Neil Boyer, the USA's representative to the 48<sup>th</sup> meeting of the World Health Assembly in Geneva. He said that the WHO programme on substance abuse was *"headed in the wrong direction"* and *"undermined the efforts of the international community to stamp*

*out the illegal cultivation and production of coca"*. He denounced *"evidence of WHO's support for harm-reduction programmes and previous WHO association with organizations that supported the legalization of drugs."* Then came a clear threat: *"If WHO*

*activities relating to drugs fail to reinforce proven drug-control approaches, funds for the relevant programs should be curtailed"*. It had its intended effect insofar as the results of the Cocaine Project were never published. The Briefing Kit had been a premature release of the summary results, before the full research outcomes had gone through the usual thorough review and editing process. Because of the commotion, however, no agreement on the list of peer reviewers could ever be found, so the process was never completed. Years of work and hundreds of pages of valuable facts and insights about coca and cocaine by more than 40 researchers were, in effect, "burned".



<sup>1</sup> *The Global Burden of Disease*; Alan D. Lopez, Epidemiology and Burden of Disease Team, World Health Organization. 2020 Focus 5, Brief 2, February 2001.

<sup>2</sup> *Action against drug abuse-Yes; A form of witch-hunt-No*. Comments on the 'Six Horsemen and the WHO programme on substance abuse'. A. Haworth, in: *British Journal of Addiction*, 86, 1991, pp.1391-1403.

<sup>3</sup> *WHO Expert Committee on Drug Dependence: Twenty-eighth Report*, Geneva: W.H.O. Technical Report Series No. 836, 1993.

<sup>4</sup> *Harm Reduction, Human Rights and the W.H.O. Expert Committee on Drug Dependence*. Robin Room, in: Patricia Erickson, Diane Riley, Yuet Cheung and Pat O'Hare, eds., *Harm Reduction: A New Direction for Drug Policies and Programs*. Toronto: University of Toronto Press 1997. Pp. 119-130.

<sup>5</sup> Publication of the largest global study on cocaine use ever undertaken. Press Release WHO/20, 14 March 1995.

<sup>6</sup> *WHO/UNICRI Cocaine Project*, 5 March 1995 (unpublished Briefing Kit).

<sup>7</sup> WHA48/1995/REC/3. Forty-Eighth World Health Assembly, *Summary Records and Reports of Committees*, Geneva 1-12 May 1995.



**H**ow will the international community assess the progress achieved and difficulties encountered in meeting the UNGASS goals and targets? A look at the mechanisms put in place for monitoring that progress reveals a disturbing lack of clear criteria and a deliberate avoidance of inconvenient questions. There is bias towards a process-oriented evaluation (how much has been done to achieve the goals) while outcome-oriented questions are seriously neglected (what has been the impact of all those actions on the actual drug situation). What it should be all about, the central question, is not addressed – namely: is the world being effective in getting closer to the goals and targets for 2008? The mid-term review appears not to be aimed at genuine evaluation with a view to learning lessons for improving our effectiveness, but seems to be aimed rather at maintaining the political commitment required to fight the good fight. Nations and UN agencies will pat each other on the back for all efforts done, without questioning whether those efforts have had any impact at all on the availability and use of illicit drugs. The main reason for this approach is anticipation that the challenging answers to what should be the central outcome-oriented questions might well prove too inconvenient for the status quo.

*“The special session represented a landmark in international efforts to achieve a drug-free world”, concluded the Commission on Narcotic Drugs at its 42<sup>nd</sup> session in March 1999 where the UNGASS follow-up process was discussed. “The Commission had been called upon by the General Assembly to play a critical role in the follow-up to the special session and to ensure that the objectives were met by the agreed target dates.” The challenge was to “establish*

*an effective follow-up process, so as to maintain the political momentum and commitment generated by the twentieth special session.”<sup>1</sup> Guidelines were adopted for reporting on progress achieved in meeting the goals and targets for the years 2003 and 2008. Implementation of the ambitious aims as laid down in the UNGASS Political Declaration was linked to three Action Plans, one on eradication and alternative development, one on drug demand reduction and one against amphetamine-type stimulants (ATS), as well as a series of proposed measures to control precursors, counter money-laundering and promote judicial cooperation.*

## Instruments

A key instrument for the follow-up process is the Biennial Reports Questionnaire (BRQ) that countries are to use to report on progress made in implementing the action plans and measures. All one hundred and forty one BRQ questions are process-oriented. *“Have measures been taken by your Government to...”? “Has your Government established working procedures for...”? Or “Has your Government enacted new, or revised existing, laws and regulations...”<sup>2</sup> On the basis of this set of standardised data, UNDCP elaborates a comprehensively summarised global overview of the implementation process in the form of a biennial report to the CND “to facilitate the mid-term review and the preparation of a report to the General Assembly in 2003.”<sup>3</sup> The introduction to the first biennial report explained that the “analysis below accordingly reflects the action taken by Member States, as reported in the questionnaire, without going into a detailed assessment of the effectiveness of such action.” In fact, no such assessment of effectiveness is made at all, neither in the Biennial Report nor in*

<sup>1</sup> E/CN.7/1999/15/Rev.1. Commission on Narcotic Drugs, Report on the forty-second session (16-25 March 1999 and 30 November and 1 December 1999).

<sup>2</sup> BRQ - Biennial Reports Questionnaire, Questionnaire for reporting on the action plans and measures adopted by the General Assembly at its twentieth special session.

<sup>3</sup> E/CN.7/2001/16. Consolidated first biennial report of the Executive Director on the implementation of the outcome of the twentieth special session of the General Assembly, devoted to countering the world drug problem together, Report of the Executive Director, 4 October 2001.



the separate follow-up reports on the implementation of the Action Plans that the UNDCP Executive Director provides to the CND, nor least of all in the actual debates on those reports at the annual CND session. Anyone familiar with those meetings is annoyed by the endless interventions by delegates listing their nation's seizures, eradication efforts, new measures and programmes and the total absence of a content or strategic debate.

There is a parallel procedure with *Annual Reports Questionnaires* (ARQ) on the basis of which UNDCP's Research Section drafts the annual *Global Illicit Drug Trends* with detailed statistics estimating production, trafficking and consumption, supplemented by an analytical section on the evolution of the global illicit drug problem, tackling a different theme each year. This is a very valuable source of information, meant as a tool for regular assessment of the situation in light of UNGASS goals and targets. Moreover, acknowledging that *"reliable and systematic data to monitor and evaluate the progress towards achieving these goals are presently not available [...] UNDCP has developed two global programmes: first, a global programme to monitor the cultivation, and yields, of illicit crops, and second, a global programme to assess the magnitude and pattern of illicit drug abuse. Both Programmes, once implemented, will be the core of a credible international follow-up to stated commitment of UN Member States to reduce the production and consumption of illicit drugs."*<sup>4</sup>

The prominence the 1998 UNGASS gave to *"eliminating or significantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008"*, resulted in a priority to establish the *Global Illicit Crops Monitoring Programme* (ICMP). Detailed surveys

are underway of cultivation and yields for opium in Afghanistan, Myanmar and Laos, and for coca in Colombia, Peru and Bolivia. *"It is presently estimated that well over 96 per cent of illicit opium poppy and coca bush are cultivated in these six countries and hence the six sub-programmes will virtually cover all of the global cultivation areas."*<sup>5</sup> This has greatly improved, as the CND requested, *"the systematic effort [...] in the collection of data and the setting of benchmarks to facilitate the assessment of progress towards that goal"*.<sup>6</sup>

## Methodology and indicators

In spite of all the difficulties in obtaining reliable and comparable data, and the many resulting gaps in information, steps forward have been made that would enable an attempt to assess progress five years down the line - not just in process terms but also as regards impact. Within the UN system, experience and knowledge exist about monitoring and evaluation mechanisms, developed around other thematic summits and conferences, and special importance is given to the development of basic indicators for the formulation of effective policies and monitoring progress towards the priority goals of major UN conferences.<sup>7</sup> Indeed, after the drugs UNGASS *"several representatives considered that the Commission should establish a common methodology, an agreed set of principles and indicators to monitor progress. In that regard, reference was made to the experience of the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS) and of the European Monitoring Centre for Drugs and Drug Addiction. They could serve as models for other regions, and also provide valuable lessons for the Commission."*<sup>8</sup>



<sup>4</sup> *Global Illicit Crops Monitoring Programme* (ICMP), UN-ODCCP, Vienna, January 2000.

<sup>5</sup> *Global Illicit Crops Monitoring Programme* (ICMP), UN-ODCCP, Vienna, January 2000.

<sup>6</sup> E/CN.7/1999/15/Rev.1. *Commission on Narcotic Drugs, Report on the forty-second session* (16-25 March 1999 and 30 November and 1 December 1999).

<sup>7</sup> E/2000/60. *Progress report on basic indicators for the integrated and coordinated implementation of and follow-up to major United Nations conferences and summits at all levels*, Report of the Secretary-General, Economic and Social Council, 26 May 2000.

<sup>8</sup> E/CN.7/1999/15/Rev.1. *Commission on Narcotic Drugs, Report on the forty-second session* (16-25 March 1999 and 30 November and 1 December 1999).

In 2000, a draft resolution was tabled in the CND stressing “the need to adopt indicators to serve as a guide in the preparation of reports to the General Assembly on the progress achieved in meeting the goals and targets for the years 2003 and 2008, thus ensuring the impartiality and objectivity of the newly created mechanism, with a view to permitting joint examination by the international community of the progress achieved in worldwide efforts to counter the drug problem and drug-related crime”.<sup>9</sup> The draft made an explicit distinction between “indicators for implementation-related goals” concerned with programmes, legislation and other measures, and “indicators for results-oriented goals in order to enable the Commission to assess the progress achieved in meeting the targets for the year 2008”. This underlined the need to determine both types of indicators. The sponsors, however, withdrew the resolution after being convinced by other delegates that it was superfluous.

Indeed, the Commission could have learned from both the CICAD and from the European Monitoring Centre (EMCDDA). In collaboration with Europol, the EMCDDA has developed methods and tools for evaluation of the European Union strategy on drugs. At the request of the European Commission, they make a clear distinction between different levels of evaluation. A first process-oriented stage will monitor and assess the level of implementation of the planned actions, and subsequently an assessment will be made oriented to the measurement of the possible impact of these achievements on the drug situation.<sup>10</sup>

## Measuring results

So far, the follow-up process has produced, on the one hand, a wealth of data on the world drug situation: global trends and crop

surveys and, on the other hand, extensive documentation on all actions undertaken by governments to implement the UNGASS outcomes. No-one really tried to establish whether the latter has had any impact on the former, nor are there clearly established indicators for ‘progress’ or a methodology to measure the impact of policy interventions. Regularly, a local success story in illicit crop reduction is heralded, too often too easily attributed to policy interventions and this is then extrapolated for regional or global impact, often contradicted by UNDCP’s own figures.

In 1999, for example, the Commission noted that: “Significant progress had been made in meeting the target of the special session of eliminating or significantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008. The most striking development in 1999 was the continuing, steady decline in the extent of cultivation of the coca bush in the Andean region, although concern was expressed regarding the displacement of coca cultivation from one zone to another. [...] Significant inroads had been made in eliminating illicit cultivation of the opium poppy in Asia.”<sup>11</sup>

Again in 2000, “Landmark progress had been made in implementing the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development, with illicit cultivation of narcotic crops being eradicated in several countries.” That was the conclusion of the debate under the UNGASS follow-up agenda item. When discussing at the same session the report on the world drug situation, indeed it was noted that “illicit cultivation of the coca bush in Bolivia and Peru substantially declined in recent years.” However, “the estimated supply of cocaine to illicit markets remained relatively stable”.<sup>12</sup> CICAD, in its most recent evaluation of drug control 2001-2002, even notes a sharp increase in cocaine production,

<sup>9</sup> E/CN.7/2000/L.10. Indicators for determining progress achieved in meeting the goals and targets for the years 2003 and 2008, Argentina and Mexico: draft resolution, 6 March 2000, (Withdrawn).

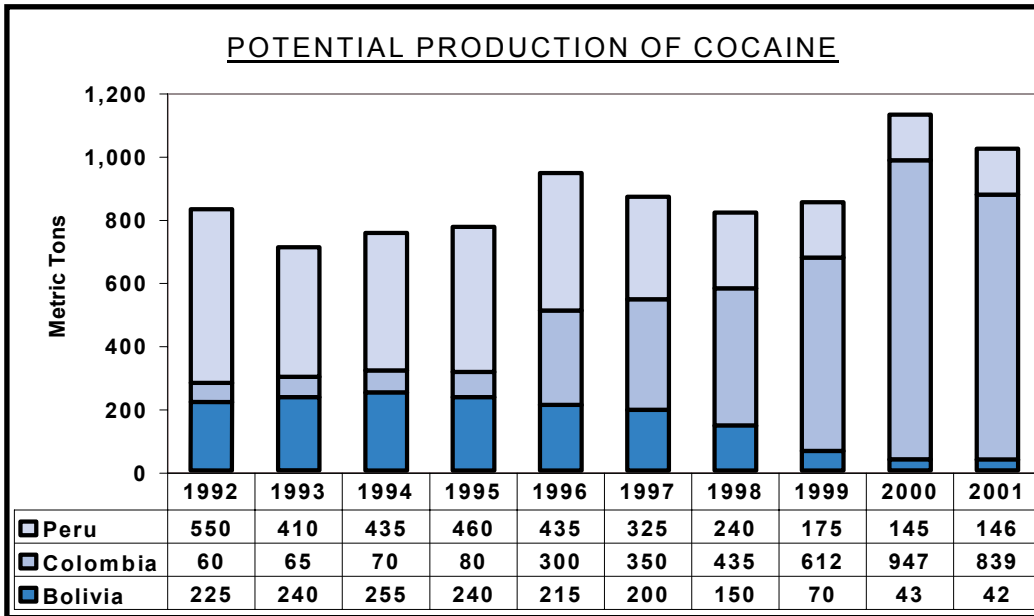
<sup>10</sup> Report by the European Monitoring Centre for Drugs and Drug Addiction and Europol on the identification of criteria for an evaluation of the European Union Strategy on Drugs (2000-2004) by the Commission. Europol File NR 2564-144.

<sup>11</sup> E/CN.7/2000/11. Commission on Narcotic Drugs, Report on the forty-third session (6-15 March 2000).

<sup>12</sup> E/CN.7/2001/12. Commission on Narcotic Drugs Report on the forty-fourth session (20-29 March 2001).

due to higher yields: “Coca cultivation decreased by approximately 9% compared to 2000, and remains at nearly 200,000 hectares, which is the usual level for the last ten years. [...] Although the number of hectares under cultivation have remained constant over the last 10 years, potential production increased by 23% during the same

period, reaching a potential production level of 1,027 metric tons in 2001.”<sup>13</sup> The year before CICAD reported: “The overall conclusion is that notwithstanding efforts to reduce crops in producing countries and cocaine seizures, production and availability of this drug for consumption have not been reduced.”<sup>14</sup>



Source: CICAD



Source: UNDCP

As for global opium and heroin production, the UNDCP estimates indicate a more fluctuating but still relatively stable trend for the past decade, with 1994 and 1999 showing

peaks and 2001 showing an abrupt decline due to that year’s bottom harvest in Afghanistan caused by the Taliban opium ban, drought and rock bottom prices due to over-production the previous year. Afghan production in 2002 resumed and worldwide production was slightly up compared to the average over the past decade.<sup>15</sup>

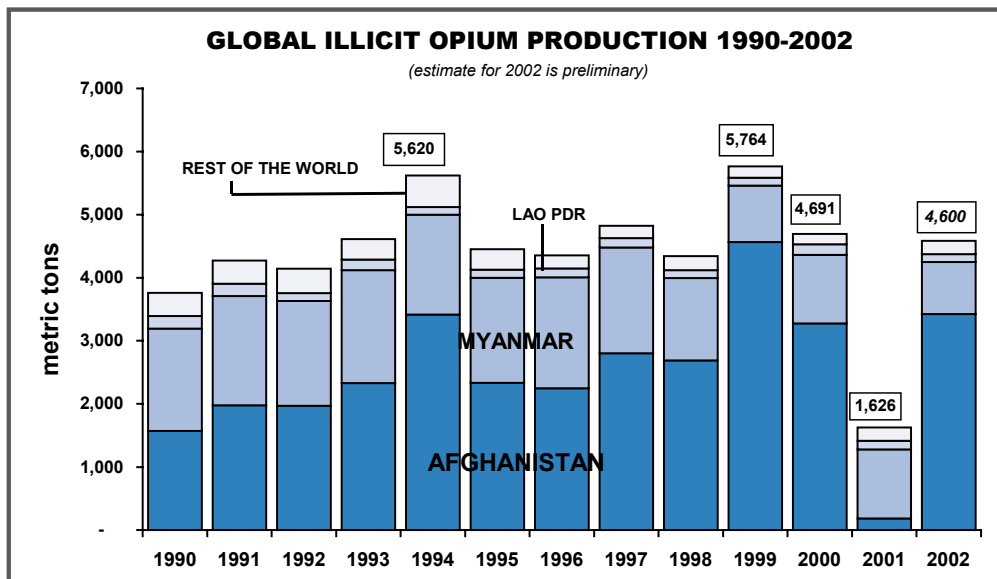
### Impact assessment

“Several Governments had introduced pre-export notifications for potassium permanganate and acetic anhydride, the essential chemicals for the illicit manufacture of cocaine and heroin. In so doing, they had attained one of the most ambitious

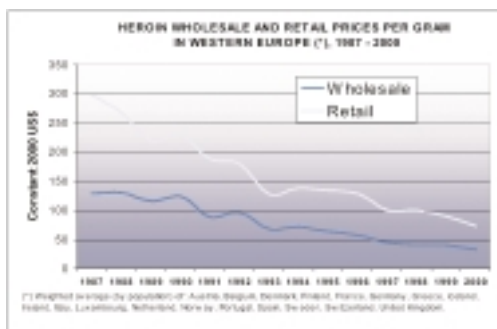
<sup>13</sup> OAS/CICAD – *Statistical Summary on Drugs 2002*. Inter-American Drug Abuse Control Commission (CICAD), Uniform Statistical System on Control of the Supply Area (CICDAT).

<sup>14</sup> OAS/CICAD – *Statistical Summary on Drugs 2001*, CICAD/CICDAT.

<sup>15</sup> *The Opium Economy in Afghanistan - An International Problem*, UN Office on Drugs and Crime (ODC), 2003.



Source: UNDCP



Source: UNDCP

objectives set by the special session with regard to precursor control.”<sup>16</sup> Implementation of UNGASS measures in this field and interdiction operations against precursor chemicals are regularly applauded as clear examples of successful drug law enforcement efforts. “Operation Purple is one of the most successful operations undertaken so far within the framework of international precursor control. During the first phase of operations (April-December 1999), almost 8,000 tons of potassium permanganate were tracked, and 32 shipments totalling 2,200 tons were stopped at the source or seized by the importing country. Operation Purple has resulted

in the prevention of large amounts of that substance from being diverted to the illicit manufacture of cocaine.”<sup>17</sup> In October 2000, Operation Topaz was launched to track in a similar way acetic anhydride.

True, those are clearly measurable achievements. Still, it does not say anything at all about the actual impact regarding the key objective of these efforts: to reduce the availability of cocaine and heroin on the international markets. CICAD also points at progress regarding precursor control measures, but at the same time questions the impact it has had, reporting that since “the First Evaluation Round 1999-2000, the countries have made progress by developing legislation and the capacity to determine their needs, in order to prevent the diversion of pharmaceuticals and controlled chemical substances. [...] Nonetheless, increasing diversion of chemical precursors parallels the upward trend observed in illicit drug production.” Consistent with their finding that the “information available, [...] reveals an upward trend in drug use in the hemisphere among diverse social groups, particularly youth.”<sup>18</sup> And the

<sup>16</sup> E/CN.7/2000/11. Commission on Narcotic Drugs, Report on the forty-third session (6-15 March 2000).

<sup>17</sup> E/CN.7/2000/11. Commission on Narcotic Drugs, Report on the forty-third session (6-15 March 2000).

<sup>18</sup> OAS/CICAD – Evaluation of progress in Drug Control 2001-2002, Hemispheric Report.

CND in 2002 noted for price trends, considered to be one of the key indicators of drug availability and the impact target of precursor control, that “heroin prices had continued to decrease in North America and Western Europe [...] in both of those subregions, cocaine prices had continued to be stable or decreasing.” Also, “Strong concern was expressed about the growth in manufacture, trafficking and use of ATS.”<sup>19</sup>

## Conclusion

Especially on supply reduction side, there is an astonishing lack of sound argumentation about the consequences and impact of policy interventions on the illicit market. The general assumption seems to be that interdiction operations contribute to achieving the aim of supply reduction simply because they are designed to do so.

Market responses and counter-measures by criminal groups involved are not taken into account when judging the overall impact. Very basic questions are rarely posed. For example, if price developments are a useful indicator of drug availability,

there are no data on the basis of which one could argue that the many seizures of shipments have ever reduced the availability on the consumption markets. They seem, rather, to have contributed to increased production to balance the losses. Tightening precursor control is more likely to increase their black market prices, increase criminal R&D investments in replacement chemicals and exacerbate corruption in the chemical industry, rather than to reduce the availability of the illicit drugs, which is ostensibly their main aim. Already the smuggling of precursors has become an illegal business as profitable as smuggling drugs themselves.

*“Attempts to combat illegal drugs by means of law enforcement have proved so manifestly unsuccessful that it is difficult to argue for the status quo,”*

Looking at the available estimates for key indicators like global production and price trends, positive conclusions as to the effectiveness of the current drug control regime cannot be drawn. “Attempts to combat illegal drugs by means of law enforcement have proved so manifestly unsuccessful that it is difficult to argue for the status quo,” said the chairperson of the House of Commons Home Affairs Select Committee in the United Kingdom, Chris Mullin, when he released the Committee’s report *The Government’s Drugs Policy: Is It Working?* in May 2002. The report concluded: “If there is any single lesson from the experience of the last 30 years, it is that policies based wholly or mainly on enforcement are destined to fail. It remains an unhappy fact that the best efforts of police and Customs have had little, if any, impact on the availability of illegal drugs and this is reflected in the prices on the street which are as low as they have ever been. The best that can be said,

and the evidence for this is shaky, is that we have succeeded in containing the problem.”<sup>20</sup>

At the UN level, attempts to hide this behind a huge smoke-screen of successes, as regards quantities of control measures

undertaken and descriptions of local or temporary fluctuations in the illicit market, are not convincing. A mid-term review restricted to a process-oriented evaluation of implemented measures leads to a distorted picture of virtual progress. If evaluation is meant for learning lessons and improving policy effectiveness, it cannot escape an assessment of the impact on the drug situation. Genuine evaluation can lead to inconvenient conclusions and therefore presupposes a political willingness to question the validity of existing policies. Herein lies the problem.



<sup>19</sup> E/CN.7/2002/11. Commission on Narcotic Drugs, Report on the forty-fifth session (13 December 2001 and 11-15 March 2002).

<sup>20</sup> *The Government’s Drugs Policy: Is It Working?*, House of Commons Home Affairs Select Committee, United Kingdom, May 2002.

**H**alfway to the 2008 target date set by UNGASS, it should be recognised that a more realistic view regarding those targets is needed. There are no indications that production trends are showing a sustainable pattern of decline, nor can substantial results be argued for demand reduction. The world will not be drug-free in 2008, nor will there be major achievements regarding “eliminating or significantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy.” Home Secretary David Blunkett already concluded that the more modest UK targets for 2008 - to achieve halving the availability and use by young people of heroin and cocaine and cutting by 50 per cent levels of drug-related crime - were “not credible”. Those targets had been established in 1998 by picking figures “out of the air,” according to Blunkett.<sup>1</sup> A similar recognition would have to be made about the UNGASS targets if the assembled ministers in Vienna don’t want to make fools of themselves. In this case, the 2008 date was not, in fact, picked out of the air but out of a Clinton speech. Then UNDCP Executive Director Pino Arlacchi basically wanted to be friendly with the president of the nation leading the War on Drugs globally. A nice gesture, nothing more. While Arlacchi himself actually believed the world could be freed from all illegal drugs within a decade, most countries went along knowing this was simply another example of usual UN practice to boost morale and political commitment by setting high-reaching goals.

Progress has been most unsatisfactory, not because not enough of the measures have been implemented but because the strategy is flawed. A ‘drug-free world’ is an illusion. Consequently, the adopted strategies, goals and targets have to be genuinely evaluated and reviewed with an open mind towards future policy directions. Below, please find a series of recommendations for the mid-term review

and for the period 2003-2007, aimed at breaking the impasse in four areas we consider crucial: the introduction of harm/risk reduction in the UN drugs debate, the opening up of room for manoeuvre on supply side, the undertaking of efforts to improve the climate of the UN-level drugs debate, and a revision of the drug control conventions.

## Harm/risk reduction in the UN drugs debate

The moment has arrived for a breakthrough for the harm reduction or risk reduction concept. It should become a normal and accepted part of the debate on the UN level. In the Action Plan adopted in 1999 to implement the UNGASS Guiding Principles on Demand Reduction, countries committed themselves to offer “the full spectrum of services, including reducing the adverse health and social consequences of drug abuse”.<sup>2</sup> The Declaration of Commitment on HIV/AIDS adopted at the UNGASS June 2001, specifically calls on nations to ensure, by 2005, expanded access to clean needles and to promote “harm reduction efforts related to drug use”.<sup>3</sup> There is now broad acceptance that on demand side there is much more to strive for and gain than only looking at prevalence figures. The European Union Strategy on Drugs (2000-2004), states as one of its targets to “reduce substantially over five years the incidence of drug-related health damage (HIV, hepatitis B and C, TBC, etc.) and the number of drug-related deaths.” An EU Council recommendation on risk reduction is in process to specify actions that should be undertaken to reach that goal.

In spite of considerable national differences, the EMCDDA sees a trend across Europe in the direction of more pragmatic policies. “In many countries, prominent developments in the legislative area include moves to target substances regardless of their legal status, to widen the dis-

<sup>1</sup> Blunkett scraps the targets for fighting drug abuse. Ian Burrell, Home Affairs Correspondent, in: ‘The Independent’, London December 4, 2002.

<sup>2</sup> A/RES/54/132. Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction, annex to resolution, General Assembly 2 February 2000.

<sup>3</sup> A/RES/S-26/2. Declaration of Commitment on HIV/AIDS. General Assembly 26<sup>th</sup> Special Session on HIV/AIDS, June 2001; article 52.



inction between drug users and drug-law offenders, to reduce or remove penalties for personal use or possession of cannabis and to strengthen the legal framework for substitution treatment.”<sup>4</sup> Outside of Europe, several countries have been moving in a similar direction, most notably Canada, Australia and New Zealand, while some Latin American countries are exploring taking such steps.

There is also a growing recognition of the need to distinguish between recreational use and problematic use and a shift in policy focus accordingly, concentrating policy efforts on the relatively small group of problematic users. Only a minor percentage of recreational users develop problematic patterns of abuse. Though no use of illicit or licit psychoactive substances is completely free of health risks, they are part of youth cultures and fashions, linked to music, nightlife and ‘having fun’. According to the EMCDDA, policy responses for recreational use must be “information-based and aim at understanding how best to manage the risks.” “Attempts to control drug availability are not adequate responses for reducing risk” nor are “messages that simply say ‘Don’t use drugs’”.<sup>5</sup>

These developments taken together should lead to a change in climate at the level of UNDCP, CND and INCB, the core triangle of the UN drug control machinery that so far has consistently rejected the use of these terms in the policy debate. This is in contrast to agencies like WHO, UNAIDS and UNDP that are already using the harm/risk reduction concept as a matter of course.<sup>6</sup> Thus, the issue of UN system-wide consistency is also at stake here.

### Room for manoeuvre on supply side

On the consumption side, there is a clear tendency towards more lenient, rational and prag-

matic drug policies. On the production side to the contrary, there has been an escalation in repressive approaches. The UN conventions leave little ‘room for manoeuvre’ regarding the cultivation of drug-linked crops, concentrated in developing countries where thousands of peasants depend on illicit crops simply to survive. The last decade was marked by an intensification of chemical spraying of crops in Colombia, an attempt to develop mycoherbicides to start a biological front in the War on Drugs, increased military involvement in drug control efforts especially in Latin America under US leadership, collaboration with the Taliban regime to impose an opium ban in 2000 and now pressure on the Karzai government to enforce the ban while nothing is yet in place regarding alternative livelihoods. Supply reduction efforts in producing countries have created great harms to individuals and to society at large, intensifying internal conflicts, corruption, human rights violations, destruction of livelihoods and environmental degradation. A harm reduction policy at that level is urgently required.

The most vulnerable along the illicit drugs chain - drug consumers on the one end and small farmers and indigenous communities involved in the cultivation of illicit crops on the other - have suffered disproportionately the negative consequences of drug control policies. For consumers, at least, the global regime allows a margin of latitude countries can choose to use. This includes the decriminalisation of consumption, expediency and proportionality in law enforcement, a variety of treatment services, and harm reduction measures such as needle exchange.

Since the 1988 Convention, there has been no such room for manoeuvre for the production side. The 1961 Convention’s “special provision applicable to cultivation” (article 22) still left the decision to criminalise or not in the hands of each individual country: “Whenever the prevail-

<sup>4</sup> 2002 Annual report on the state of the drugs problem in the European Union and Norway. European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) 2002.

<sup>5</sup> Recreational drug use - a key EU challenge, Policies must aim to reduce risk. Drugs in focus, Briefing 6, EMCDDA 2002.

<sup>6</sup> For a good overview, see: *Illicit drugs convention reform and the United Nations agencies*. Compiled by Andrew Wilson for the Network of European Foundations for Innovative Cooperation (NEF), September 2002; available at: [www.senliscouncil.net](http://www.senliscouncil.net)

ing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.” Several conditions were specified, however, under which a country could permit the cultivation of opium poppy, coca leaf and cannabis. A special government agency had to be established to regulate production on the basis of a licence system. Any cultivation outside of such a regulated system was not permitted and should be destroyed. This 1961 latitude was tied to an agreement to phase out opium consumption within 15 years and coca and cannabis within 25 years.

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These possibilities end with the adoption of the 1988 Convention. Article 3, paragraph 1, has an absolute mandatory character, since it states that a signatory party shall “establish as criminal offences under its domestic law [...] the cultivation of opium poppy, coca bush or cannabis plant for the purpose of the production of narcotic drugs contrary to the provisions of the 1961 Convention”. There are two, unclearly spelled out, exemptions with respect to cultivation for personal consumption (art. 3-2) and the requirement to eradicate “shall take due account of traditional licit uses, where there is historic evidence of such use” (art. 14-2). Any other cultivation necessarily has to be treated as a serious criminal offence. An additional problem is posed by the fact that the three crops (opium poppy, coca bush and cannabis) are mentioned specifically in several articles of the 1961 and 1988 conventions. A re-scheduling to a lighter control schedule or taking them off the lists altogether would therefore open more room for manoeuvre on the consumption side, but not for cultivation. One option for reforming the control regime has been proposals for re-scheduling, especially to take the coca leaf off Schedule I and cannabis off Schedules I and IV of the 1961 convention. Although this would open up space for more policy diversity, amendments of the articles in which they are mentioned would be necessary to create any latitude as regards cultivation.

The absence of latitude for the production side is a major obstacle to attempts at introducing pragmatic policies for small illicit farmers. For example, negotiations with coca farmer unions in Bolivia and Peru on the separation of a licit and illicit segment of the market, the proposal being debated in the Colombian Congress to decriminalise small scale illicit cultivation, or the wish of several countries to decriminalise cannabis including its cultivation. It also hinders attempts, in the context of Alternative Development programmes, to find a legal rationale for allowing more realistic gradual reduction schemes, appropriate to the slow pace of securing alternative livelihoods.

At the March 2002 CND session, a resolution on Alternative Development was adopted asking for “a rigorous and comprehensive thematic evaluation [...] for determining best practices in alternative development by assessing the impact of alternative development on both human development indicators and drug control objectives and by addressing the key development issues of poverty reduction, gender, environmental sustainability and conflict resolution”.<sup>7</sup> This evaluation could provide a framework to discuss the pressing issue of the absence of legal justification for pragmatic approaches. Illicit cultivation is increasingly regarded as a cross-cutting issue, to which balanced responses have to be designed that take into account policy considerations in the areas of development, human rights, conflict resolution and prevention, etc. To enable balanced decision-making, however, there has to be room for manoeuvre.

### Improve the climate of debate

The difference between the climate of debate in the CND and that of drug policy debates and practices outside of the Vienna conference hall is staggering. Over the decades, difficulties in developing a common discourse in international drug control have led to the construction of a glass bowl, a depressurised environment that keeps certain ideas and terminology on the outside to facilitate consensus-seeking.

<sup>7</sup> The role of alternative development in drug control and development cooperation, CND Resolution 45/14, Commission on Narcotic Drugs, Vienna 15 March 2002.

Fresh air is badly needed to improve the debate. The CND Secretariat, UNDCP and INCB have functioned mainly as air conditioners, recirculating stale air within the system. In preparing the agenda and documents for a session, they filter out unwanted views and concepts that threaten to put pressure on the controlled climate of the system. They recirculate only that air generated from the already agreed principles and the signed conventions. Rather than air conditioners, a ventilation fan blowing in fresh air is sorely needed.

Ad hoc expert groups can play a role here. So far, however, their composition has been controlled and restricted to members of the triangle CND-UNDCP-INCB. As a result, they too served as air conditioners not ventilation fans. UN-sponsored research projects can play such a role too, but they have suffered from politicisation and censorship. When things threatened to get out of hand, as happened in 1995 with the WHO Cocaine Initiative, pressure built up so quickly that the whole project was simply deleted for fear that the glass bowl might crack. UNDCP, in its function as a centre of expertise, could well play a fan role, but under Arlacchi it tended to be characterised by internal mole-hunts to discover and close off ventilation shafts. The reform process under the new Executive Director, Mr Antonio Maria Costa, may well bring about significant improvements on that level, however. The new *Operational Priorities* for the Office on Drugs and Crime (ODC) already stress the need for “*Independent evaluation to assess success and failure in meeting objectives and in producing impact.*”<sup>8</sup> Active NGO participation could play a crucial ventilation role as well, though procedures are extremely limited and most groups challenging the dominant discourse have found the CND climate so appalling that they prefer to stay clear of it.

The fearful attitude towards an open-minded, rational and honest debate has to be over-

come. Inside the multilateral agencies, a huge amount of knowledge and experience is under-utilised. This could lift the debate to a more evidence-based level, if given more space. A process of cross-fertilisation between the UNDCP Research Section, the UN World Drug Report team, the WHO Expert Commission, INCB, the CICAD Expert Group and the EMCDDA has enormous potential. An expert group composed of a cross-section from those entities, with proper hearing or consultation procedures for academics, NGOs, users and farmers, could play a very valuable role in evaluating the effectiveness of current policies and producing debate-oriented papers analysing ongoing policy trends and experiments.

## Revision of the Conventions

Greek Foreign Minister Giorgos Papandreou proposes to undertake “*a thorough evaluation of the international drug treaties. We must verify their effectiveness, shortcomings must be brought into the open and proposals must be tabled to find new ways for formulating and applying drug policies.*”<sup>9</sup> Opening the debate about the conventions should start, he said, from the recognition that a “*difference in this field exists between theory and practice.*” This relates to the cannabis decriminalisation policy trend, but also to risk reduction practices such as user rooms, pill testing, heroin prescription, etc. According to current INCB president Philip O. Emafo even needle exchange should be regarded “*contrary to the provisions of the conventions.*”<sup>10</sup> He thus notices a clear tension not only between practices and conventions, but a fierce contradiction even between stated UNAIDS objectives – agreed to at the 2001 UNGASS on AIDS - and the drug control conventions.

*“All EU member states have ratified the UN treaties on the fight against drugs, but in everyday life countries deviate from the precepts contained therein. Deviations that are dictated by the requirements of*

<sup>8</sup> *Operational priorities: guidelines for the medium term*, UN Office on Drugs and Crime, 20 January 2003.

<sup>9</sup> *Aims and priorities of the Greek EU-presidency*, G. Papandreou in: ‘Eleftherotypia’, Athens 25 November 2002.

<sup>10</sup> *Interview with Dr. Philip O. Emafo, President of the International Narcotics Control Board (INCB)*, in: ‘Update’, UN Office on Drugs and Crime, December 2002.

practical policy,” according to Papanдреου. If the international community could be proud of its drug control achievements of the past decades, a case could be made against the pursuit of alternative policies. Since that is not the case, countries need to have leeway for experimentation, from which the rest of the world can draw lessons. The European trend is running into the limitations of what can still be justified within the confines of the treaties, while no such leeway has existed at all for policy pragmatism and experimentation regarding illicit cultivation.

Papanдреου’s proposal clearly argues for adjusting the conventions to the ‘requirements of practical policy’, not the other way around. Every year, the INCB also stresses the growing tension between theory and practice, but tries to pressure countries to adjust their practice to the letter and spirit of the conventions they signed. Normally the liberal-minded countries take a defensive position, twisting in denial that any of their practices are on a tense footing with the conventions. This argument should be turned around, as Papanдреου proposes. Rather than trying to deny the growing tension, it should be used as the main argument for defending the need for a modification of the treaties. The fact that the INCB again and again points out inconsistencies (regardless of the soundness of their judicial interpretation) should be sufficient reason to ask for appropriate adjustments to the conventions, if only to avoid further ambiguity. The –restricted- mandate given to the Board means that their judgements on some topics do carry weight. The primary responses from governments under attack are frantic and legalistic searches for loopholes, resulting in inconsistencies in national law-making and enforcement practices.

After exploring options open to them under their treaty obligations, the Ganja Commission in Jamaica concluded that for their wish to decriminalise cannabis, only “a workable if untidy

arrangement is possible, which would seek no significant change in the status quo at present other than relief to the thousands who annually are brought before the court for personal use.”<sup>11</sup> Referring to the example of Dutch cannabis policy, the commission pointed out the evident contradiction of decriminalising personal use while suppressing cultivation and trade, ‘a half-way position’. National legal ambiguities are thus spreading around the world. They are the direct result of the straitjacket characteristics of the conventions, combined with the perception that the procedures to change provisions of the treaties are too difficult. Unilateral steps aimed at amendments are considered too unlikely to succeed. Denunciation is considered too damaging for reputations internationally, or too costly given potential sanctions from the United States, which maintains its own disciplinary framework of de-certification or cuts in drug control-linked preferential trade agreements. The only way out is to seek like-minded alliances, to find safety in numbers. The Jamaican Commission recommended that “as a matter of great urgency Jamaica embark on diplomatic initiatives with its CARICOM partners and other countries outside the Region, in particular members of the European Union, with a view (a) to elicit support for its internal position, and (b) to influence the international community to re-examine the status of cannabis.”

Three recent extensive parliamentary enquiries in Canada, the UK and Jamaica, all suggest a diplomatic initiative on the UN level. The Canadian Senate Committee “recommends that the Government of Canada inform the appropriate United Nations authorities that Canada is requesting an amendment to the conventions and treaties governing illegal drugs”.<sup>12</sup> The House of Commons Home Affairs Select Committee in the United Kingdom concluded that “we believe the time has come for the international treaties to be reconsidered” and recommended that “the Government initiates a discussion within the Commission on Narcotic Drugs of alternative ways –including the possibility of legalisation and regula-

<sup>11</sup> A Report of the National Commission on Ganja to Rt. Hon. P.J. Patterson, Q.C., M.P. Prime Minister of Jamaica, August 7, 2001.

<sup>12</sup> Cannabis: Our Position for a Canadian Public Policy, Report of the Senate Special Committee on Illegal Drugs, Final report, September 2002.

tion—to tackle the global drugs dilemma.”<sup>13</sup> And the Jamaican Ganja Commission concluded that any steps further than the suggested ‘untidy arrangement’ “require diplomatic efforts to join ranks with a growing number of Parties who unilaterally are taking measures to ameliorate their own anti-marijuana practices with respect to possession and use, our aim being to get the international community appropriately to amend the Conventions.”<sup>14</sup> These recent appeals add to numerous calls made before, such as a European Parliament resolution in 1995, adopted with an overwhelming majority, that pleaded to “encourage discussion and analysis of the results of the policies in force as laid down by the relevant 1961, 1971 and 1988 UN Conventions so as to permit a possible revision of those conventions”.<sup>15</sup>

*“Laws – and even the international Conventions – are not written in stone; they can be changed when the democratic will of nations so wishes it.”*

A joint diplomatic effort in that direction could take multiple forms. One might be a resolution – in line with Papandreou’s proposal – requesting the CND to undertake a thorough evaluation of the effectiveness of the existing drug control framework. This could be undertaken, for example, by an ad hoc committee as suggested above based on a cross-section of experts from the various existing multilateral fora, with appropriate consultation procedures for non-governmental organisations. Specific review procedures could be opened up for cannabis and coca. Another possible option to explore would be ‘selective denunciation’, for example for provisions regarding cannabis, coca, possession for personal use and cultiva-

tion. The Law of Treaties allows for selective denunciation on the basis of historical ‘error’ or ‘fundamental change of circumstances’ (‘rebus sic stantibus’). “Basically, the doctrine of changed circumstances in the law of treaties says that if the fundamental situation underlying treaty provisions becomes so changed that continued performance of the treaty will not fulfill the objective that was originally intended, the performance of those obligations may be excused.”<sup>16</sup>

Consensus on a new approach to the drug phenomenon will not be found easily. Countries currently not convinced that a fundamental change in course is needed might, however, also see the value of others experimenting with innovative strategies. This would broaden the spec-

trum of practices from which to learn and enrich the global policy debate. Any such initiative should aim therefore to enhance flexibility and allow more policy diversity, instead of seeking consensus on controversial issues. Countries have sound reasons to question the effectiveness of the current regime, to be assertive about their achievements with pragmatic approaches, and to demand adjustments to the global legal framework that enable them to continue on the path they’ve democratically chosen for. As the first UN *World Drug Report* said: “Laws – and even the international Conventions – are not written in stone; they can be changed when the democratic will of nations so wishes it.”<sup>17</sup>

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<sup>13</sup> *The Government’s Drugs Policy: Is It Working?*, House of Commons Home Affairs Select Committee, United Kingdom, May 2002.

<sup>14</sup> *A Report of the National Commission on Ganja to Rt. Hon. P.J. Patterson, Q.C., M.P. Prime Minister of Jamaica*, August 7, 2001.

<sup>15</sup> A4-0136/95, *Resolution on the communication from the Commission to the Council and the European Parliament on a European Union action plan to combat drugs (1995-1999) (COM(94)0234 - C4-0107/94)*, European Parliament, 15 June 1995, Article 59.

<sup>16</sup> *The International Law of Treaties and United States legalization of marijuana*, Leinwand, M., in: ‘Columbia Journal of Transnational Law’, Vol. 10, 413-441, 1971.

<sup>17</sup> *World Drug Report*, United Nations International Drug Control Programme, Oxford University Press 1997, ISBN 0-19-829299-6, p. 199.



## Cannabis under the Spotlight

Throughout last year, the cannabis decriminalisation trend continued, most notably in Canada and the United Kingdom. This was strongly criticised in the INCB Report 2001 and during the 45th CND session in March 2002.

In May 2002, following the attack in the CND on tolerant drug policies, the UK House of Commons Home Affairs Select Committee published the report, *The Government's Drugs Policy: Is it Working?* It declared, "We support the Home Secretary's proposal to reclassify cannabis from Class B to Class C. (...) in future the maximum penalties for the supply and possession of cannabis, among other offences, would be reduced from 14 years' imprisonment to five years (for supply) and from five years to two years (for possession) (...). In addition, possession of cannabis would cease to be an 'arrestable offence'".

In July, the UK Home Secretary David Blunkett reaffirmed plans to reclassify cannabis from Class B to Class C, the least harmful category of illegal drugs in the UK. According to the new Criminal Justice Bill, however, any individual caught with Class C drugs could be arrested. The Bill also proposes that the maximum penalty for trafficking a Class C drug should increase from five to fourteen years' imprisonment. It seems, therefore, that everything will change but remain the same - though the government still promises 'guidance' against arrest for possession for personal use.

Then, in February 2003, the Home Office published another research study, striking out again at prohibitionism. Entitled *Substance Use by Young Offenders: the Impact of the Normalisation of Drug Use in the Early Years of the 21st Century*, the report stated that "Many schools adopt a low- or zero-tolerance to drug use. This may not be helpful as it encourages children to conceal, rather than deal with, their drug use and can

*lead to the exclusion of those caught."*

The situation in Canada reveals fewer contradictions, in spite of US pressure to reverse its tolerance trend. In December 2002, Minister of Justice Martin Cauchon announced that Canada might soon do away with criminal penalties for the possession of small amounts of marijuana for personal use. Days later, a special report of the House of Commons recommended "a comprehensive strategy for decriminalizing the possession and cultivation of not more than thirty grams of cannabis for personal use."

After two years research, a report issued by the Canadian Senate's Special Committee on Illegal Drugs went even further. It recommended "that the Government of Canada amend the Controlled Drugs and Substances Act to create a criminal exemption scheme. This legislation should stipulate the conditions for obtaining licences as well as for producing and selling cannabis." Addressing the press, Senator Pierre Claude Nolin, Chair of the Special Committee, declared "we have come to the conclusion that, as a drug, it should be regulated by the State much as we do for wine and beer, hence our preference for legalization over decriminalisation".

Other countries are also exploring a more lenient approach. In October 2002, Kazakhstan's President Nursultan Nazarbaev commissioned a study into the effects of decriminalisation and legalisation of so-called soft drugs, such as hashish and cannabis. Switzerland's parliament is currently studying a bill to decriminalise cannabis use as well as the cultivation, manufacture, purchase and possession of cannabis for personal consumption. The INCB Report 2002 notes that "if adopted in its current draft form, that legislation would actually go against the provisions of the international drug control treaties."

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# REFERENCES AND USEFUL WEBSITES

- [www.tni.org/drugs/ungass](http://www.tni.org/drugs/ungass)  
TNI website with information on the upcoming mid-term UNGASS review and background to the UN drug control system, the functioning of the involved agencies, trends in international drug policy and the prospects for reforming of the UN Conventions –the backbone of the global drug control regime.
- [www.vienna2003.org](http://www.vienna2003.org)  
Website of the International Coalition of NGOs for a Just and Effective Drug Policy (ICN) on the UNGASS Midterm Review. It includes information on national and international events around UNGASS+5, alternatives to prohibition and an appeal to reform international Drug Treaties.
- [www.senliscouncil.net](http://www.senliscouncil.net)  
Website of the Senlis Council, a European forum composed of academics, experts and NGOs brought together to assist policy-makers by providing fact finding papers and new ideas on integrated drug policies. It includes the document: *Illicit drugs convention reform and the United Nations agencies*, compiled by Andrew Wilson, September 2002.
- [www.unodc.org](http://www.unodc.org)  
Website of the UN Office on Drugs and Crime. It includes all the official documents from the CND sessions, the UNDCP publications, UN Treaties and resolutions, etc.
- [www.oas.org/cicad](http://www.oas.org/cicad)  
Inter-American Drug Abuse Control Commission of the Organisation of American States. Available at this website the official documents on anti-drug strategies, action plans to implement them, national plans, evaluations, access to national monitoring centres on drugs, etc. It includes the document: *Hemispheric Report - Evaluation of Progress in Drug Control 2001-2002*.
- [www.emcdd.org](http://www.emcdd.org)  
The European Monitoring Centre for Drugs and Drug Addiction offers in its website a complete overview of European drug policies, researches and studies on drugs and drug policies in Europe, criteria to evaluate the EU policies and the Commission's mid-term evaluation of the EU Action plan on drugs (2000-2004).
- [www.who.int/substance\\_abuse](http://www.who.int/substance_abuse)  
The World Health Organisation deals with all psychoactive substances, regardless of their legal status. In the section on substance dependence, research and reports on both licit and illicit drugs are available.
- [www.parl.gc.ca/illegal-drugs.asp](http://www.parl.gc.ca/illegal-drugs.asp)  
Website of the Special Senate Committee on Illegal Drugs with proceedings, testimonies, research papers, general information and its report: *Cannabis: Our Position for a Canadian Public Policy*, September 2002.
- [www.publications.parliament.uk/pa/cm200102/cmselect/cmhaff/318/31802.htm](http://www.publications.parliament.uk/pa/cm200102/cmselect/cmhaff/318/31802.htm)  
*The Government's Drugs Policy: Is It Working?*, House of Commons Home Affairs Select Committee, United Kingdom, May 2002.
- [www.rism.org/ncg.html](http://www.rism.org/ncg.html)  
*A Report of the National Commission on Ganja to Rt. Hon. P.J. Patterson, Q.C., M.P. Prime Minister of Jamaica*, August 7, 2001.



By 1998, when the United Nations convened a special General Assembly on drugs, there was already overwhelming evidence that the current approach to global drugs control had failed miserably, given the continuing rise in consumption and production. However, the evidence was ignored and no evaluation of what was wrong with current drug policy took place. Instead, as a *New York Times* editorial noted, unrealistic pledges were recycled, this time aiming at eliminating all drug production by the year 2008. In mid-April this year, the mid-term review of the goals and targets set by the special session on drugs is to take place in Vienna.

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This briefing sets out the history to the original call for a UN special session on drugs and explains why no genuine evaluation has been permitted to date. It also offers a constructive agenda for the Vienna mid-term review in the hope that this can contribute to a more rational, pragmatic and humane approach to the global drugs phenomenon. The views expressed here draw on years of critical dialogue between TNI and drug policy officials from around the world. As such, they have considerable backing from officials and experts in the field who, until now, have been curtailed in airing their doubts about current policy, presenting their evidence and tabling their proposals for a way forward.

Founded in 1974, TNI is an international network of activist-scholars committed to critical analyses of the global problems of today and tomorrow. It aims to provide intellectual support to those movements concerned to steer the world in a democratic, equitable and environmentally sustainable direction.

Since 1996, the TNI Drugs & Democracy programme has been analysing trends in the illegal drugs economy and in drug policies globally, their causes and their effects on economy, peace and democracy.

The Drugs & Democracy programme conducts field investigations, engages policy debates, briefs journalists and officials, coordinates international campaigns and conferences, produces articles, publications and briefing documents, and maintains a daily electronic news service on drugs-related issues.

The aim of the project and of the Drugs and Conflict series is to stimulate a re-assessment of conventional prohibitive and repressive policy approaches and to argue for policies based on principles consistent with a commitment to harm reduction, fair trade, development, democracy, human rights, environmental and health protection, and conflict prevention.