

Civil Society: The Silenced Partners?

Civil Society engagement with the UN Commission
on Narcotic Drugs

The Economic and Social Council may make suitable arrangements for consultation with nongovernmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 71
Charter of the United Nations



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Civil Society Engagement and the Commission on Narcotic Drugs

The United Nations Commission on Narcotic Drugs (CND) is the UN body tasked with addressing global drug policy. It is also the governing body for the drug-related work of the UN Office on Drugs and Crime (UNODC). As a Functional Commission of the Economic and Social Council of the United Nations (ECOSOC), the CND is mandated under Article 71 of the UN Charter to engage non-governmental and civil society organisations in its work. In addition to this Charter mandate, CND resolutions 49/2 and 51/4 outline the need to recognise and encourage the efforts of civil society, including NGOs, in addressing problems associated with the use of illicit drugs, and particularly in contributing to the High Level review on drugs taking place in 2008—09.¹

However, despite this mandate, the involvement of civil society in international drug policy is poor, particularly when compared to other areas of international policy making. This is because, in practice, CND chooses to interpret its commitments in this regard very narrowly, resulting in limited mechanisms for engaging civil society, and perpetuating factors that minimise or obstruct the participation of NGOs in the international drug policy debate. For example,

- Civil society organisations that hold consultative status with ECOSOC are permitted to attend the annual CND sessions. However, these organisations have limited entitlements to participate, and are excluded from informal negotiations. They also can, and have been in the past, excluded from sessions at the request of any member state.
- There is no obvious civil society liaison provided on-site at CND sessions to assist NGOs, and the minimal online guidance for NGOs on how to contribute to sessions or apply to speak is available not from CND but from the Vienna NGO Committee on Narcotic Drugs.² For many civil society organisations, this information vacuum makes determining how to participate in CND sessions a difficult task.
- NGOs must follow a rigid and non-transparent process in order to make written or oral statements at CND, a process that results in few civil society speakers being heard at the CND sessions, and little opportunity for NGOs to make substantive contributions to debates. NGOs in consultative status with ECOSOC can submit written statements, but these are only circulated to Member States following consultation with, and approval of, the CND Secretariat. NGOs in consultative status may also request to make oral presentations, but may only be called upon

after the list of speakers from Member States has been exhausted, and then at the discretion of the Chairperson. The result is that, in practice, CND reserves no guaranteed speaking time for civil society representatives.

- In contrast to other political bodies, such as the Human Rights Council, CND sessions are not webcast,³ nor are detailed minutes or summary records made available to the public. The final reports of the meeting proceedings are extremely limited. This lack of transparency results in non-attendees, including NGOs, lacking knowledge of the detailed discussions that led to the decisions made at the session, and often little or no record of how individual country delegations sided on critical debates.

CND is not the only multilateral policy or decision-making body to address drugs and health within its work. In stark contrast with CND's narrow interpretation of its civil society mandate, some of these bodies, such as UNAIDS and its Programme Coordinating Board, engage civil society to levels beyond those provided for by the UN Charter or mandated by their constitutions and subsequent resolutions. For these and other bodies, the meaningful involvement of civil society in international policy debate is a fundamental approach reflecting accountability and good practice, rather than a discretionary 'add-on'.

The UNODC has also made efforts to engage NGOs in its work, but has regularly seen these efforts undermined by CND, UNODC's governing body. For example, UNODC's draft Strategic Plan contained numerous references to working with NGOs, yet this content was all but struck out when the plan came before CND for review.

Nor is CND the only Functional Commission of ECOSOC. Others, such as the Commission on the Status of Women and Commission for Social Development, include input from civil society as a central element of their working processes. These Commissions have easily accessible information and mechanisms for NGOs to attend sessions, and clear advice on how NGOs can contribute to the proceedings. The Commission on the Status of Women enables participation from NGOs whether or not they hold consultative status with ECOSOC.

Civil Society Engagement and the 2008—2009 UN drug review process

On 11—12 March 2009, a High Level Segment (HLS) of the 52nd session of the CND convenes in Vienna. This meeting represents the culmination of a two year process of review of the objectives and action plans agreed at the 1998 UN General Assembly Special

Session on drugs. The countries at the HLS will consider a new Political Declaration on drugs that will guide the next 10 years of international drug policy.

At its 51st session in 2008, CND passed Resolution 51/4 specifically calling for the contribution of civil society to the 'period of reflection' leading up to the High Level Segment at CND the following year.⁴ Despite this resolution, no formal mechanisms were put in place for NGO input into CND working group meetings integral to the formulation of the new Political Declaration, and civil society involvement in this process was left to the discretion of individual Member States in choosing the composition of their delegations.

The High Level Segment of the CND in 2009, unlike the High Level Meetings (HLM) on AIDS in 2006 and 2008, has no clear structure for the involvement of civil society. There was no UN General Assembly resolution defining the parameters of civil society engagement, as there were for the HLMs on AIDS, and no Civil Society Task Force was commissioned to coordinate this by the leading UN body on drug policy. Instead, it has largely fallen to civil society itself to disseminate guidance on participation in the 'period of reflection' and the High Level Segment. One of these mechanisms was the 'Beyond 2008 NGO Forum on Drugs' consultation and resulting NGO declaration.

The Beyond 2008 Forum, organised by the Vienna NGO Committee on Narcotic Drugs, was an attempt to ensure the voices of civil society were included in CND's traditionally weak process. The Vienna NGO Committee, in collaboration with the UN Office on Drugs and Crime, led a year long global NGO consultation, involving 13 meetings in all nine regions of the world, attended by over 500 NGOs from 116 countries as well as 65 international NGOs.

The Beyond 2008 process culminated with an NGO Summit in Vienna (7–9 July 2008) where some 300 NGO representatives agreed the language of a significant consensus-based NGO Declaration and three resolutions detailing recommendations for the next ten years of international drug policy. The NGO Declaration was presented to the inter-governmental Expert Working Group on Drug Demand Reduction in September 2008.

Despite the breadth and diversity of input into the Beyond 2008 process, a comprehensive Declaration agreed by consensus and the financial support – estimated at 1.6 million US dollars – from

the European Commission, Canada, Hungary, Italy, Sweden and the United Kingdom, its recommendations have been largely sidelined and ignored. This includes the failure of the Political Declaration to even use the term 'harm reduction', despite the fact that the Beyond 2008 document clearly recognises harm reduction programmes within the context of a comprehensive response to drug use. It is ironic then that the draft Political Declaration notes the important contribution of civil society to the review process, and agrees that 'Representatives of affected populations and civil society entities, where appropriate, should be enabled to play a participatory role in the formulation and implementation of drug demand and supply reduction policy'.⁵

CND and the involvement of people who use drugs and other affected populations

People and communities that are most affected by international drug policy, particularly people who use drugs and people living with HIV, are rarely able to have their voices heard within CND. In this regard, CND is again out of step with similar UN agencies that address drug use and health issues, for which the participation of affected communities is an integral part of policy making.

UNAIDS trail-blazed the involvement of people living with HIV in all aspects of their work. Their governance structures, the development of their workplans, strategic documents and international guidance all require the involvement of people living with and/or affected by HIV and AIDS. These principles underpin the work of UNAIDS, and are reflected in mechanisms and safeguards that support the participation people living with and/or affected by HIV in international policy making processes. This includes people who use drugs, who are increasingly participating in global HIV policy-making.

In contrast, the involvement of people affected by drug policy within international drug policy fora – such as people who use drugs and growers – is unacceptably poor. The CND has made no commitment to supporting their involvement, and no resolution from CND has specifically recognised these communities as integral to the response. Members of CND have heard from open drug users on fewer than four occasions in over fifty years, while growers, young people and people living with HIV are yet to officially speak at a CND session.

Civil society voices must not be silenced within international drug policy

In 2004, then UN Secretary-General Kofi Annan stated that, 'The partnership between the United Nations and civil society is...not an option; it is a necessity.'⁶ However, this advice has not been heeded by CND, which continues to approach civil society involvement as, at best, and after thought and, at worst, a nuisance.

Despite the wide ratification of the UN drug control treaties, and the multifaceted ways that drug policy affects the lives of people in country after country around the world, civil society engagement in the international drug policy making system is scandalously poor. The lack of effective mechanisms for civil society participation blocks many from contributing to these decision-making processes. This reflects not only a working method falling far short of the best practice models followed by other UN bodies, it also results in an uneven representation of this diverse sector. Even where broad and diverse civil society consultation is achieved, as in the Beyond 2008 process, neither CND nor many of its Member State delegations feel any obligation to incorporate these perspectives into their deliberations.

At the 51st session of CND in 2008, UNODC Executive Director Antonio Maria Costa stated that 'We don't need silent partners; we need dynamic, outspoken ones.'⁷ Civil society does not lack for dynamic and outspoken voices. What is lacking is CND's willingness to give those voices to a place at the table.

On the vital issue of civil society involvement, CND is out of step with the UN as a whole, and urgently needs to establish mechanisms to enable civil society to bring its perspectives and expertise into in the international drug policy debate. Now more than ever, and at this important juncture, it is imperative that civil society not be silenced in determining the future of global drug policy.

REFERENCES

1. http://www.unodc.org/pdf/resolutions/cnd_2006_49-2.pdf and <http://www.unodc.org/documents/commissions/CND-Res-2000-until-present/CND-2008-Session51/CND-51-Res-2008-04e.pdf>
2. http://www.vngoc.org/details.php?id_cat=7&id_cnt=24
3. The High Level Segment of the 52nd CND session will be webcast
4. <http://www.unodc.org/documents/commissions/CND-Res-2000-until-present/CND-2008-Session51/CND-51-Res-2008-04e.pdf>
5. Revised Draft Political Declaration, as at 13 February 2009
6. Kofi Annan (2004) speaking at high-level discussions on post-conflict peace-building
7. Antonio Maria Costa (2008) speaking at NGO Forum 'Not So Silent Partners', a side event to the 51st session of the Commission on Narcotic Drugs (CND).

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