

Thanks, chairman, for giving me the floor,

One of the biggest new challenges the world is confronted with is the accelerating dynamic of drug policy changes and increasing doubts about the effectiveness of the current drug control system.

These first days here at the CND have demonstrated that a change of course in drug policy is taking place: many delegations emphasize more focus on health and development, less criminalization, more respect for human rights and proportionality in sentencing, better access to essential medicines, and so on. The discussion is, from TNI's perspective, clearly moving in the right direction, and fortunately the Conventions allow significant flexibility to facilitate such a process of humanization of drug control.

But the challenge facing us is bigger than that. Just over one year away from the 2016 UNGASS, denying the reality that the drug policy landscape has fundamentally changed and that also systemic breaches have started to take place is no longer a credible option. Especially with regard to coca leaf and cannabis regulation, tensions have risen between ongoing reforms and the limits of latitude of the UN drug control treaty framework. An honest and open debate about the inconsistencies and the outdated nature of the treaty regime cannot be avoided much longer.

The pressure coming from national policy changes will keep building and the UN regime will soon have to show the capacity for evolution providing more space to accommodate those developments. Otherwise the treaty system risks becoming irrelevant as more countries resort to untidy unilateral re-interpretations leading to an a-la-carte approach of cherry-picking those treaty provisions politically convenient and simply ignoring the rest, and in so doing weakening respect for the basic principles of international law.

At the same time, it is perfectly understandable, that many countries resist putting treaty reform formally on the agenda. Under current political conditions, given the stalemate quickly encountered in consensus-driven negotiations, to start negotiating treaty amendments or even a new Convention would inevitably turn the resultant negotiations into trench warfare. A more promising approach would be to explore, at least for the interim, systemic reform options not necessarily requiring consent of all treaty parties.

The first thing Member States should *not* do is to deny that there are difficulties emerging with the status quo of the international drug control regime and to impose limits on the scope for discussion allowed at the UNGASS. Trying to limit the UNGASS objective to further strengthening the implementation of the 2009 Political Declaration, would be losing an important opportunity. Declaring the treaty system to be a sacred cornerstone for the future whose integrity needs to be defended at all costs, is counterproductive. An open debate is an open debate, full stop. It is no longer an open debate if certain ideas for improvement are declared to be off-limit.

Perhaps lessons can be drawn from the two previous special sessions on drugs in 1990 and 1998. In both cases, special advisory groups played a useful role, and it might well be worth consideration whether that mechanism could be used again for the 2016 UNGASS, all the more so given the array of tensions, cracks and breaches currently at play. The group's terms of reference should cover key issues emerging in the UNGASS preparations, including the UN institutional drug-control architecture; UN system-wide coherence on drug policy; harmonization of drug control with human rights and development principles; inconsistencies of the treaty regime regarding scheduling criteria and procedures; securing the availability of controlled drugs for medical purposes; and the increasing legal tensions with evolving policy practices, especially with regard to cannabis regulation. The group's main task would be to recommend how to better deal with these contentious and difficult issues following the 2016 UNGASS, in preparation for the next UN high-level review in 2019.

While recognizing the special role and expertise of the Vienna-based agencies, another lesson learned from previous special sessions is the importance of active involvement of all relevant UN agencies. Soliciting and mandating the participation of the UN agencies working in the fields of health, social and economic development, human rights and peace-keeping would surely contribute to a more holistic and balanced approach at the upcoming UNGASS.

Finally, UN special sessions are precious—and costly—political opportunities for the international community to discuss the main global challenges and to agree on more effective policy responses to protect the welfare of humankind. Which is why Secretary General Ban Ki-moon urged member states to use the 2016 UNGASS on drugs “to conduct a wide-ranging and open debate that considers all options.”¹

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CND - 11 March 2015

¹ Statement, Ban Ki-moon, *Secretary-General's remarks at special event on the International Day against Drug Abuse and illicit Trafficking*, New York, 26 June 2013. <http://www.un.org/sg/statements/index.asp?nid=6935>