

The ‘Vienna consensus’ stifles progress on UN drug policy

Statement from the International Drug Policy Consortium

14 March 2019, VIENNA – The [International Drug Policy Consortium](#) (IDPC), a global network of more than 180 NGOs that come together to promote drug policies that are based on human rights, human security, social inclusion and public health, express our disappointment with, and concerns about, the Ministerial Declaration [‘Strengthening our actions at the national, regional and international levels to accelerate the implementation of our joint commitments to address and counter the world drug problem’](#), adopted today in Vienna by the United Nations.

While we acknowledge that the statement represents limited progress in some areas, we regret that it repeats the mistakes of the past and was negotiated in the absence of a genuine and honest evaluation of the past decade, since the adoption of the 2009 Political Declaration and Action Plan on Drugs. We note that several progressive member states negotiated hard for stronger language on human rights and sought to avoid restating the damaging ‘drug-free goals’ that have plagued UN drug policy documents for decades. Unfortunately, the so-called ‘Vienna consensus’ won out and has once again stifled progress in UN drug policy.

In the lead up to this Ministerial Segment, IDPC [called repeatedly](#) on Member States to formally and honestly evaluate progress made towards the overarching goal, in the 2009 Political Declaration, to significantly reduce or eliminate the illicit drug market, as well as in the implementation of the UNGASS Outcome Document. Unfortunately, a formal and comprehensive review of the past decade of drug policies was not conducted by governments or the UNODC. The lack of appetite for a formal review illustrates the fact that governments are still unable to accept that decades of attempting to eradicate the global illicit drug market through punitive and repressive measures have failed.

In the void left by the lack of such a review, IDPC produced a civil society ‘shadow report’ titled [Taking stock: A decade of drug policy](#) which clearly demonstrates the impossibility of credibly claiming any progress made to date, given that the illicit drug market is larger and more robust than ever before, while drug-related and devastating policy harms are on the rise. Ten years ago, the previous UNODC Executive Director, Mr. Costa referred to the [‘unintended negative consequences’](#) of drug control as part of the previous 10-year review – that paper is unfortunately still starkly relevant today.

Ahead of the 2019 Ministerial Segment, the IDPC network had developed [four policy recommendations](#) which remain relevant for our assessment of the Ministerial Declaration adopted today.

Firstly, the IDPC network had recommended that the international community finally move away from the ‘drug-free world’ targets given the devastating

The devastating impacts of repressive drug control in the past decade

- A 60% increase in drug-related deaths between 2000 and 2015, with a harrowing 450,000 deaths in 2015.
- At least 3,940 people executed for a drug offence over the last decade, with 33 jurisdictions retaining the death penalty for drug offences in violation of international standards.
- Around 27,000 extrajudicial killings in drug crackdowns in the Philippines.
- More than 71,000 overdose deaths in the United States in 2017 alone.
- A global pain epidemic, resulting from restrictions in access to controlled medicines, which have left 75% of the world’s population without proper access to pain relief.
- Mass incarceration fuelled by the criminalisation of people who use drugs – with 1 in 5 prisoners incarcerated for drug offences, mostly for possession for personal use.

impacts that efforts to achieve a drug-free society have produced over the past decade on human rights, health and wellbeing. This goal is not ‘aspirational’ – as would calling for a world free of HIV or poverty. It is devastating for communities worldwide.

Despite the welcome and unprecedented acknowledgement of the scale of the ‘persistent and emerging challenges’ identified in the Declaration, it is unfortunate that the document commits member states to once again ‘work towards the elimination’ of cultivation, production, trafficking and use, and reiterates the goal of ‘actively promoting a society free of drug abuse’. The final text also includes a commitment to accelerate the achievement of all ‘aspirational goals’ of 2009, 2014 and 2016 – meaning that the eradication goals included in the 2009 Political Declaration are implicitly restated.

But striving towards all ‘aspirational goals’ made in the past decade also means that member states could choose to turn instead towards those goals included in the UNGASS Outcome Document, and indirectly, the Sustainable Development Goals, which are mentioned in the 2016 document. In the coming decade, therefore, it is our hope that drug policy can prioritise the operationalisation of UNGASS recommendations and the achievement of the 2030 Agenda for Sustainable Development, in close partnership with civil society. This will require the adoption of a revised Annual Reports Questionnaire (ARQ) that adequately reflects the new thematic chapters of the UNGASS, in order to track progress against the human rights, development and health aspects of drug policy. Efforts to improve data collection on drug policy should nonetheless not limit themselves to the ARQ, and make better use of additional data collected by civil society, academia and other UN agencies, in particular on human rights considerations.

Secondly, and in an effort to ensure UN system-wide coherence in addressing drug issues globally, we had recommended that Member States use this opportunity to meaningfully reflect upon how drug policies contribute to the wider UN goals of promoting health, human rights, development, and peace and security. International human rights obligations and the Sustainable Development Goals provide a framework to guide the implementation and development of all policies and programmes.

In this context, we welcome the ‘United Nations system common position supporting the implementation of the international drug control policy through effective inter-agency collaboration’ – in which the [United Nations System Chief Executives Board for Coordination](#) (UN CEB) makes a collective commitment to ‘call for changes in laws, policies and practices that threaten the health and human rights of People’ and to ‘promote alternatives to conviction and punishment in appropriate cases, including the decriminalization of drug possession for personal use’. The UN System Coordination Task Team, established to implement this UN common position, is also a positive development, and the strong contribution made today titled “[What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters](#)” brings the crucial experience and expertise from across the UN family to bear on the often siloed drug policy debates at the CND. We congratulate the United Nations Secretary General on his leadership in promoting and consolidating UN system-wide coherence for drug policies. The continued engagement of UN agencies such as the Office of the High Commissioner for Human Rights, the Human Rights Council and its special procedures, human rights treaty bodies, the World Health Organization, the UN Development Programme, UNAIDS and others throughout the Ministerial Segment preparations has greatly contributed to this goal, and we call on member states to continue to promote their strong engagement beyond 2019.

Similarly, we welcome the inclusion, in the Ministerial Declaration, of the commitment ‘to strengthen international and inter-agency cooperation’ and ‘enhance coherence within the United Nations system at all levels with regard to the World Drug Problem’. In addition, the Declaration includes references to human rights obligations and the SDGs – although such wording was significantly toned down in the negotiations process due to push back from more conservative governments. The result is a reiteration of already agreed general wording around both human rights and development, rather than a strong commitment to respect,

protect and fulfil human rights and fundamental freedoms, or to advance development in all aspects of drug policy, for the next decade. The fact that the Declaration does not explicitly include a specific target aimed at significantly reducing violations of human rights committed in the name of drug control or combatting impunity in the coming decade is a grave omission. Nonetheless, it is a positive step forward that the Declaration includes new targets focusing on improving the availability of controlled medicines, on promoting alternatives to conviction and punishment, and on increasing access to harm reduction services.

Thirdly, we recommended that the discussions at the Ministerial Segment should reflect the realities of drug policy developments on the ground. This includes meaningful discussions on the implications of regulated cannabis markets emerging in multiple jurisdictions across the world, but also the need to discuss the egregious human rights violations resulting from repressive drug policies, including extrajudicial and other killings, the death penalty, disproportionate sentences, over-incarceration and the denial of harm reduction services that can save lives. This is particularly critical as various countries currently face an unprecedented overdose death crisis.

Although some discussions have indeed – and for the first time – taken place on legal regulation, these mainly consisted in strong condemnations from some member states, rather than a meaningful debate on the way forward and how to manage the resulting tensions with the UN drug control treaties. Furthermore, and as was the case in 2016, the Ministerial Declaration fails to reflect the realities on the ground in a forward-looking, progressive manner.

Finally, we recommended ending punitive approaches towards vulnerable groups and individuals – as is recommended both by the [UN CEB](#) and by the latest UNAIDS report '[Health, rights and drugs: harm reduction, decriminalization and zero discrimination for people who use drugs](#)'. The disproportionate impacts of punitive drug policies on specific communities – including women and ethnic minorities – were also highlighted today by the [UN Working Group on the issue of discrimination against women in law and in practice](#) and the [UN Working Group of Experts on People of African Descent](#).

Ending punitive approaches towards those most vulnerable will require that global drug control going forward puts people and communities at the centre, and seeks to improve their living conditions, address their situations of vulnerability and protect their human rights, in line with the SDG vision of 'leaving no one behind'.

In this regard, the powerful and diverse contributions from civil society – under the leadership of the [Civil Society Task Force](#) – have brought the realities from the ground directly to the fore, and have permitted member states to reflect on the impacts of punitive measures against those most affected. For this reason, the OHCHR [concluded](#) that 'the participation of civil society organizations should be encouraged and their capacities strengthened in order to implement the joint commitments of the outcome document', and that they 'should be protected from any intimidation, threat, harassment or reprisal'. But there again, the Ministerial Declaration only partially incorporated these critical issues in its 'Stock Taking' section.

As the UN meets today in Vienna to congratulate themselves on the adoption of yet another fraught consensus-based declaration on drug control, it will once again be up to civil society to hold our governments accountable for the choices they make in drug control, and to continue to bring the realities from affected groups and communities to promote an approach that truly respects human rights, protects health and social inclusion, and fosters development, peace and security. This, however, will require that governments finally admit that it is repressive drug policies themselves which are the main driver of the devastating harms associated with drugs.