



## Research Paper

## Global drug policy at an impasse: Examining the politics of the 2016 United Nations General Assembly Special Session

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## ARTICLE INFO

## Keywords:

UNGASS 2016  
Global civil society  
Global drug prohibition regime  
United Nations  
Fractured consensus  
Global governance

## ABSTRACT

**Background:** The 2016 United Nations General Assembly's Special Session on the World Drug Problem (UNGASS) was a 'critical moment' in recent global drug policy history.

**Methods:** This study examines the dynamics and consequences of UNGASS 2016 using documentary analysis and interviews with ten leading international drug reform experts.

**Results:** International consensus relating to the global drug problem remains heavily fractured. This is evident from: the increasingly diverse positions adopted by Member States during the negotiation period leading up to UNGASS; conflicting agendas within and between different United Nations agencies; and the content of the UNGASS Outcome Document. Our interviews further revealed key obstacles facing the international drug policy reform community following this event.

**Conclusion:** Global governance in the sphere of drug policy has reached an impasse but this should have limited impact on the ongoing efforts of reformers to shift the debate so long as civil society actors have access to funding and opportunities to participate in key future global drug policy events.

## Introduction

In April 2016, the United Nations (UN) General Assembly held a special session to reflect upon and re-evaluate the 'world drug problem' (henceforth UNGASS 2016; see [United Nations General Assembly, 2016](#)). As the third such summit of this kind, it called upon the international community to once again debate current drug control priorities. At previous UNGASS events in 1990 and 1998, Member States merely 'reaffirmed' their commitment to a 'global drug prohibition regime' ([Andreas & Nadelmann, 2006: 38](#)) – declaring "drugs destroy lives and communities, undermine sustainable human development and generate crime" ([United Nations General Assembly, 1998: para 1](#)). Similarly, the 2009 Political Declaration and Plan of Action further reaffirmed this stance by calling on 'states to eliminate or reduce significantly and measurably' supply and demand for illicit drugs by 2019 ([Commission on Narcotic Drugs, 2009: 13](#)).

The moral entrepreneurship which gave rise to prohibition has also contributed to the establishment of an enduring institutional machinery through which global drug prohibition has been maintained and enforced ([Andreas & Nadelmann, 2006](#)). This machinery, described as an 'iron triangle' (David Bewley-Taylor, interviewed for this project), consists of the United Nations Office of Drugs and Crime (UNODC), the Commission on Narcotic Drugs (CND) and the International Narcotics

Control Board (INCB). Officially, these UN entities remain committed to maintaining the status quo but the international consensus surrounding drug prohibition has otherwise become increasingly 'fractured' or 'fragmented' ([Bewley-Taylor, 2012](#)). This has been partly attributed to growing recognition by some governments of the significant costs and consequences associated with continuing an unwinnable 'war on drugs'. Another important contributory factor has been the efforts of global civil society actors to promote human rights and alternative drug control policies, advocate on behalf of those communities most affected by prohibition (for example, people who use drugs and subsistence farmers of illicit crops) and ultimately, bring an end to the 'war on drugs' (see for example, [Civil Society Statement, 2016](#)). This community was highly active in the lead-up to UNGASS 2016 where its admittedly 'modest' aim was 'to shift the framing and shift the dynamic of global drug policy to try and get certain types of verbiage and certain types of ideas that had become well-established within drug policy reform and harm reduction inserted into the text of the UNGASS' (Ethan Nadelmann, interviewed for this project).

This article sets out to analyse UNGASS 2016 as a 'critical moment' ([International Drug Policy Consortium, 2016: 1](#)) in global drug policy transformation using a combination of documentary analysis and interviews with ten leading international drug reform experts. The primary aim of this research was to assess where official global drug policy

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stood in the aftermath of UNGASS 2016 and whether the notion of a ‘fractured’ consensus remained an accurate description of the current state of affairs. Additionally, the project set out to identify future obstacles and opportunities for civil society participation in the lead-up to the 2019 High-Level Ministerial Segment of the CND when the international community will once again come together to ‘take stock of the implementation of the commitments made [in the 2009 Political Declaration and Plan of Action] to jointly address and counter the world drug problem’ (Commission on Narcotic Drugs, 2017: para 10).

Our analysis suggests that events leading up to UNGASS 2016 brought about some important, albeit limited, signs of progress with respect to the aspiration of challenging the global drug prohibition regime. This in-turn contributed to greater fragmentation, thereby rendering global drug policy contradictory and incoherent at various levels. For reformers, this is promising because there is greater scope for civil society actors, allied Member States, and progressive voices within the UN to contest or ignore the global prohibition norm. Conversely, key sovereign proponents of prohibition remain staunchly opposed to progressive agendas including attempts by civil society actors to re-frame the ‘world drug problem’ as a public health or a human rights issue. As such, there appears to be no immediate prospect of wholly unravelling the global prohibition regime or completely re-aligning the work of its governing institutions with progressive approaches.

### From global prohibition to a fractured consensus

The international drug policy reform community agrees that the global war on drugs has been an ‘abject failure’ (Wodak, 2014: 191). Prices of illicit substances have historically decreased, substances have become purer and more readily available, and extensive global drug trafficking networks have emerged, expanded and prospered (Global Commission on Drug Policy, 2011). The only clear winners have been criminal enterprises, opportunistic politicians and law enforcement agencies whose budgets and inventory have swelled due to asset forfeiture laws (Bewley-Taylor, 2004; Pryce, 2012). The rise and persistence of the global drug prohibition regime must therefore be understood as a global political phenomenon rather than a product of rational, evidence-driven policy making processes.

The seminal study of global drug policy formation is Andreas and Nadelmann’s (2006: 7) *Policing the Globe* which used an ‘analytically eclectic approach’ to theorise the origins and politics of the global drug prohibition regime. From a liberal internationalist perspective, they consider how the interests of otherwise interdependent states converge together and cooperate through international institutions to advance their mutual interests (typically economic) through regimes. This suggests that where there are cross-border activities that states view as undesirable (in this case, drug trafficking), states cooperate in order to develop institutions that help to control or regulate them. By implication, states accept constraints on their sovereign authority to establish and maintain international organs, frameworks or a global order to regulate these domestic activities. In this case, the relevant frameworks consist of the *Single Convention on Narcotic Drugs* (1961), later amended by the 1972 Protocol, the *Convention on Psychotropic Substances* (1971), and the *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988). In principle then, having identified an issue of mutual concern, states respond with homogeneity and conformity – adopting similar criminal justice structures, laws and methods across borders. This reproduction breeds a routine response – here, of suppression, and this ensures a compliant approach from all states. This consensus also affords them the opportunity to ‘regularize and facilitate international police and prosecutorial’ actions (Andreas & Nadelmann, 2006: 9).

In practice, the idealism of liberal internationalism ‘masks the enduring importance of power and conflict’ in international relations so Andreas and Nadelmann (2006: 9) stress that a ‘dose of realism’ is required. Realist perspectives supply useful insight into the behaviour of

states, their capacity to influence regime formation, and why weaker states conform to these norms when it is not in their interest to do so. From this perspective, the institutional machinery of global prohibition provides a mechanism for enforcing and maintaining a regime that was established by a global hegemon, the United States (US). Compliance by weaker states is explained not by widespread normative commitment to prohibition but rather, the perceived threat of formal or informal sanctions for non-compliance.

Finally, Andreas and Nadelmann (2006) turn to constructivist approaches to international relations to account for the institutional and normative context within which global prohibition exists. They argue that the substance of drug prohibition norms was constructed over time by other opportunistic actors including international organisations and non-governmental organisations (NGOs) that participate in international institutions for reasons that extend beyond what liberalist or realist international relations scholars might characterise as rational security interests. Rather, their involvement may be driven by strategic organisational interests, cultural attachment to the regime in question, or simply by bureaucratic inertia. The institutional machinery established to govern prohibition consists of three UN bodies based in Vienna. The CND, established in 1946, consists of 53 Member States and a Secretariat responsible for ‘supervising the application’ of the international drug conventions, part of which involves voting on which substances should be scheduled and removed (United Nations Office of Drugs & Crime, 2017a: para 2). In addition to its annual meeting, the CND holds intersessional meetings and roundtable discussions on specific thematic issues. The CND also acts as a governing body of UNODC. UNODC in-turn provides technical assistance to Member States, undertakes and disseminates research, and is involved with ‘normative work’ that includes helping Member States develop and ratify domestic legislation that is consistent with UN drug conventions (United Nations Office of Drugs & Crime, 2017b: para 6). UNODC is an administrative body, meaning it is not permitted to make drug policy and it has historically maintained an outwardly neutral and non-committal stance towards potentially contentious issues and debates. The final component of this iron triangle is the INCB which is responsible for submitting recommendations to the CND regarding which substances and precursors should be scheduled and monitoring compliance with international drug conventions (International Narcotics Control Board, 2017: para 1).

Beyond the iron triangle, other UN agencies also have a vested interest in global drug policy including (but not limited to) the World Health Organization (WHO), Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Development Programme (UNDP). Given their distinct mandates, these non-Vienna-based-bodies have generally been more receptive to progressive agendas in the global drug policy debate including harm reduction, human rights, criminal justice reform, social justice and most recently, sustainable development.

Harm reduction has historically provided the most effective vehicle for contesting prohibition because its utilitarian ethos and aspirations are, at least in many liberal democracies, politically palatable (Nadelmann, 1993). Nevertheless, powerful proponents of prohibition have attempted to present the mediums and methodologies of harm reduction as sinister, a ‘Trojan horse’ for drug legalisation (MacCoun & Reuter, 2001: 387). Criticism is levelled on the basis that harm reduction practices empower, encourage and promote drug use. The effect is that governments have not universally embraced harm reduction, the term has never been used by the CND, and leading proponents of the harm reduction movement have failed to generate sufficient support to establish an alternative global harm reduction regime. Similarly, powerful states have also historically opposed calls by reformers to re-frame drugs, or more accurately drug control, as a human rights issue (Lines, 2017).

In the lead-up to UNGASS 2016, prohibition remained the dominant paradigm but as Bewley-Taylor (2012) and others have observed, the

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