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Commission on Narcotic Drugs Background Guide 2022

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Dear Delegates,

Welcome to the 2022 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the United Nations Commission on Narcotic Drugs (CND) This year's staff are: Directors Genevieve Verville (Conference A) and Kenny Nguyen (Conference B), and Assistant Directors Julien Nelson (Conference A) and Luke Glasspool (Conference B). Genevieve has a Bachelor of Science in Chemistry with a triple minor in biological sciences, mathematics, and psychology from the University of Mississippi and currently works as a research assistant at the University of Maryland School of Medicine. Kenny completed his Bachelors of Arts in Political Science and Communication from the University of Colorado at Boulder and is currently an Executive Assistant to Colorado's Lieutenant Governor. Julien has a Bachelors of Arts in International Relations and Public Affairs from Laval University and is currently in a Masters in International Relations. He currently works as an intern in federal Public Safety and Security. Luke recently graduated from Royal Holloway, University of London, with a Bachelors of Arts in History, Politics, and International Relations, and is currently in a Masters of Arts in Legal and Political Theory at University College London.

The topics under discussion for CND are:

1. The Emerging Challenges of Synthetic Drug Trafficking
2. Incorporating a Human Rights Focus into International Drug Policies

As a functional commission of the Economic and Social Council, the Commission on Narcotic Drugs (CND) is the main United Nations (UN) body in charge of the international drug control framework. The CND's main tasks include monitoring and assessing the world drug problem, implementing international drug strategy, and adopting measures for supply reduction and alternative development. The body works to find holistic global solutions for the challenges that drug use and trafficking present to the international community.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2022 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

Two resources, available to download from the [NMUN website](#), serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for the committee or the Conference itself, please contact the der-Secretaries-General for the Economic and Social Council Department, Lauren Kiser (Conference A) and Eileen Austin (Conference B), at usg.ecosoc@nmun.org

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

Conference A

Genevieve A. Verville, *Director*
Julien Nelson, *Assistant Director*

Conference B

Kenny Van Nguyen, *Director*
Luke Glasspool, *Assistant Director*

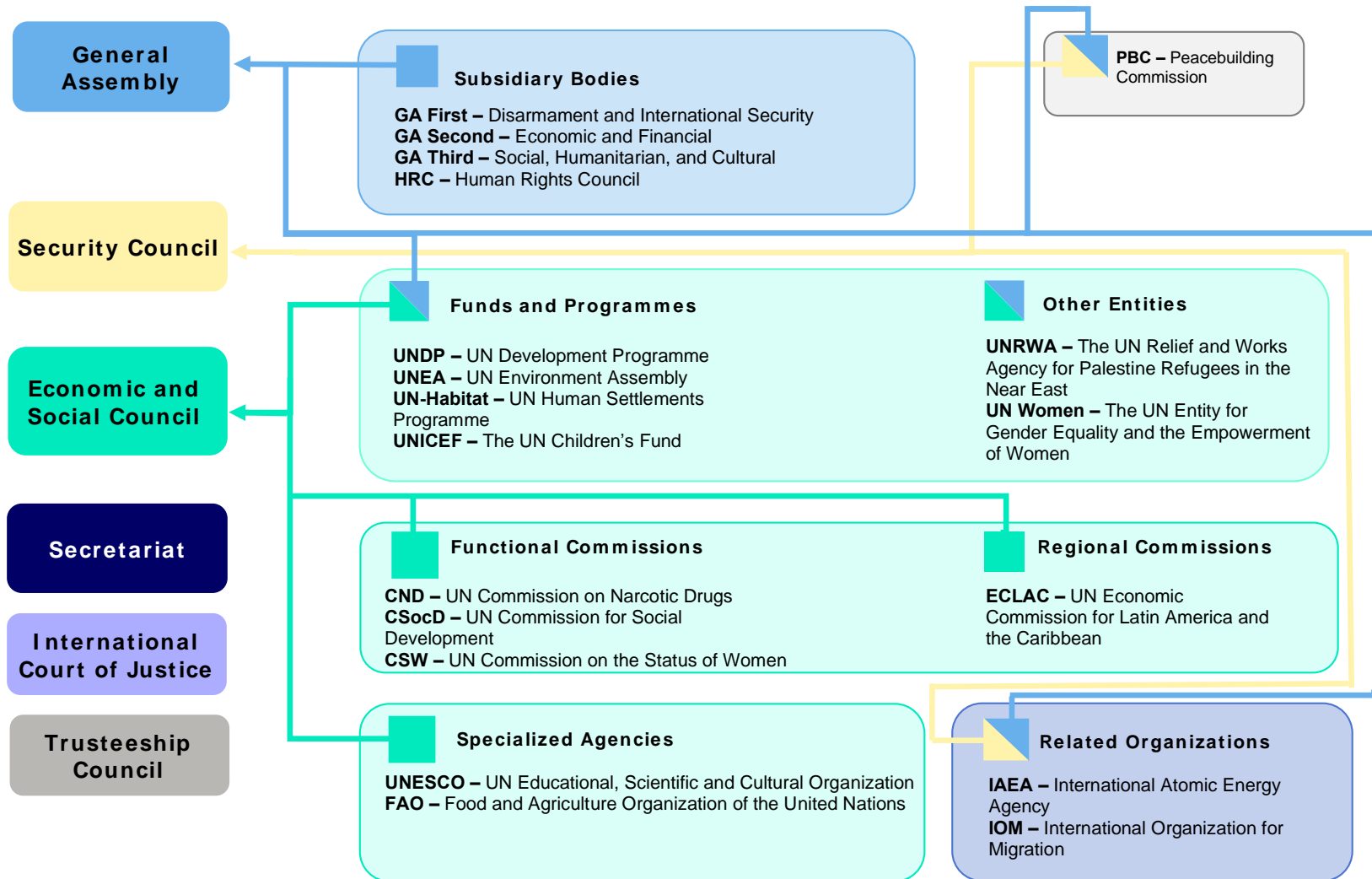


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United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.



Committee Overview

Introduction

In the context of modern international drug control, a “drug” is any substance placed in schedule I or II of the 1961 *Single Convention on Narcotic Drugs*.¹ The United Nations (UN) Office on Drugs and Crime (UNODC) defines a drug in pharmacological terms, stating, “any chemical agent that alters the biochemical or physiological processes of tissues or organisms.”² International efforts and treaties to control narcotics predate the UN.³ In 1912, the International Opium Convention was signed at The Hague, and adherence to its provisions was built into the *Treaty of Versailles*, which ended the First World War in 1919.⁴ The newly established League of Nations took over international narcotics control, primarily through the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs.⁵ The signature achievement of this committee was the 1933 *Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs*.⁶ These international entities and treaties reflected the scientific knowledge of their respective periods, and focused predominantly on opiate and coca derivatives, but established the principle of prohibition of the trade in narcotics, with the few exceptions being for internationally sanctioned medical or research purposes.⁷

Maintaining a coherent international strategy for narcotics control was a priority following the Second World War and the establishment of the UN in 1945, and in 1946, the newly formed Economic and Social Council (ECOSOC) established the Commission on Narcotic Drugs (CND) through resolution 9 (1), to advise ECOSOC and the UN on drug policy.⁸ The Commission on Narcotic Drugs (CND) is a functional commission of the Economic and Social Council (ECOSOC).⁹ In the early years of CND, drug protocols were established, the most significant being the 1953 *Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium* (Opium Protocol).¹⁰ The Opium Protocol reaffirmed that opium and related substances could only be used for scientific or medical purposes, and mandated for the establishment of dedicated drug agencies in Member States that ratified the protocol.¹¹

The modern CND is defined around three treaties: the *Single Convention on Narcotic Drugs* (1961), the *Convention on Psychotropic Substances* (1971), and the *Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988).¹² The Single Convention was so named because it amalgamated and superseded all pre-existing drug control treaties.¹³ While earlier drug control treaties had largely been limited to controlling the supply of narcotics and limiting their usage to medical and research purposes, from the 1970s onwards demand reduction began to take a more prominent role in the language of international treaties.¹⁴ For example, the 1971 *Convention on Psychotropic Substances* requires signatories to take “all active measures to for the prevention of abuse of psychotropic substances.”¹⁵ The 1961 and 1971 Conventions, along with the *Convention against Illicit Traffic in*

¹ UNODC, *Information About Drugs*, 2015.

² *Ibid.*

³ *Ibid.*

⁴ UNODC, *A Century of International Drugs Control*, 2008, p. 7.

⁵ League of Nations, *Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs*, 1933.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ UN ECOSOC, *Resolution on the Establishment of a Commission on Narcotic Drugs (E/RES/9(1))*, 1946.

⁹ *Ibid.*

¹⁰ UNODC, *A Century of International Drugs Control*, 2008, p. 7.

¹¹ UN Opium Conference, *Protocol and Final Act*, 1953.

¹² *Single Convention on Narcotic Drugs*, 1961; *United Nations Convention on Psychotropic Substances*, 1971.

¹³ UNODC, *A Century of International Drugs Control*, 2008, p. 60.

¹⁴ *Ibid.*, p. 60.

¹⁵ *United Nations Convention on Psychotropic Substances*, 1971.

Narcotic Drugs and Psychotropic Substances (1988), form the bedrock of the international drug control framework, of which CND is the central body.¹⁶

Governance, Structure and Membership

There are 53 members of CND, with 11 seats each reserved for African and Asian states, 10 for Latin America, six for Eastern Europe, and 14 for Western Europe and others.¹⁷ The remaining seat rotates between Asian and Latin American or Caribbean states every four years.¹⁸ Members must be party to the 1961 *Single Convention on Narcotic Drugs*, and “adequate representation” must be ensured for Member States that are either key producers of opium or coca leaves, key places where illicit narcotics are manufactured, or where the use of illicit narcotics is particularly concerning.¹⁹ The current Chair OF CND is Dominika Anna Krois of Poland, who has been serving since February 2020.²⁰ All Members of CND are elected by an organizational session of ECOSOC.²¹ CND is led by the Bureau and Extended Bureau of the Commission.²² The Bureau is composed of a Chairperson, three Vice-Persons, and a Rapporteur, who are elected at the end of each CND session for the following one.²³ In addition, the Bureau works with the UN Secretariat to prepare CND sessions, as well as undertake organizational work between sessions.²⁴ The Extended Bureau includes representatives from the five main global geographic regions, in addition to the EU, China, and the Group of 77 developing nations.²⁵

CND, along with other bodies such as the Commission on Crime Prevention and Criminal Justice (CCPCJ) and the Commission on the Status of Women (CSW), is one of the functional commissions of ECOSOC.²⁶ CND’s reports are considered at the substantive session of ECOSOC each year: several drafts are adopted and become ECOSOC resolutions, and other working resolutions ECOSOC refers to the General Assembly, to potentially become General Assembly resolutions.²⁷ Several smaller bodies report directly to CND including the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East that was formed in 1973, which exists to facilitate cooperation between governments in the region, and to offer a focused regional perspective.²⁸ There are also the four Regional Meetings of Heads of National Drug Law Enforcement Agencies.²⁹ These bodies, one each for Europe, Latin America, Africa, and Asia, exist to improve high-level coordination between regional drug law enforcement agencies.³⁰

Mandate, Functions and Powers

CND’s mandate is to “monitor the world drug situation, develop strategies on international drug control and recommends measures to combat the world drug problem, including through reducing demand for drugs, promoting alternative development initiatives, and adopting supply reduction measures.”³¹ The CND initial mandate, as set out in ECOSOC resolution 9(1) called for the new body to assist ECOSOC, supervise existing narcotics control treaties, and make recommendations on narcotic drug control

¹⁶ *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988.

¹⁷ UNODC, *CND: Membership*.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ UNODC, *Executive Director*.

²¹ UNODC, *CND/CCPCJ: Fact Sheet on Membership*.

²² UNODC, *Bureau and Extended Bureau*.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ UNODC, *The Economic and Social Council and the CND and CCPCJ*; UN ECOSOC, *Subsidiary Bodies of ECOSOC*.

²⁷ UNODC, *The Economic and Social Council and the CND and CCPCJ*.

²⁸ New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook 2019-2020*, 2020, p. 144.

²⁹ *Ibid.*, p. 145.

³⁰ *Ibid.*, p. 148.

³¹ UNODC, *CND*.

issues.³² This established CND as having a functional, operational aspect to its mandate, in addition to a normative policymaking mandate.³³ This division of roles was only fully clarified and formalized in 1999 with the adoption of ECOSOC resolution 1999/30, which requires CND to structure its agenda into two distinct sections: a normative section, centered on policy issues and the upholding of treaties, and an operational section, where it exercises its role as the governing body of UNODC.³⁴ UNODC itself was formed in 1997 by the merging of the secretariats of the UN International Drug Control Program and the Centre for International Crime Prevention, although the merged office was not renamed until 2002.³⁵ As a governing body, CND is responsible for administrative and budgetary matters of the UNODC, as well as “strategic oversight.”³⁶ This means that while CND is not responsible for the day-to-day running of the UNODC, it is recognized as the central drug policy-making organ of the UN, makes suggestions as to the direction of UNODC policy, and offers guidance on strengthening its programs during sessions concerning the first part of its agenda.³⁷

Under the *Single Convention on Narcotic Drugs* (1961), CND is responsible for placing drugs into one of five schedules, depending on their harmfulness.³⁸ Changes to drug scheduling can only be made on the recommendation of the World Health Organization (WHO).³⁹ Drug scheduling changes can be overruled by the ECOSOC plenary session.⁴⁰ The Single Convention established the International Narcotics Control Board (INCB) and charged it to “limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.”⁴¹ As such, it is the INCB that works directly with governments to ensure compliance with the convention, not CND.⁴² The INCB focuses primarily on the regulation of legal drug markets, working with government agencies to ensure that controlled substance does not fall into the wrong hands.⁴³ UNODC, meanwhile, focuses more on illicit drug markets, working with governments on demand reduction, police cooperation, and tackling organized crime.⁴⁴ CND works closely with both bodies; as governing body of UNODC, CND approves the International Drug Control Program Fund, which accounts for 90% of UN for Drug Control Resources, and for the INCB, CND works in an advisory capacity.⁴⁵

CND’s mandate was further shaped in 2009 during the annual meeting’s high-level segment, which is a meeting held at the ministerial or head of state level.⁴⁶ At this meeting, Member States adopted the *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem* (the Plan) (2009).⁴⁷ The Plan committed members to the

³² UN ECOSOC, *Resolution on the Establishment of a Commission on Narcotic Drugs (E/RES/9(1))*, 1946.

³³ *Ibid.*

³⁴ UN ECOSOC, *Review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations (E/RES/1999/30)*, 1999.

³⁵ UNODC, *A Century of International Drugs Control*, 2008, p. 9.

³⁶ UN CND, *Annotated Provisional Agenda, 58th Session*, 2014.

³⁷ *Ibid.*

³⁸ *Single Convention on Narcotic Drugs*, 1961.

³⁹ *Ibid.*

⁴⁰ UNODC, *Commentary on the Single Convention*, 1961, p. 79.

⁴¹ *Convention on Narcotic Drugs*, 1961.

⁴² UNODC, *A Century of International Drugs Control*, 2008, p. 9.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ UN ECOSOC *Review of the United Nations International Drug Control Programme: strengthening the United Nations machinery for international drug control within the scope of the existing international drug control treaties and in accordance with the basic principles of the Charter of the United Nations (E/RES/1999/30)*, 1999.

⁴⁶ UNODC, *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009, p. iii.

⁴⁷ *Ibid.*

ambitious goal of eventually eliminating illicit drug consumption in its entirety.⁴⁸ CND is named as the UN body that should play the main role in encouraging and assisting Member States in implementing the Plan, and is also tasked with developing new “indicators and instruments” by which to measure the extent of the global drug problem.⁴⁹ The Plan itself is focused on both demand and supply reduction, the steps Member States should take to achieve this, and aims to eradicate both the demand and supply of illicit drugs by 2019.⁵⁰

Recent Sessions and Current Priorities

The 70th session of the UN General Assembly adopted the *2030 Agenda for Sustainable Development* (2015), which included 17 goals to continue the progress achieved through the Millennium Development Goals (MDGs).⁵¹ SDG 3 (“ensure healthy lives and promote well-being for all at all ages”) includes in target 5 the aim of enhancing the prevention and treatment of substance abuse.⁵² With the aim of fulfilling this goal, in 2016, UNODC launched the “Listen First” Campaign, which promotes a better childhood as a basis to prevent drug abuse.⁵³

In 2016 the General Assembly held the UN General Assembly Special Session on the World Drug Problem (UNGASS).⁵⁴ The goal of UNGASS was to define actions that should lead to the fulfilment of the Plan by 2019.⁵⁵ In its outcome document, UNGASS made recommendations on demand reduction, prevention, treatment, availability, access to controlled substances for medical and scientific purposes, supply reduction, law enforcement in drug-related crime, and cross-cutting issues such as the role of women and youth.⁵⁶ During the intersessional meeting of CND in September 2017, strategies to combat drug abuse were evaluated and reconsidered with regard to the goals set by UNGASS.⁵⁷ Besides new forms of medical treatments, Member States also reported success in awareness campaigns through social media channels.⁵⁸ During the UN General Assembly 75th session in addressing the World Drug Problem, the General Assembly further reiterated through its resolution 75/198 (2020) that UNGASS objectives and goals should go beyond the 2019 deadline.⁵⁹ Additionally, Member States reiterated their commitment to enhance cooperation on regional, interregional, and international cooperation by promoting alternative development, technical, and financial cooperation.⁶⁰ CND’s 2019 Ministerial meeting of the 62nd session established the importance of stakeholders such as “law enforcement, judicial and health-care personnel, civil society, the scientific community and academia, as well as the private sector.”⁶¹ The ministerial meeting also called upon the Executive Director of the UNODC to create a single report on a biennial basis that would be provided by Member States.⁶² This report is meant to annually review progress made to implement all commitments at the national, regional and international

⁴⁸ UNODC, *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009, p. iii, p. 8.

⁴⁹ *Ibid.*, p. 8.

⁵⁰ UNODC, *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009, p. 19.

⁵¹ UNDESA, *Sustainable Development Goals*, 2021.

⁵² *Ibid.*

⁵³ UNODC, World Drug Day.

⁵⁴ UNODC, *Special Session of the United Nations General Assembly on the world drug problem – About*, 2017.

⁵⁵ *Ibid.*

⁵⁶ UN General Assembly, Special Session on the World Drug Problem, *Our joint commitment to effectively addressing and countering the world drug problem (A/RES/S-30/1)*, 2016.

⁵⁷ UN CND Blog, *CND Intersessional, 26 September 2017: Chapter 1 on demand reduction*, 2017.

⁵⁸ *Ibid.*

⁵⁹ UN General Assembly, *International cooperation to address and counter the world drug problem (A/RES/75/198)*, 2020.

⁶⁰ *Ibid.*

⁶¹ UN CND, *Ministerial declaration on 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*, 2019.

⁶² *Ibid.*

levels with the first report due at the CND's Sixty-fifth session in 2022.⁶³ The UNODC released its annual 2020 Competent National Authorities under the International Drug Control Treaties which establishes a directory list of Member States "certificates and authorization for the import and export of narcotic drugs and psychotropic substances," this annual list provides changes in Member States contact details of national competent authorities or international bodies.⁶⁴

In March 2020, the CND 4th session of the year approved Decision 63/14 which established changes in the scope of control of substances that was proposed by scheduling recommendations in the World Health Organization on cannabis and cannabis-related substances.⁶⁵ The *2021 World Drug Report* (2021) emphasized trends such as the legalization of cannabis in North America and opioid use at the global and regional levels.⁶⁶ Additionally, the global COVID-19 pandemic began to spread across the world leading to the CND to adopt resolutions that address a drug control strategy and policy to support Member States.⁶⁷ UN Secretary-General António Guterres urged the CND during its 64th session to "continue building on shared commitments to advance evidence-based and balanced responses to drugs, including to support billions of people in low and middle class countries, who have limited or no access to essential medicines" in response to COVID-19.⁶⁸ The most recent CND session, focused on alternative development drug control strategies to address COVID-19, facilitating scientific efforts in drug demand reduction services, and improving data collection to harmful effects of narcotic drugs.⁶⁹

Conclusion

The international framework for controlling illicit substances is built primarily on the 1961, 1971, and 1988 Conventions, and CND is the central body tasked with upholding these treaties.⁷⁰ Its dual role as both a normative policymaking body and as a functional committee, acting as a governing body of UNODC with control of over 90% of the UN's anti-drugs budget, makes it a committee of critical importance.⁷¹ As the 2019 review and UNGASS have shown, the *2009 Plan of Action* was far from perfect as it failed from a lack of resources and commitment.⁷² In preparation for the 63rd session, the Commission continues to address the short comings of the Plan, as well as new challenges by focusing more on addressing the issues from different perspectives, such as health care.⁷³ The challenges brought with COVID-19 has also presented new issues and concerns with sharing life-saving drugs during a pandemic and addressing an even larger crisis with the World Drug Problem.⁷⁴ In preparation for the conference, delegates should bear in mind that this complex challenge will require a holistic approach that includes all aspects of the challenge posed by the world drug problem.

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United Nations, Commission on Narcotic Drugs. (2020). *Report on the 63rd Session (E/2020/28)*. Retrieved 27 June 2021 from: <https://undocs.org/E/2020/28>

⁶³ UN CND, *Ministerial declaration on 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, 2019*.

⁶⁴ UNODC, *Competent National Authorities under the International Drug Control Treaties, 2021*.

⁶⁵ UNODC, Decision 63/14, 2020.

⁶⁶ UNODC, *World Drug Report: Drug Market Trends: Cannabis Opioids, 2021*.

⁶⁷ UN CND, *Report on the 64th Session (E/CN.7/2021/10)*, 2021.

⁶⁸ UN Secretary-General, *Message to the 64th Session of the CND*, 2021.

⁶⁹ UN CND, *Report on the 64th Session (E/CN.7/2021/10)*, 2021.

⁷⁰ *Single Convention on Narcotic Drugs, 1961; United Nations Convention on Psychotropic Substances, 1971; United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988*.

⁷¹ UNODC, *CND*.

⁷² UN CND, *Ministerial declaration on 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, 2019*.

⁷³ *Ibid.*

⁷⁴ UN CND, *Report on the 64th Session (E/CN.7/2021/10)*, 2021.

Adopted as a result of the most recent session of the CND, the Report of the 63rd session of CND provides insight on CND workings and recent policy decisions have been made. Additionally, the Report provides all resolutions that have been adopted by the CND. The CND session reports are submitted to ESOSOC for approval and a list of decisions for the body to be submitted. The 63rd Session agenda included amending several drugs and narcotics in classification of schedule while also further encouraging collaboration and addressing the world drug problem. This document will provide delegates with immense information while discussing policy actions and interworking of the CND as well.

United Nations, Commission on Narcotic Drugs. (2021). *Statement of the Commission on Narcotic Drugs on the impact of the coronavirus disease (COVID-19) pandemic on the implementation of Member States' joint commitments to address and counter all aspects of the world drug problem (E/CN.7/2021/L.2)*.

Retrieved 1 August 2021 from: <https://undocs.org/E/CN.7/2021/L.2>

This document presents insights on the current progress of CND efforts on addressing the World Drug Problem. Delegates will find progress, actions, and further targets that the CND wishes the international community to address during the COVID-19 pandemic. Additionally, the CND provides various approaches in addressing the new crisis of the pandemic. Delegates should look to this document to form drug policies and its relationship with the World Drug Problem.

United Nations, Office on Drugs and Crime. (2021). *UNODC Strategy 2021–2025 (E/CN.7/2020/CRP.22-E/CN.15/2020/CRP.3)*. Retrieved 1 August 2021 from:

https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_63Reconvened/ECN72020_CRP22_ECN152020_CRP3_V2007057.pdf

The UNODC Strategy for 2021-2025 provides the current UN framework on drug policy and is one of the most frequently referenced documents for addressing the World Drug Problem. The Strategy contains indicators and targets for current drugs and is useful in measuring progress for the international community. It will be important for delegates to understand the various priority areas of the Strategy as well as its targets to assess current progress on the COVID-19 pandemic on global, national, and local drug enforcement efforts.

United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs. (1961). *Single Convention on Narcotic Drugs, 1961 (as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961)*. Retrieved 1 August 2021 from:

https://www.unodc.org/pdf/convention_1961_en.pdf

The Single Convention on Narcotic Drugs is an international treaty to limit the production and distribution of a number of narcotics, with limited exceptions made for medical treatment and research. It consolidated several earlier treaties, and expanded their scope to include other substances, for example cannabis and related substances. In tandem with the later Convention on Psychotropic Substances (1971), which included synthetic psychoactive substances such as LSD, which were not widely understood in 1961, these two treaties form the bedrock of international narcotics control. In the treaty, CND, alongside the WHO, was tasked to “schedule” narcotics in one of four different categories.

United Nations, Economic and Social Council. (1946). *Resolution on the Establishment of a Commission on Narcotic Drugs (E/RES/9(1))*. Retrieved 1 August 2021 from:

https://www.unodc.org/documents/commissions/CND/Index/ECOSOC_Res-9I_E.pdf

This resolution from 1946, one of the first adopted by the newly formed UN, established CND to advise and make recommendations to ECOSOC on drug control, and to ‘continually review’ narcotics control policies. The mandate makes clear CND is taking over all responsibilities of the defunct League of Nations Advisory Committee on the Traffic in Opium and Other Dangerous Drugs. It is useful to understand the initial mandate of CND to fully appreciate how it has developed.

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1. The Emerging Challenges of Synthetic Drug Trafficking

Introduction

Synthetic drugs are defined as “any substance of synthetic origin with psychoactive effects available on the illicit drug market and/or used for non-medical purposes.”⁷⁵ Within that category, Amphetamine-type stimulants (ATS) are a group of synthetic stimulants including amphetamine, methamphetamine, and ecstasy.⁷⁶ The number of drug seizures are one of the most important indicators of the state of the synthetic drug market.⁷⁷ Currently, the market for ATS is emerging with a significant increase in methamphetamine seizures from 100 tons in 2013 to 228 tons in 2018.⁷⁸ The United Nations Office on Drugs and Crime (UNODC) notes that close to 24,000 clandestine laboratories used to manufacture synthetic drugs were detected globally during the period of 2015 to 2019.⁷⁹ New psychoactive substances (NPS) are drugs that pose a threat to public health since they are not scheduled by the United Nations (UN) conventions on drugs, but have the same negative effects of ATS from their consumption.⁸⁰ Also, NPS are harder to identify for authorities, do not have geographical or environmental limitations for their production, and have a global market that is increasingly important.⁸¹ In recent years, more than 1,000 NPS have been identified within 125 countries.⁸²

As the Commission on Narcotic Drugs (CND) is the main policymaking organ of the UN regarding drugs and drug trafficking, the emergence of synthetic drugs will ultimately affect the work of CND and the way it offers advice on policymaking.⁸³ Through its mandate of ensuring the implementation of treaties and directing the programs under UNODC, CND can address emerging issues such as transnational trafficking and the availability of legal chemicals used to produce illegal synthetic drugs.⁸⁴ These legal chemicals are called precursor chemicals and drug traffickers can find them through licit channels.⁸⁵ Although the issues regarding narcotic drugs, substance abuse, and drug trafficking have been addressed by CND, the specific issue of synthetic drugs has its own challenges, including difficulties detecting illegal activity due to the use of legal precursor chemicals in the manufacturing process, health risks with synthetic drug abuse, and the widespread use of cryptocurrency and the dark web.⁸⁶

International and Regional Framework

The *Single Convention on Narcotic Drugs* (1961) is the first international convention to propose drug policy and its objective is to deter substance abuse and limit drug trafficking through the criminalization of drugs.⁸⁷ It resulted in the creation of the International Narcotics Control Board (INCB), an independent body that consists of 13 members elected by the Economic and Social Council (ECOSOC) and the World Health Organization (WHO).⁸⁸ The scheduling of drugs is a procedure established through the 1961 Convention and is the centerpiece of the normative mandate of CND.⁸⁹ To schedule a drug, WHO or a Member State must submit a notification to CND through the Secretary-General.⁹⁰ After evaluating a

⁷⁵ UNODC, *Global Synthetic Drugs Assessment*, 2020, p. 39.

⁷⁶ *Ibid.*, p. 39.

⁷⁷ *Ibid.*, p. 6.

⁷⁸ *Ibid.*, p. 6.

⁷⁹ UNODC, *World Drug Report 2021: Booklet 4*, 2021, p. 47.

⁸⁰ INCB, *International Operations on New Psychoactive Substances (NPS)*, 2018, p. 3.

⁸¹ UNODC, *The Challenge of new Psychoactive Substances*, 2013, p. vi.

⁸² UNODC, *Global Synthetic Drugs Assessment*, 2020, p. 10.

⁸³ UN ECOSOC, *Resolution on the Establishment of a Commission on Narcotic Drugs (E/RES/9(1))*, 1946.

⁸⁴ UN CND, Report on the Sixty-Third Session, 2020, p. 5

⁸⁵ INCB, *Report of the International Narcotics Control Board for 2020*, 2020, p. iii.

⁸⁶ UNODC, *Global Synthetic Drugs Assessment*, 2020, p. 6.

⁸⁷ UNODC, *Single Convention on Narcotic Drugs*, 1961, p. 1.

⁸⁸ INCB, *The International Narcotics Control Board – About*, 2021.

⁸⁹ UNODC, *Scheduling Procedures Under the International Drug Control Conventions*, 2020, p. 2.

⁹⁰ UNODC, *Scheduling Procedures Under the International Drug Control Conventions*, 2020, p. 2.

substance, members of CND vote by simple majority.⁹¹ Once the scheduling takes effect, ECOSOC may review the decision.⁹² However, since only drugs that have opium-, cocaine- and cannabis-like effects are regulated by the *Single Convention on Narcotic Drugs* (1961), the necessary provisions to address synthetic drugs were lacking.⁹³ After NPS and ATS appeared on the market, the *Convention on Psychotropic Substances* (1971) was adopted to extend the purview of the international normative system that was previously limited to drugs such as cocaine, cannabis, and opium.⁹⁴ In 1988, the *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* was adopted to provide additional measures for scheduling drugs and combatting drug trafficking.⁹⁵ To schedule a substance under the 1988 Convention, INCB may initiate a request instead of WHO.⁹⁶ Regarding synthetic drugs, this convention was also adopted in response to the prevalence of precursor and pre-precursor chemicals.⁹⁷

In 2009, at ECOSOC's High-Level Segment, the *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem* (the Plan) was adopted.⁹⁸ The Plan identifies emerging challenges such as the use of precursor chemicals in the production of synthetic drugs, and the diversion of legal pharmaceutical products towards illicit drug trafficking.⁹⁹ It also proposes further surveillance of synthetic drug trafficking due to a lack of monitoring.¹⁰⁰ Following the 2009 Plan, the Joint Ministerial Statement of the 2014 High-Level Review served as a midterm review of the implementation of the Plan.¹⁰¹ Because of new trends in synthetic drugs trafficking, Member States agree they should ensure shared-responsibility with all stakeholders and increase scientific-based decisions to implement their commitment to the Plan.¹⁰² Then, in 2016, the General Assembly convened for the United Nations General Assembly Special Session on the World Drug Problem (UNGASS 2016).¹⁰³ Regarding synthetic drugs, the outcome document of UNGASS 2016, *Our Joint Commitment to Effectively Addressing and Countering the World Drug Problem*, made several recommendations, namely, to include border enforcement agencies when sharing intelligence and the implementation of the Sustainable Development Goals (SDGs) established in 2015 by General Assembly resolution 70/1, *Transforming our World: The 2030 Agenda for Sustainable Development*.¹⁰⁴ SDG 1 ("end poverty and all its forms everywhere") as well as SDG 3 ("good health and well-being") are linked to the issue of synthetic drug trafficking.¹⁰⁵ Providing economic alternatives to drug trafficking will limit illicit activities and promoting health-related solutions will limit public health consequences.¹⁰⁶

Finally, the 2019 *Ministerial Declaration on 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* was the result of a high-level segment to assess the results of the ten year

⁹¹ UNODC, *Scheduling Procedures Under the International Drug Control Conventions*, 2020, p. 2.

⁹² *Ibid.*, p. 5.

⁹³ *Ibid.*, p. 5.

⁹⁴ *Ibid.*, p. 1.

⁹⁵ UNODC, *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988.

⁹⁶ INCB, *Report of the International Narcotics Control Board for 2020*, 2020, p. iii.

⁹⁷ *Ibid.*, p. iii.

⁹⁸ UNODC, *Political Declaration and Plan of Action of 2009*, p. 7.

⁹⁹ UNODC, *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009, pp. 34-37.

¹⁰⁰ *Ibid.*, pp. 34-37.

¹⁰¹ INCB, *Report of the International Narcotics Control Board for 2020*, 2020, p. ii.

¹⁰² UN CND, *Joint Ministerial Statement 2014 High-Level Review by the Commission on Narcotic Drugs of the Implementation by Member States of the Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2014, p. 3.

¹⁰³ UN General Assembly, *Our Joint Commitment to Effectively Addressing and Countering the World Drug Problem*, 2016, p. 1.

¹⁰⁴ *Ibid.*, p. 13.

¹⁰⁵ UN General Assembly, *Transforming our World: the 2030 Agenda for Sustainable Development*, 2015.

¹⁰⁶ UN General Assembly, *Our Joint Commitment to Effectively Addressing and Countering the World Drug Problem*, 2016, p. 23.

completion of the Plan.¹⁰⁷ Member States commit to the principle of shared responsibility, prioritize evidence-based solutions through knowledge sharing, and work to end the diversion of precursor substances to ensure they remain available for pharmaceutical research and medical purposes.¹⁰⁸ More specifically, Member States are encouraged to expand monitoring capacities through inter-agency collaboration and integrating qualitative studies on new substances, market studies on global trends and forensic data with law-enforcement investigations.¹⁰⁹ When addressing the problems of synthetic drug consumption, the *Ministerial Declaration on 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* (2019) suggests that Member States should focus not only on demand reduction for high risk users, but also consider treatment, rehabilitation, and social reintegration for drug users.¹¹⁰ Such evidence-based systems can be accomplished through the collaboration of educational, judicial, and healthcare agencies.¹¹¹

Role of the International System

The scheduling process is a key mechanism in the international system for control of synthetic drugs and substances and is evolving continually following a comprehensive process with the collaboration of experts from WHO and INCB, followed by a review by ECOSOC, if needed.¹¹² At its sixty-third session, the Commission considered 14 new substances to be scheduled, most of which were scheduled under the 1971 Convention.¹¹³ The process was initiated by the submission of these proposals by WHO and INCB as provided in the Conventions of 1961, 1971, and 1988.¹¹⁴ During this session, it was highlighted that the scheduling of substances with the collaboration of INCB, UNODC, WHO, and CND has greatly facilitated Member States' control of synthetic drugs nationally and international cooperation.¹¹⁵

Following the adoption in 2012 of CND resolution 55/1 on *Promoting International Cooperation in Responding to the Challenges Posed by new Psychoactive Substances*, which asked for an update on the Global Synthetics Monitoring: Analysis, Reporting and Trends Programme (SMART), the UNODC produced a new report in 2013.¹¹⁶ The aim of the Global SMART Programme is to enhance the monitoring capacities of Member States through scientific information and knowledge sharing of synthetic drugs, as outlined in the Plan.¹¹⁷ In 2013, after CND resolution 56/4 on *Enhancing International Cooperation in the Identification and Reporting of new Psychoactive Substances* recognized the importance of global data and information sharing regarding the synthetic drug trafficking of NPS, the Early Warning Advisory (EWA) was established by the UNODC and managed by the Global SMART Programme.¹¹⁸ Early Warning Systems (EWS) collect data through and online platform that allows policymakers to track market trends and health impacts in order to adapt to emerging precursors and NPS that require an immediate response.¹¹⁹ The main objective of conducting drug analysis is to find NPS and identify which chemicals pose a threat to public health and security to prioritize legislative

¹⁰⁷ UN CND, *Ministerial Declaration on 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*, 2019, p. 1.

¹⁰⁸ *Ibid.*, p. 3.

¹⁰⁹ *Ibid.*, p. 34.

¹¹⁰ UN CND, *Ministerial Declaration on 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*, 2019, p. 37.

¹¹¹ *Ibid.*, p. 19.

¹¹² UNODC, *Scheduling Procedures Under the International Drug Control Conventions*, 2020, p. 4.

¹¹³ UN CND, *Report on the Sixty-Third Session*, 2020, p. 33.

¹¹⁴ *Ibid.*, p. 33.

¹¹⁵ *Ibid.*, p. 39.

¹¹⁶ UNODC, *The Challenge of new Psychoactive Substances*, 2013, p. i.

¹¹⁷ *Ibid.*, p. i.

¹¹⁸ UNODC, *The Global SMART Programme, A Strategic Response to the Synthetic Drug Problem*, 2014, p. 2.

¹¹⁹ UNODC, *The Role of Drug Analysis Laboratories in Early Warning Systems*, 2020, p. 4.

work.¹²⁰ Following the call for an innovative approach to tackle the global emergence of synthetic drugs in CND resolution 61/8 on *Enhancing and Strengthening International and Regional Cooperation and Domestic Efforts to Address the International Threats Posed by the non-Medical use of Synthetic Opioids*, UNODC created the UN Toolkit on Synthetic Drugs.¹²¹ It is a multidisciplinary platform that provides resources and guidelines for various fields that work with synthetic drugs such as law enforcement, health, and research.¹²² This initiative was then commended by CND resolution 63/1 on *Promoting Efforts by Member States to Address and Counter the World Drug Problem, in Particular Supply Reduction-Related Measures, Through Effective Partnerships With Private Sector Entities*, which called for Member States to operationalize the guidelines and information found in the toolkit in national policies and strategies.¹²³

Lastly, the International Criminal Police Organization (INTERPOL) has partnered with many international agencies by participating or coordinating 7 regional initiatives that target synthetic drug trafficking.¹²⁴ These partnerships include many agencies such as UNODC, the World Customs Organization (WCO), Europol, and INCB.¹²⁵ Project ION (International Operations on NPS) is another example of such collaboration and is coordinated by INCB.¹²⁶ As a contributing member to Project ION, INTERPOL is facilitating the sharing of intelligence between national agencies to track NPS trafficking.¹²⁷ This initiative also established IONICS, a digital platform that allows intelligence sharing and real time communication concerning NPS trafficking and production.¹²⁸ UNODC also joined forces with WCO while establishing the Container Control Programme (CCP), a that facilitates cross-border trade while limiting drug trafficking by coordinating regional meetings and intelligence sharing.¹²⁹ Furthermore, non-governmental organizations (NGO) involvement with CND, INCB, and UNODC has been made possible through the Vienna NGO Committee on Drugs (VNGOC), a committee that represents 27 NGOs to high-level discussions such as UNGASS 2016.¹³⁰

The Global Synthetic Drugs Market and Supply Chain

The latest *Global Synthetic Drugs Assessment* published in 2020 by UNODC, analyzes the global synthetic drugs market and studies regional-specific drug markets.¹³¹ During the manufacturing process of synthetic drugs, precursor chemicals are widely used.¹³² For example, 14 out of the 22 precursor chemicals scheduled under the 1988 Convention are legal for pharmaceutical purposes, but are also used to illegally produce ATS.¹³³ According to the *Global Synthetic Drugs Assessment of 2020* substances can be limited by aligning drug policies and similar enforcement capabilities between neighboring countries.¹³⁴ The diversion of precursor substances, as well as legal ATS or pharmaceutical drugs, occurs when they are initially found in legal channels and markets, but then are diverted to the illegal market to synthesize illegal drugs or for the distribution of pharmaceutical drugs.¹³⁵ Synthetic

¹²⁰ UNODC, *The Role of Drug Analysis Laboratories in Early Warning Systems*, 2020, p. 14.

¹²¹ UNODC, *UN Toolkit on Synthetic Drugs*, 2020.

¹²² UN CND, *Report on the Sixty-Third Session*, 2020, p. 3.

¹²³ *Ibid.*, p. 3.

¹²⁴ INTERPOL, *INTERPOL Contribution to the United Nations General Assembly Special Session (UNGASS) on the World Drug Problem*, 2015, p. 5.

¹²⁵ *Ibid.*, p. 4.

¹²⁶ INCB, *Report of the International Narcotics Control Board for 2020*, 2020, p. 43.

¹²⁷ INCB, *International Operations on New Psychoactive Substances (NPS)*, 2018, p. 4.

¹²⁸ *Ibid.*, p. 6.

¹²⁹ UNODC, *Global SMART Update: an Expanding Synthetic Drugs Market – Implications for Precursor Control*, 2020, p. 12.

¹³⁰ VNGOC, *Strategic Plan 2019-2021*, p. 2.

¹³¹ UNODC, *Global Synthetic Drugs Assessment*, 2017.

¹³² *Ibid.*, p. 12.

¹³³ *Ibid.*, p. 12.

¹³⁴ *Ibid.*, p. 12.

¹³⁵ UNODC, *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009, p. 35.

opioids that are trafficked across borders are mainly from illicit manufacturing, while diverted substances are more likely to be sold within national borders.¹³⁶ The manufacturing of ATS takes place in clandestine laboratories and over the period of 2010-2019, the number of dismantled methamphetamine laboratories has significantly decreased, going from 10,600 in 2010, to 1,600 in 2019.¹³⁷ This decline is explained by a shift of production from small laboratories in North America and Asia towards high yield manufacturing in Africa, Europe, and Oceania.¹³⁸ In their latest publication, the SMART initiative acknowledges that the monitoring and scheduling of precursor chemicals disrupts the production of ATS for a short period of time, but does not have lasting effects when studying global trends.¹³⁹ When regulating a substance, illicit manufacturers of synthetic drugs can overcome a disruption by using an alternative non-scheduled chemical or pre-precursor substance that are not scheduled.¹⁴⁰ In response to this issue and the rapid development of pre-precursor substances, the SMART initiative suggests voluntary public-private partnerships can help law enforcement identify these chemicals with the valuable information private actors in the legal production, trade and financing can provide.¹⁴¹

Partnerships with the private sector can help law enforcement in the context of digital markets, since they are held on privately owned platforms and the delivery of illegal synthetic drugs is carried out by private delivery services and shipping companies.¹⁴² According to the *World Drug Report (2021)*, ATS and NPS both are widely available in online markets, which is rapidly becoming the platform of choice both for supply and demand.¹⁴³ Governments working with private actors such as internet providers are able to foster self-regulation and collaboration to detect illegal online markets.¹⁴⁴ The financial flow of the synthetic drug market and payments are made on virtual platforms, using cryptocurrencies and the dark web.¹⁴⁵ Often, these payments are made across borders, which stresses the need for joint investigations and align drug enforcement policies among Member States to prosecute illegal activities adequately.¹⁴⁶ In 2019, the second INTERPOL Global Conference on Illicit Drugs underlined how cybercrime is intimately linked to the synthetic drug trade.¹⁴⁷ INTERPOL's *Contribution to the United Nations General Assembly Special Session (UNGASS) on the World Drug Problem (2015)* highlights in its recommendations the need to clarify what actions law enforcement can take when conducting online investigations on transnational criminal activity.¹⁴⁸

The Impact of COVID-19 on the Synthetic Drugs Market

UNODC found that limits on legal trade and COVID-19 measures have significantly reduced the trafficking of precursor substances for manufacturing synthetic drugs, especially when importing from another region.¹⁴⁹ However, unlike precursor substances, the overall market of synthetic drugs and the availability of ATS and NPS was not affected at the same level.¹⁵⁰ Since most precursor chemicals are transported through licit channels and trade routes, limits on trade had an effect on the transportation of these substances as well.¹⁵¹ Despite these limits, the manufacturing was only briefly interrupted; most

¹³⁶ UNODC, *World Drug Report 2021: Booklet 4*, 2021, p. 52.

¹³⁷ *Ibid.*, p. 52.

¹³⁸ *Ibid.*, p. 53.

¹³⁹ UNODC, *Global SMART Update: Regional Diversity and the Impact of Scheduling on NPS Trends*, 2021, p. 10.

¹⁴⁰ *Ibid.*, p. 12.

¹⁴¹ *Ibid.*, p. 10.

¹⁴² UNODC, *World Drug Report 2021: Booklet 2*, 2021, p. 70.

¹⁴³ *Ibid.*, p. 66.

¹⁴⁴ UNODC, *World Drug Report 2021: Booklet 1*, 2021, p. 24.

¹⁴⁵ *Ibid.*, p. 75.

¹⁴⁶ *Ibid.*, p. 24.

¹⁴⁷ INTERPOL, *Drug Crime: Global Experts Push for Increased Cooperation*, 2019.

¹⁴⁸ INTERPOL, *INTERPOL Contribution to the United Nations General Assembly Special Session (UNGASS) on the World Drug Problem*, 2015, p. 8.

¹⁴⁹ UNODC, *COVID-19 and the Drug Supply Chain: From Production and Trafficking to use*, 2020, p. 3.

¹⁵⁰ *Ibid.*, p. 13.

¹⁵¹ UNODC, *World Drug Report 2021: Booklet 5*, 2021, p. 18.

clandestine laboratories found local sources of precursor chemicals.¹⁵² Others like the South East Asian illicit drug market was uninterrupted by the pandemic due to the presence of an important chemical industry.¹⁵³ On the other hand, despite the COVID-19 crisis, the supply of synthetic drugs increased from 2019, mainly because these substances are distributed close to where they were manufactured, usually within the same region.¹⁵⁴ For example, transnational criminal organizations in North America were not affected by measures to counter the spread of COVID-19 and continued to transport synthetic drugs through trafficking corridors and started to produce their own precursor chemicals.¹⁵⁵

Another major concern raised by the UNODC Global Research Network is the diversion of sometimes limited law-enforcement resources from counter-narcotics towards enforcing lockdowns and other COVID-19 measures.¹⁵⁶ Healthcare and other services for people with drug use disorders, which are often considered as non-essential health services, can experience government budget cuts and staff shortages.¹⁵⁷ At the 64th session of CND, Member States recognized that COVID-19 has limited health systems' capacities to limit health consequences of drug abuse and to provide treatment and rehabilitation to drug users.¹⁵⁸ Encouraged solutions proposed to counter the repercussion of the pandemic include expanding healthcare systems that can be resilient to health crises, and collecting data on how the world drug problem is affected by COVID-19.¹⁵⁹

The COVID-19 crisis has caused an economic decline that worsened the financial situation for socioeconomically disadvantaged people, for whom substance abuse is prevalent.¹⁶⁰ The economic impact of the pandemic has led to an increase in drug use and production, especially among poorer communities.¹⁶¹ Predictions made based on the global economic crisis in 2008 expect a decrease in law enforcement's budget to counter drug trafficking and an increase in the use of cheaper drugs, both which prove challenging to public health.¹⁶² While the demand for synthetic drugs used in a social setting recreationally dropped by 20 percent because of social distancing, the manufacturing, trafficking, and use of illicit synthetic drugs have all increased despite the COVID-19 pandemic.¹⁶³

Conclusion

Collaboration between UN entities, national law enforcement agencies, and the private sector have proven to be a useful tool to share information on drug trafficking operations.¹⁶⁴ The growing synthetic drug market means Member States face rapidly evolving challenges that require expertise in many fields including international law, public health, law enforcement, and scientific research.¹⁶⁵ During the past decade, the focus was on supply reduction, demand reduction, and international cooperation for both scientific knowledge and intelligence sharing.¹⁶⁶ In the 2019 *Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint*

¹⁵² UNODC, *World Drug Report 2021: Booklet 5*, 2021, p. 21.

¹⁵³ *Ibid.*, p. 21.

¹⁵⁴ *Ibid.*, p. 36.

¹⁵⁵ *Ibid.*, p. 34.

¹⁵⁶ UNODC, *COVID-19 and the Drug Supply Chain: From Production and Trafficking to use*, 2020, p. 12.

¹⁵⁷ UNODC, *World Drug Report 2021: Booklet 4*, 2021, p. 67.

¹⁵⁸ UN CND, *Statement on the Impact of the Coronavirus Disease (COVID-19) Pandemic on the Implementation of the Joint Commitments of Member States to Address and Counter all Aspects of the World Drug Problem*, 2021, p. 2.

¹⁵⁹ *Ibid.*, p. 5.

¹⁶⁰ UNODC, *COVID-19 and the Drug Supply Chain: From Production and Trafficking to use*, 2020, p. 6.

¹⁶¹ *Ibid.*, p. 6.

¹⁶² *Ibid.*, p. 14.

¹⁶³ UNODC, *Global Synthetic Drugs Assessment*, 2020, p. 4.

¹⁶⁴ UNODC, *World Drug Report 2021: Booklet 2*, 2021, p. 70.

¹⁶⁵ UN CND, *Report on the Sixty-Third Session*, 2020, p. 3.

¹⁶⁶ UN CND, *Ministerial Declaration on 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*, 2019, p. 2.

Commitments to Address and Counter the World Drug Problem, Member States suggest that future actions should include the protection of health, offering treatment for drug users, and safety to vulnerable communities.¹⁶⁷ At their latest session, CND addressed the impact of COVID-19 on the implementation of past commitments and encouraged continued efforts to counter the world drug problem despite the current pandemic by adopting a joint *Statement on the Impact of the Coronavirus Disease (COVID-19) Pandemic on the Implementation of the Joint Commitments of Member States to Address and Counter all Aspects of the World Drug Problem*.¹⁶⁸

Further Research

While preparing for this topic, delegates should keep in mind the following questions: What are additional challenges posed by synthetic drug trafficking that are not addressed by existing initiatives and programs and how can they be tailored to the current context? What legal frameworks can help enforcing transnational crime and solve jurisdiction challenges? What measures can the international system put in place to encourage states to increase human and financial resources for drug trafficking enforcement despite shortages caused by the COVID-19 crisis? How can inclusive treatment and overdose prevention help curb the negative effects of synthetic substance abuse? What could be implemented to materialize a comprehensive initiative to combat the online aspect of drug trafficking, based on the principle of shared responsibility, while respecting state sovereignty?

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https://www.incb.org/documents/Publications/AnnualReports/AR2020/Annual_Report/E_INCB_2020_1_eng.pdf

This annual report for INCB provides delegates with insight to the mandate and functions of the organization. Although INCB is an independent organization, it was established by the Single Convention on Narcotic Drugs of 1961. Delegates will find many pertinent definitions of technical terms that will allow them to, for example, better understand the difference between psychotropic substances and narcotic drugs. In the second part of this annual report, delegates will find a detailed global analysis of deficiencies in regulation of synthetic drugs. Many recommendations on how to tackle this topic from a public health perspective are also included.

United Nations Office on Drugs and Crime. (2013) *The Challenge of New Psychoactive Substances*. Retrieved 20 June 2021 from: https://www.unodc.org/documents/scientific/NPS_Report.pdf

This report of the United Nations Office on Drugs and Crime was written by the Global SMART Programme and consists of technical details regarding specific substances. The first part of the report may be useful in reviewing how precursor substances, synthetic drugs, and legal drugs are treated under the current international system. This report also includes country-specific as well as existing regional and national legal frameworks that regulate or control these substances. Delegates will find many examples of regional collaboration to track the spread of NPS and other synthetic drugs using information sharing initiatives and Early Warning Systems.

United Nations Office on Drugs and Crime. (2020). *COVID-19 and the Drug Supply Chain: From Production and Trafficking to Use*. Retrieved 25 June 2021 from: <https://www.unodc.org/documents/data-and-analysis/covid/Covid-19-and-drug-supply-chain-Mai2020.pdf>

¹⁶⁷ UN CND, *Ministerial Declaration on 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*, 2019, p. 2.

¹⁶⁸ *Ibid.*, p. 2.

This document is a comprehensive overview of the effects of COVID-19 on the world drug trade because it considers drug production, trafficking, and consumption. Also, this research brief gives delegates an understanding of how both the pandemic itself and the measures implemented to limit the spread of COVID-19 can change how drugs are produced and transported, how consumers change their drug habits, and how governments must adapt their response to tackle synthetic drug trafficking. Cross-border transportation of these substances have been affected by COVID-19 measures, but as described, the adaptability of drug trafficking groups, especially for synthetic drugs, poses additional complications.

United Nations Office on Drugs and Crime. (2020). *Scheduling Procedures Under the International Drug Control Conventions*. Retrieved 20 June 2021 from:

https://www.unodc.org/documents/commissions/CND/Scheduling_Resource_Material/19-11955_Drug_Conventions_eBook.pdf

This document was prepared by UNODC's secretariat to present an overview of CND's scheduling mandate and functions. The collaborative work of international organizations and UN agencies in the process of scheduling substances under the treaty system for narcotic drugs is explained in detail. More specifically, this document details the important role of WHO and INCB while collaborating with both CND and UNODC. The scheduling process and how it differs for different drugs and precursor substances is also described. Delegates can refer to this document to further their understanding of the conventions, their implications, and their application in the work of the CND. Finally, delegates may consult what drugs and substances are included in the scheduling groups for each convention.

United Nations Office on Drugs and Crime. (2021). *World Drug Report 2021*. Retrieved 5 August 2021 from: <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>

UNODC produced this report to communicate information about drugs to help facilitate the formation of fact-driven policies worldwide. It presents delegates with updated information and statistics regarding drug use, production and trafficking in specific countries. More specifically, Booklet 1 includes a presentation of past policies and recommendations for future policies. Furthermore, Booklet 4 describes the global consumption and production of synthetic drugs, with extensive regional and country-specific statistics. Booklet 5 presents delegates with the impact of COVID-19 on drug markets and evaluates both how COVID-19 related measures affect supply and demand, as well as the impact of the crisis itself. The World Drug Report can provide delegates with some of the most up-to-date information and statistics available.

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2. Incorporating a Human Rights Focus into International Drug Policies

“Individuals who use drugs do not forfeit their human rights.”¹⁶⁹

Introduction

In the *2021 World Drug Report (2021)*, the United Nations Office on Drugs and Crime (UNODC) found that in 2010-2019, the number of individuals using drugs worldwide increased by 22%.¹⁷⁰ As a result of the increase in drug users, 494,000 deaths and 30.9 million years of “healthy” lives were lost in 2019.¹⁷¹ The World Drug Problem continues to be an issue for the Commission on Narcotic Drugs (CND) and its institutional and Non-Governmental Organization (NGO) counterparts.¹⁷² The *2021 World Drug Report*, published by the UNODC, predicted that by 2030, the number of drug users will rise by 11% globally.¹⁷³ This is largely due to the ongoing coronavirus disease (COVID-19) pandemic.¹⁷⁴ With over 100 million individuals in global poverty and 250 million leaving their jobs, the COVID-19 pandemic has created stress on socioeconomic factors that have led individuals to take drugs for the first time.¹⁷⁵

Every United Nations (UN) Member State has ratified at least one of the nine core treaties in regards to human rights and every Member State is encouraged to follow human rights obligations under international law as listed in the *Universal Declaration of Human Rights (1948)*.¹⁷⁶ Similarly, the 2016 UNODC *World Drug Report* calls for international drug policy to be in-line with human rights.¹⁷⁷ Both UN institutions and regional bodies, such as the African Union and the Association of Southeast Asian Nations, have made an active effort to incorporate a human rights approach to international drug policy.¹⁷⁸ In its “Special Points of Interest” of the *2021 World Drug Report*, UNODC suggests an “integrated, people-centered and human-rights based approach” to drug use in Africa.¹⁷⁹ Despite the International Narcotics Control Board (INCB) changing its original position by opposing incarceration and the death penalty, there are still currently over 10 million prisoners worldwide that have committed drug-related offenses.¹⁸⁰ CND remains dedicated to implementing new international drug policy through facilitating multi-stakeholder forums and working closely with other UN institutions and NGOs to reach consensus on the criminalization of drug offenses and providing women with equal access to the same social and healthcare opportunities available to men.¹⁸¹

International and Regional Framework

The foundational human rights documents, the *Universal Declaration of Human Rights (1948)*, focuses on the United Nation’s commitment to tackling human rights abuses.¹⁸² The declaration serves as the main source behind CND’s priority of applying human rights into international drug policy.¹⁸³ CND is committed to ensuring that the right to life, and the right to equal treatment in the eyes of the law, are upheld when implementing international drug policy.¹⁸⁴ However, the three core conventions on drug policy do not

¹⁶⁹ Ane, *Drug Policy in Africa: Towards a Human Rights-Based Approach*, 2017, p. 2.

¹⁷⁰ UNODC, *World Drug Report Booklet 2: Global Overview: Drug Demand Drug Supply*, 2021, p. 13.

¹⁷¹ *Ibid.*, p. 22.

¹⁷² UNODC, *World Drug Report Booklet 1: Executive Summary: Policy Implications*, 2021, p. 16.

¹⁷³ UNODC, *World Drug Report Booklet 2: Global Overview: Drug Demand Drug Supply*, 2021, p. 3.

¹⁷⁴ UN News, *COVID Crisis to Push Global Unemployment Over 200 Million Mark in 2022*, 2021.

¹⁷⁵ *Ibid.*

¹⁷⁶ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; OHCHR, *The Core International Human Rights Instruments and Their Monitoring Bodies*.

¹⁷⁷ UNODC, *World Drug Report Booklet 2: The World Drug Problem and Sustainable Development*, 2016, p. 102.

¹⁷⁸ UNODC, *Drug-Free ASEAN 2015: Status and Recommendations*, 2015; UNODC, *World Drug Report Booklet 1: Executive Summary: Policy Implications*, 2021, p. 3.

¹⁷⁹ UNODC, *World Drug Report Booklet 1: Executive Summary: Policy Implications*, 2021, p. 3.

¹⁸⁰ Jensema and Sandwell, *Human Rights and Drug Policy*, Transnational Institute, 2018.

¹⁸¹ CND, *Thematic Discussions*.

¹⁸² UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

¹⁸³ *Ibid.*

¹⁸⁴ UNODC, *CND*, 2021.

actively defend human rights.¹⁸⁵ These conventions are: the *Single Convention on Narcotic Drugs* (1961), the *Convention on Psychotropic Substances* (1971), and the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988).¹⁸⁶ The first two conventions state that they are “concerned with the health and welfare of mankind,” whereas the 1988 convention has a “view to reducing human suffering.”¹⁸⁷ The main goal of the conventions was drug control, with the 1961 and 1971 conventions outlining restrictions on a number of drugs commonly used.¹⁸⁸ Lastly, the 1988 convention tackled the trafficking aspect of drug control, however none of the three .¹⁸⁹

The *Political Declaration On Countering the World Drug Problem* (1998) requested that Member States report their progress to CND biennially.¹⁹⁰ The creation of consistent reporting to CND established an environment where policies are based off the progress of Member States in achieving the goals set out by treaties regarding the World Drug Problem.¹⁹¹ This allows CND to monitor how successful its attempts at implementing human rights in international drug policy have been.¹⁹² CND established the *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem* (2009), which was adopted by General Assembly resolution 64/182 on 18 December 2009, titled *International Cooperation Against the World Drug Problem*.¹⁹³ The political declaration recognized gender inequalities regarding access to drug treatment when addressing human rights.¹⁹⁴ General Assembly Resolution 69/201, adopted on 18 December 2014, titled *International Cooperation Against the World Drug Problem*, reaffirmed that the world drug problem is to be countered with full respect to human rights.¹⁹⁵ This resolution promoted both the right to health and the right to be treated equally.¹⁹⁶ In doing so, it recognized that more needs to be done to mitigate the social stigma of using drugs and reducing barriers to access healthcare.¹⁹⁷

Role of the International System

CND and UNODC are cooperating in their efforts to assist Member States in adhering to international drug policy and upholding their human rights obligations.¹⁹⁸ UNODC aids CND with the implementation of international drug policy through field support, research, and analysis.¹⁹⁹ In its *UNODC Strategy 2021-2025*, UNODC recognizes human rights to be present in two of its five thematic areas: the world drug problem and crime prevention and criminal justice.²⁰⁰ As one of UNODC’s two governing bodies, CND

¹⁸⁵ UN, *Conferences: Drugs Control*, 2021.

¹⁸⁶ UN Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, *The United Nations Convention Against Illicit Traffic on Narcotic Drugs and Psychotropic Substances*, 1988; UN Conference for the Adoption of a Protocol on Psychotropic Substances, *Convention on Psychotropic Substances*, 1971; UN Conference for the Adoption of a Single Convention on Narcotic Drugs, *Single Convention on Narcotic Drugs*, 1961.

¹⁸⁷ Human Rights Watch, *Drug Policy and Human Rights*, 2009.

¹⁸⁸ UN, *Conferences: Drugs Control*, 2021.

¹⁸⁹ UN Conference for the Adoption of a Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, *The United Nations Convention Against Illicit Traffic on Narcotic Drugs and Psychotropic Substances*, 1988.

¹⁹⁰ UNODC, *Political Declarations on the World Drug Problem*, 2021.

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

¹⁹³ UN CND, *Responding to the Threat Posed by the Distribution of Internationally Controlled Drugs on the Unregulated Market (CND/RES/51/13)*, 2008; UNODC, *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009.

¹⁹⁴ UNODC, *Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, 2009, p. 47.

¹⁹⁵ UN General Assembly, *International Cooperation Against the World Drug Problem (A/RES/69/201)*, 2014.

¹⁹⁶ *Ibid.*

¹⁹⁷ UN General Assembly, *International Cooperation Against the World Drug Problem (A/RES/69/201)*, 2014.

¹⁹⁸ UNODC, *CND*, 2021.

¹⁹⁹ UNODC, *About UNODC*, 2021.

²⁰⁰ UNODC, *UNODC Strategy 2021-2025*, 2021.

meets annually to consider, adopt resolutions, and oversee international drug policies.²⁰¹ The 2019 *Ministerial Declaration* agreed on a new multi-year work plan where interactive meetings will be held annually until 2024.²⁰² The thematic areas which will be addressed annually are derived from the 2019 *Ministerial Declaration* and include drug treatment and health services in 2020, and the consequences of drug trafficking in 2021.²⁰³ The first session of the 2020 intersessional meeting recognized the right to health and how it has been hindered by increase of drug users in economically poor regions.²⁰⁴ *The Ministerial Declaration* sought to review the progress made by Member States in implementing the policy commitments in 2029, with a mid-term review in 2024.²⁰⁵

The global effort to alleviate human rights violations has been led by UN committees such as the Human Rights Council (HRC), CND, UNDOC, and the United Nations Development Programme (UNDP).²⁰⁶ INCB publishes annual reports for CND and analyzes trends in the World Drug Problem.²⁰⁷ The reports not only monitor the compliance of Member States in following current international drug policy, but they also analyze the action taken by INCB itself to ensure that Member States follow international drug policies.²⁰⁸ This information aids CND in formulating how to incorporate human rights into future resolutions tackling the World Drug Problem.²⁰⁹ For instance, the recommendations made in the 2020 *Report of the INCB*, on the right to health, were recognized in UNODC's *Strategy for 2021-2025* (2020).²¹⁰

UN institutions collaborate with NGOs such as the International Drug Policy Consortium (IDCP) and the 192 NGOs within its global network.²¹¹ A key example of such collaboration is the *International Guidelines on Human Rights and Drug Policy*, published in 2019 and again in 2020.²¹² The guidelines produced by the IDCP, UNDP, and the International Center on Human Rights on Drug Policy (HRDP), identify the human rights principles and obligations that should be reflected in international drug policies enacted by CND and other UN institutions.²¹³ Most recently, the 2020 guidelines have played a key role in promoting the right to non-discrimination through dedicating an entire section of the publication on the human rights obligations on certain groups.²¹⁴ The guideline called for mitigation of the social marginalization of women, and was addressed by CND resolution 64/5, titled *Facilitating Access to Comprehensive, Scientific, Evidence-Based Drug Demand Reduction Services and Related Measures, Including for People Impacted by Social Marginalization*.²¹⁵ Civil Society Organizations (CSOs) also work with UNODC Civil Society Team (CST) in order to attack the World Drug Problem through implementing human rights into international drug policy.²¹⁶

²⁰¹ UNODC, *CND: Mandate and Functions*, 2021.

²⁰² Sarah Pirker, *4th CND Intersessional 2019 and Multiyear Work Plan*, Vienna NGO Commission on Drugs, 2019.

²⁰³ UNODC, *Commission on Narcotic Drugs Thematic Sessions on the Implementation of all International Drug Policy Commitments, Following-up to the 2019 Ministerial Declaration, 19-21 October 2021*, 2021.

²⁰⁴ CND Blog, *CND Third Intersessional Meeting: Thematic Session 1- 19th October 2020*, 2020.

²⁰⁵ UNODC, *CND*, 2021.

²⁰⁶ UNODC, *World Drug Report 2021*, 2021.

²⁰⁷ INCB, *Mandate and Functions*.

²⁰⁸ INCB, *Report of the INCB for 2020*, 2020.

²⁰⁹ *Ibid.*

²¹⁰ INCB, *Report of the INCB for 2020*, 2020; UNODC, *UNODC Strategy 2021-2025*, 2021.

²¹¹ IDPC, *About*, 2021.

²¹² HRDP et al., *International Guidelines on Human Rights and Drug Policy*, 2019.

²¹³ *Ibid.*

²¹⁴ *Ibid.*

²¹⁵ HRDP et al., *International Guidelines on Human Rights and Drug Policy*, 2019, p. 17.; UN CND, *Facilitating Access to Comprehensive, Scientific, Evidence-Based Drug Demand Reduction Services and Related Measures, Including for People Impacted by Social Marginalization (CND 64/5)*, 2021.

²¹⁶ UNODC, *UNODC Engagement with Civil Society on Drugs and Crime*, 2021.

A Gender Perspective in Addressing the World Drug Problem

A prevalent barrier to gender equality within international drug policy is treatment for substance abuse.²¹⁷ INCB identified that although women make up 33% of drug users globally, they represent only 20% of those in treatment.²¹⁸ In Member States with a low gross domestic product per capita, the disparity is amplified.²¹⁹ This disparity was recognized by CND in its 2021 resolution 64/5, titled, *Facilitating Access to Comprehensive, Scientific Evidence-Based Drug Demand Reduction Services and Related Measures, Including for People Impacted by Social Marginalization*.²²⁰ In this resolution, CND invited Member States and donors to provide financial help to developing Member States to tackle the disparity.²²¹ Social stigma and legal sanctions, such as loss of child custody, often prevent women from seeking substance abuse treatment.²²² The 2018 CND resolution 61/11 *Promoting Non-Stigmatizing Attitudes to ensure the Availability of, Access to and Delivery of Health, Care and Social Services for Drug Users*, recognizes that social stigma prevents women from obtaining health and social care required to achieve their human right to health.²²³

Human trafficking poses a serious impediment to women possessing human rights through international drug policies.²²⁴ A UNODC report in 2020, the *Global Report on Trafficking in Persons 2020*, identified that in 2018, for every 10 human trafficking victims detected globally, roughly five were adult women and two were girls.²²⁵ OHCHR stated that human trafficking is a modern form of slavery and a violation of human rights.²²⁶ One of the major factors causing human trafficking to take place is economic hardship.²²⁷ UNODC *Global Report on Trafficking in Persons 2020 (2020)* identified that economic need made up 51% of the pre-existing factors behind trafficking.²²⁸ Approximately 77% of women are trafficked for sexual exploitation and 14% are trafficked for forced labor; in 2017, CND found that both scenarios could be mitigated if the women being trafficked were not sustaining themselves and their family with drug money.²²⁹ In 2018, UN General Assembly resolution 73/263, *Trafficking in Women and Girls*, aimed to increase co-operation between Member States and NGOs in order to reduce the gender inequality caused by trafficking.²³⁰ The COVID-19 pandemic exacerbated the economic challenges faced by women in regards to drug use and globally it has caused the most severe recession since the Second World War.²³¹ More women resort to using drugs as a result of the recession and it is likely that more women will also be susceptible to being trafficked.²³²

In the last decade, treatment for female drug users has been recognized by CND resolution 55/5 *Promoting Strategies and Measures Addressing Specific Needs of Women in the Context of Comprehensive and Integrated Drug Demand Reduction Programs and Strategies*.²³³ *The 2021 World*

²¹⁷ Malinowska and Rychkova, *The Impact of Drug Policy on Women*, Open Society Foundations, 2015.

²¹⁸ INCB, *2016 Annual Report*, 2016.

²¹⁹ INCB, *2017 Annual Report*, 2017.

²²⁰ UN CND, *Facilitating Access to Comprehensive, Scientific Evidence-Based Drug Demand Reduction Services and Related Measures, Including for People Impacted by Social Marginalization (CND/64/5)*, 2021.

²²¹ *Ibid.*

²²² UNODC, *World Drug Report Booklet 1: Executive Summary: Policy Implications*, 2021, p. 28.

²²³ UN CND, *Promoting Non-stigmatizing Attitudes to Ensure the Availability of, Access to and Delivery of Health, Care and Social Services for Drug Users (CND/61/11)*, 2018.

²²⁴ UNODC, *Global Report on Trafficking in Persons 2020*, 2020.

²²⁵ *Ibid.*, p. 31.

²²⁶ OHCHR, *Human Rights and Trafficking in Persons*, 2021.

²²⁷ CND Blog, *CND Intersessional, 28th September 2017: Chapter 4 on Human Rights, Women and Children*, 2017.

²²⁸ UNODC, *Global Report on Trafficking in Persons Booklet 1: Global Overview*, 2020, p. 32.

²²⁹ CND Blog, *CND Intersessional, 28th September 2017: Chapter 4 on Human Rights, Women and Children*, 2017; UNODC, *Global Report on Trafficking in Persons 2020*, 2020.

²³⁰ UN General Assembly, *Trafficking in Women and Girls (A/RES/73/146)*, 2018.

²³¹ UNODC, *Global Report on Trafficking in Persons 2020*, 2020.

²³² CND Blog, *CND Intersessional, 28th September 2017: Chapter 4 on Human Rights, Women and Children*, 2017.

²³³ UN CND, *Promoting Strategies and Measures Addressing Specific Needs of Women in the Context of Comprehensive and Integrated Drug Demand Reduction Programs and Strategies (CND/RES/55/5)*, 2012.

Drug Report has noted that the COVID-19 pandemic has led to bigger improvements than the aforementioned attention by UN institutions.²³⁴ Non-profit organizations in Kenya such as Social Needs, for example, have trained people to provide basic counselling for drug users as well as children susceptible to drug use during the pandemic.²³⁵ However the COVID-19 pandemic has also challenged CND, and other UN institutions, with some of the problems that pandemic mitigation effects caused.²³⁶ The COVID-19 pandemic is a main reason why in 2020, 120 million individuals were pushed into extreme poverty and 255 million full-time jobs were lost.²³⁷ Women have been impacted by the social ramifications of the COVID-19 pandemic, and the rise in poverty and inequality will further affect women's socioeconomic statuses.²³⁸

Decriminalization vs Incarceration

INCB has requested that the three core drug conventions of 1961, 1971, and 1988 grant flexibility in regards to the penalization of drug-related offenses.²³⁹ INCB also stated that the penalization of drug-related offenses are subject to each Member States' "constitutional principles and the basic concepts of its legal system."²⁴⁰ This has caused over 10 million individuals currently incarcerated worldwide for drug-related crimes.²⁴¹ That is 20% of prisoners worldwide; 83% of whom are incarcerated for personal use.²⁴² CND, being aware of the fact that INCB renders criminalization of drug use to Member States, held events in 2019 and 2021 cementing its position on the decriminalization of drug use.²⁴³ CND advocated for the mitigation of the human rights violations that can arise from criminalization, such as the right to a fair trial, as in article 10 of UDHR.²⁴⁴

International Drug Policy Consortium and Harm Reduction International pointed out in 2021 that the incarceration of drug users has unintended consequences, such as: extrajudicial killings, unfair trials, lack of treatment for substance abuse, and the death penalty.²⁴⁵ The process of being arrested and going to trial can incur multiple human rights violations.²⁴⁶ In 2021, the UNODC found that one in every three prisoners were not given a trial which violated their right to a fair trial as indicated in article 10 of UDHR.²⁴⁷ The 2021 report by the International Drug Policy Consortium found that arrests disproportionately targeted drug users on the basis of race, gender, and poverty which is in violation of the right to non-discrimination.²⁴⁸ In 2015, CND defended its position on protecting the right to life in announcing that "the imposition of death penalty sentences and executions for drug offences contravene international human rights law."²⁴⁹

²³⁴ UNODC, *World Drug Report Booklet 5: COVID-19 and Drugs: Impact Outlook*, 2021.

²³⁵ *Ibid.*, p. 74.

²³⁶ *Ibid.*

²³⁷ UNODC, *World Drug Report Booklet 1: Executive Summary: Policy Implications*, 2021, p. 35.

²³⁸ *Ibid.*, p. 34.

²³⁹ Open Society Foundation, *Human Rights and Drug Policy: Briefings for the UN Commission on Narcotic Drugs*, 2010.

²⁴⁰ INCB, *2001 Annual Report*, 2001.

²⁴¹ Jensema and Sandwell, *Human Rights and Drug Policy*, Transnational Institute, 2018.

²⁴² UN CCPCJ, *World Crime Trends and Emerging Issues and Responses in the Field of Crime Prevention and Criminal Justice, Note by the Secretariat (E/CN.15/2017/10)*, 2017.

²⁴³ CND Blog, *Decriminalization: What Works and What Does not*, 2021; CND Blog, *Side Event: Decriminalizing Drug Use and Possession: A Cross-National Perspective on Lessons Learned and Best Practices*, 2019.

²⁴⁴ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

²⁴⁵ IDPC and HRI, *Report to OHCHR on "Human Rights in the Administration of Justice" Pursuant to Resolution 42/11*, 2021.

²⁴⁶ *Ibid.*

²⁴⁷ UNODC, *One in Three People Globally Imprisoned Without Trial, While Overcrowding Puts Prisoners at Risk of Contracting COVID-19, Says UNODC's First Global Research on Imprisonment*, 2021.

²⁴⁸ IDPC and HRI, *Report to OHCHR on "Human Rights in the Administration of Justice" Pursuant to Resolution 42/11*, 2021, p. 1; UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, p. 3.

²⁴⁹ CND Blog, *Death Penalty*, 2015.

Maria-Goretti Ane, African consultant for International Drug Policy Consortium, defines decriminalization of drugs to mean “that drug use remains prohibited but is no longer considered as a criminal offence.”²⁵⁰ Decriminalization is an opportunity to prevent drug users from having their right to degrading punishment, which was afforded to them in article 5 of UDHR, from being violated.²⁵¹ In 2001, Portugal started the trend of decriminalizing possession of drugs for personal use²⁵² In Uruguay, Canada, and some parts of the United States, legislative reviews of cannabis laws in an attempt to create a discourse on decriminalizing cannabis.²⁵³ Alternatively, Member States around the world are starting to adopt alternatives to criminalizing drug use.²⁵⁴ One such method is accountability courts, as these courts offer an alternative to incarceration through enhanced supervision and treatment given to the offender.²⁵⁵ Diversion programs have provided drug education and disorder treatments to drug users rather than arresting and prosecuting offenders that are caught using drugs.²⁵⁶ Alternatives to incarceration and decriminalization protect the human rights of drug users by not be subjecting them to inhuman treatment or punishment.²⁵⁷

Conclusion

Incorporating human rights into international drug policies has created an opportunity to foster collaborative learning to implement more social-centered policies.²⁵⁸ CND takes a human rights centered approach when creating new international drug policies.²⁵⁹ CND’s resolution 59/5, titled *Mainstreaming a Gender Perspective in Drug-Related Policies and Programs* created a space for women’s health and social rehabilitation when, and after, using drugs.²⁶⁰ The 2021 blog by CND on *Decriminalization: What Works and What Does not* cements CND’s, and the rest of the UN’s, position on penalizing drug offences.²⁶¹ The blog acts a foundation for future CND resolutions to use language that protects the right to humane treatment and punishment.²⁶² COVID-19 poses a long term problem when incorporating human rights into international drug policy due to the socio-economic crises that it produces.²⁶³

Further Research

While researching, delegates are encouraged to consider the following questions: How can CND rely on other UN institutions to incorporate human rights into their resolutions regarding international drug policy? How can CND implement the information they receive from reports into international drug policy? How can CND utilize, and replicate, the ways in which the COVID-19 pandemic has led to some innovations, specifically access to treatment for women, in international drug policy? How can existing frameworks and institutions approaches be adapted during a global pandemic?

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Barrett et al. (2008) *Recalibrating the Regime: The Need for a Human Rights-Based Approach to International Drug Policy*. Retrieved 12 June 2021 from: <https://www.hr-dp.org/contents/169>

²⁵⁰ Ane, *Drug Policy in Africa: Towards a Human Rights-Based Approach*, 2017.

²⁵¹ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, p. 2.

²⁵² Greenwald, *Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies*, CATO Institute, 2009.

²⁵³ Lines and Hannah, *New UN Guidelines to Mainstream Human Rights in the Global Drugs Debate*, The Conversation, 2017.

²⁵⁴ Transform Drug Policy Foundation, *Drug Diversion in the UK*, 2021.

²⁵⁵ Augusta Government, *Accountability Courts*, 2021.

²⁵⁶ Transform Drug Policy Foundation, *Drug Diversion in the UK*, 2021.

²⁵⁷ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, p. 2.

²⁵⁸ UNODC, *CND*, 2021

²⁵⁹ *Ibid.*

²⁶⁰ UN CND, *Mainstreaming a Gender Perspective in Drug-Related Policies and Programs (CND/59/5)*, 2016.

²⁶¹ CND Blog, *Decriminalization: What Works and What Does not*, 2021.

²⁶² *Ibid.*

²⁶³ UNODC, *Global Report on Trafficking in Persons Booklet 2: Socio-Economic Factors and Risks of COVID-19 Recession*, 2020.

This research was published just as human rights were beginning to be recognized in the discourse surrounding international drug policy. This research identifies the areas such as incarceration, the death penalty, and discrimination that has led to numerous violations of human rights by international drug policy. The suggestions proposed help guide delegates to areas of international drug policy that have been reformed and areas where the suggestions are still relevant thirteen years later.

Greenwald, G. (2009). *Drug decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies*. CATO Institute. Retrieved 26 July 2021 from: <https://www.cato.org/white-paper/drug-decriminalization-portugal-lessons-creating-fair-successful-drug-policies>

Glenn Greenwald published a highly influential paper addressing the decriminalization of all drugs by the Portuguese government in 2001. Greenwald highlights the effect of decriminalization on reducing social stigma, drug usage, and HIV rates. By providing data from all over the world, this resource is extremely useful for delegates wishing to provide ways of addressing the criminalization of drugs.

Human Rights Watch. (2009). *Drug Policy and Human Rights*. Retrieved 4 June 2021 from: <https://www.hrw.org/news/2009/04/10/drug-policy-and-human-rights>

The death penalty is one of the biggest barriers of fully incorporating human rights into international drug policy. The 2009 report by Human Rights Watch provides extensive case studies, from all over the world, covering the impact of incarceration and the death penalty on the human rights of drug users. This is useful for delegates researching the right to humane treatment within international drug policy.

International Centre on Human Rights and Drug Policy et al. (2019). *International Guidelines on Human Rights and Drug Policy*. Retrieved 17 June 2021 from: <https://www.undp.org/publications/international-guidelines-human-rights-and-drug-policy>

The guidelines produced by the UNDP offers delegates a human rights-based approach to understanding and addressing the world drug problem. It consolidates the human rights principles as well as the obligations Member States have to uphold human rights standards.

International Drug Policy Consortium. (2018). *Taking Stock: A Decade of Drug Policy*. Retrieved 23 July 2021 from: <https://idpc.net/publications/2018/10/taking-stock-a-decade-of-drug-policy-a-civil-society-shadow-report>

In 2018, the International Drug Policy Consortium published a study on international drug policy in the decade since the 2009 Political Declaration and Plan of Action on Drugs. Part 1 offers a concise history of the international framework surrounding international drug policy. Part 2, section 1; and part 3, section 4, chapter 4 offers a key insight into the ways in which the UN has attempted to incorporate human rights into international drug policy. This study will provide delegates with an insight into the rights to non-discrimination, humane treatment, and fair trials.

Jensema E., & K. Sandwell. (2018). *Human Rights and Drug Policy*. Transnational Institute. Retrieved 18 July 2021 from: <https://www.tni.org/en/briefing/human-rights-and-drug-policy>

Jensema and Sandwell provide a comprehensive guide on the relationship between human rights and international drug policy. This resource indicates the work of UN institutions such as CND, UNODC, and INCB in considering human rights when creating the framework of international drug policy. This guide will be useful to delegates interested in the process of utilizing the existing international framework when coming up with solutions to incorporate human rights into international drug policy.

Malinkowska K., & O. Rychkova. (2015). *The Impact of Drug Policy on Women*. Open Society Foundations. Retrieved 15 July 2021 from: <https://www.opensocietyfoundations.org/publications/impact-drug-policy-women>

Malinowska and Rychkova produced a study that focuses on the drug control system within international drug policy leading up to UNGASS 2016. This resource provides delegates with an excellent source of gender-disaggregated data from all over the world on the World Drug Problem. Such data is vital for delegates as it highlights how international drug policy has impacted women drug users; specifically on issues such as decriminalization, access to treatment and social stigma.

Open Society Foundations et al. (2010). *Human Rights and Drug Policy*. Retrieved 14 June 2021 from: <https://www.opensocietyfoundations.org/publications/human-rights-and-drug-policy>

Open Society Foundations, the International Harm Reduction Association, Human Rights Watch, and the Canadian HIV/AIDS Legal Network jointly published a series of fact sheets regarding the incorporation of human rights into international drug policy. The fact sheet touches on six areas of implementing human rights into international drug policy: harm reduction; drugs, criminal laws, and policing practices; harm reduction in places of detention; compulsory drug treatment; controlled essential medicines; and crop eradication. Delegates will find these fact sheets useful when creating a foundation to develop their research.

United Nations, General Assembly. (2013). *Pathways to, Conditions and Consequences of Incarceration Among Women (A/68/340)*. Retrieved 19 July from: <https://www.ohchr.org/documents/Issues/Women/A-68-340.pdf>

After General Assembly resolution 65/187 (2010), titled “Intensification of Efforts to Eliminate All Forms of Violence Against Women,” Rashida Manjoo, produced a report in 2013. This resource is critical for delegates research as it bridges the gap between the process of being incarcerated and life once incarcerated, finishing with the consequences of incarceration on women drug users.

United Nations, Office on Drugs and Crime. (2021). *World Drug Report 2021*. Retrieved 15 July 2021 from: <https://www.unodc.org/unodc/en/data-and-analysis/wdr2021.html>

The World Drug Report is an annual report published by the United Nations Office on Drugs and Crime, which provides an in-depth analysis of the global drug markets. The effect of COVID-19 on the global drug market was taken into consideration with an entire booklet being dedicated to COVID-19. The “Special Points of Interest” within booklet 1 provides a brief overview of the present challenges currently facing international drug policy. Delegates will find this source useful as they explore the positive and negative impact that COVID-19 has had on international drug policy.

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