



All the participants at the "Beyond 2008" Forum adopted the Declaration and Resolutions by consensus on 9 July, 2008

## BEYOND 2008 DECLARATION

We, participants in the "Beyond 2008" International Non-Governmental Organizations (NGOs) Forum, representing the culmination of thirteen consultations in all nine regions of the world and involving over 500 NGOs from 116 countries and 65 international NGOs;

*Acknowledge* the long history of the Vienna Non-Governmental Organizations Committee on Narcotic Drugs (VNGOC) and its work to bring NGO contributions to United Nations (UN) drug policy events,

*Note* that NGOs are often the main providers of established and innovative services for those who use illicit drugs or misuse licit drugs and can thus be uniquely placed to make contact with and give voice to the individuals, families and communities impacted by drug use and drug policies for the purpose of promoting the development and implementation of more effective policies, programs and practices,

*Acknowledge* the human rights abuses against people who use drugs as an affected population and encourage Member States, the United Nations Office on Drugs and Crime (UNODC) and other relevant organisations to solicit the participation of all affected and stigmatised populations in identifying and responding to these human rights abuses, to illicit/harmful drug use<sup>1</sup> and to its adverse health, social and economic consequences,

*Acknowledge* that young people represent a significant proportion of those affected, both directly and indirectly by illicit/harmful drug use and drug policy, and *honour* the right of young people to be actively engaged in the formation and evaluation of all facets of global drug policy,

*Recall* the Political Declaration, the Guiding Principles of Drug Demand Reduction and the Measures to Enhance International Cooperation to Counter the World Drug Problem adopted by the General Assembly at its twentieth special session devoted to countering the world drug problems together,

*Welcome* the CND resolutions 49/2 and 51/4 on the need to recognize and encourage the efforts of civil society, including NGOs, in addressing problems associated with the use of illicit drugs and calling for their contribution to the UNGASS review and reflection process,

*Are grateful* for the support of our partner the UNODC and the generous financial and in kind support afforded by several Members States and non-governmental organizations to realize the Beyond 2008 consultations and Forum,

*Acknowledge* the United Nations Drug Control Conventions, the flexibility afforded within these and the role and mandate of the CND,

*Further acknowledge* that the targets set at the UNGASS on Illicit Drugs in 1998 were ambitious and that while significant progress has occurred in specific instances, generally results have been limited,

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<sup>1</sup> *Illicit drug use* is use contrary to the UN Conventions; *harmful drug use* is drug use which causes harm to individuals, families, communities or the environment; *illicit/harmful drug use* is drug use where action is necessary, including but not limited to prevention or intervention in the fields of criminal justice, education, health care, social support, treatment or rehabilitation



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*Are convinced* that the collective strengths of governments, the CND, the United Nations Office on Drugs and Crime, its related United Nations partner agencies, NGOs and affected groups must be re-vitalised into a common, complementary global partnership in order to achieve demonstrable progress to reduce illicit/harmful drug use and its adverse health, social and economic consequences,

*Encourage* the opportunity to utilize the supportive functions of faith based organisations and religious, spiritual and cultural values to address illicit/harmful drug use and its adverse health, social and economic consequences.

1. Welcome the opportunity to present three companion resolutions to this Declaration to the CND in its preparation for the High Level Meeting of 2009 on three specific areas:
  - Objective 1: *to highlight NGO achievements in the field of drug control, with emphasis on contributions to the 1998 UNGASS Action Plan, in areas such as policy, community engagement, prevention, treatment, rehabilitation and social reintegration*
  - Objective 2: *to review best practices related to collaboration mechanisms among NGOs, governments and UN agencies in various fields, and to propose new and improved ways of working with the UNODC and CND*
  - Objective 3: *to adopt a series of high-order principles, drawn from the Conventions and their commentaries that would be tabled with UNODC and CND, for their consideration and serve as a guide for future deliberations on drug policy*
2. *Call* upon the CND and UNODC to give these recommendations serious and due consideration
3. *Commit* ourselves to continue providing our experience and expertise to governmental and non-governmental agencies in efforts to find humane, just and effective responses to reduce illicit/harmful drug use and its adverse health, social and economic consequences,
4. *Welcome* the opportunity of future dialogue towards and during the High Level segment of the CND in 2009, designed to identify ways forward.



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## RESOLUTION OBJECTIVE 1

*TO HIGHLIGHT NGO ACHIEVEMENTS IN THE FIELD OF DRUG CONTROL, WITH EMPHASIS ON CONTRIBUTIONS TO THE 1998 UNGASS ACTION PLAN, IN AREAS SUCH AS POLICY, COMMUNITY ENGAGEMENT, PREVENTION, TREATMENT, REHABILITATION AND SOCIAL REINTEGRATION*

*Acknowledging* the commitment made by Heads of States at the twentieth Special Session of the General Assembly to achieve significant and measurable results in the field of demand reduction, *inter alia*, by the year 2008, the commitment to report progress on achieving goals and targets by 2008 and the General Assembly request to the CND to analyze such reports,

*Recalling also* the Action Plan for the implementation of the Declaration on the Guiding Principles for Demand Reduction adopted by the General Assembly at its fifty-fourth session which states that civil society, including non-governmental organizations, can make an effective contribution to and should play an active role in addressing the world drug problems,

*Noting* the fundamental importance of prevention, including those efforts aimed at alcohol abuse and tobacco use, as important and complementary efforts to reduce illicit/harmful drug use,

*Mindful* that approaches to address the drug problem should be evidence based, supported by scientific data, culturally and socially sensitive, have a focus on the mitigation of both short term and long term harms and should be carried out with full respect for human rights and all fundamental freedoms,

*Noting* that data collection and monitoring over time is an essential basis for evaluation and the continuing development of relevant and cost effective policy and improved practice, and *welcoming* the initial efforts of UNODC and the Vienna NGO Committee to provide such instruments through the Biennial reports Questionnaire (BRQ) and the NGO Questionnaire,

*Recognizing* the important contributions made by NGOs since 1998, as reported through the NGO questionnaire and the Beyond 2008 regional consultations, including, *inter alia*:

- i. the substantial increase in the number of NGOs addressing drug related problems, and in the number of staff and volunteers engaged with NGOs in this field
- ii. the improved networking between NGOs facilitating their engagement with relevant governmental and regulatory bodies in the development and implementation of policy, strategy and best practices at national and international level
- iii. the increasing quality and range of services and contributions provided by NGOs, from primary prevention, early intervention, outreach, peer outreach and low threshold services to treatment, rehabilitation and recovery services and the development of the capacity of those engaged in these services
- iv. harm reduction, meaning efforts primarily to address and prevent the adverse health and social consequences of illicit/harmful drug use, including reducing HIV and other blood borne infections,
- v. the increased attention to and advocacy for interventions which are culturally, socially, family, gender and age sensitive,



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- vi. their increased contributions to the research and evaluation literature,
- vii. the involvement of all affected individuals and communities in the design and implementation of policy and practice.

*Recalling* that while the NGO Questionnaire and the Regional Consultations organized by Beyond 2008 identified the significant achievements of NGOs since the 1998 UNGASS it also identified areas which require further attention. To this end, the participants in the "Beyond 2008" International NGO Forum:

1. *Call upon* Member States:

- a. *to provide* sufficient resources, attention and priority in the development, implementation and monitoring of the full range of drug demand, harm reduction, treatment and social re-integration programs, as well as sustainable and comprehensive alternative development projects,
- b. *to reaffirm* their commitment to addressing illicit/harmful drug use as a public health issue requiring expanded responses similar to the commitment to international best practice on HIV and human rights approaches,
- c. *to enhance* their commitment to address public safety issues resulting from illicit/harmful drug use utilising evidence based responses and in accordance with human rights norms as part of a balanced approach,
- d. and NGOs *to offer* a plurality of services designed to make contact with people who use or have used drugs and their families in order to promote treatment, rehabilitation and social re-integration as well as improve their health and social well-being,
- e. and other funding bodies *to sustain and enhance* those services which through monitoring and evaluation activities are able to demonstrate effectiveness.

2. *Call upon* the CND to:

- a. *develop* a common standard against which demand, harm and supply reduction activities can be measured in terms of their efficacy and outcomes, including analysis of the unintended consequences of the drug control system,
- b. *ensure* that those who are most affected by drug use and drug policies are meaningfully and actively involved in the development of policies and programs,
- c. *evaluate* its own work and policies and identify ways in which its effectiveness and impact might be improved, including decision making by vote in accordance with the rules of procedure of ECOSOC and its functional commissions, as appropriate,
- d. *ensure* that its decisions are guided by the best and most relevant data and evidence, including data on psychological health, the transmission of blood borne infections and data on compliance with human rights norms.

3. *Call upon* UNODC to:

- a. *develop*, in partnership with the World Health Organization and NGOs, a global program for the definition of standards and best practices in the delivery of services and assist Member States to



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- develop and scale up these services in accordance with the nature of the drug problem in their territory,
- b. *ensure* that the CND is provided with the broadest possible analysis of the available research and evaluation,
  - c. *develop* improved outcome monitoring and data collection tools to assist CND, Member States and NGOs to measure their effectiveness and achievements and assess the positive and negative impact of policy and practice, in the fields of supply, demand and harm reduction.
4. *Call upon* resource providers, governments and NGOs to include evaluation as a standard and required *element for any project*, and encourage them to ensure that evaluation is adequately funded, its reports published, where possible in an acknowledged journal, lodged with an appropriate library and disseminated as widely as possible, noting the importance of research and evaluation for the development of improved knowledge on what works and in what settings and for building workforce capacity.
  5. *Support* continued ethical innovation of new approaches by NGOs, amongst others, using the full flexibility allowed for in the drug control conventions to build and develop the knowledge base, the workforce and our capacity to respond to reduce illicit/harmful drug use and its adverse health, social and economic consequences.
  6. *Call upon* Member States, UNODC and the international and regional financial institutions to:
    - a. develop further long- term, sustainable, ecologically-sensitive, and fully inclusive alternative development programs in cooperation with civil society organizations including indigenous, peasant and farmer organizations and non-governmental organizations and to take into account traditional licit use, in line with Article 14 of the 1988 Convention,
    - b. *ensure*, before considering eradication measures, that peasants have access to viable and sustainable livelihoods so that interventions will be properly sequenced and coordinated.



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## RESOLUTION – OBJECTIVE 2

*TO REVIEW BEST PRACTICES RELATED TO COLLABORATION MECHANISMS AMONG NGOs, GOVERNMENTS AND UN AGENCIES IN VARIOUS FIELDS, AND TO PROPOSE NEW AND IMPROVED WAYS OF WORKING WITH THE UNODC AND CND*

*Acknowledging* the efforts of the United Nations to improve its effectiveness by enhancing dialogue with non-governmental organizations and civil society,

*Recalling* the Political Declaration adopted by the General Assembly at its twentieth special session, devoted to countering the world drug problems, which recognized that action against the world drug problems was a common and shared responsibility requiring an integrated and balanced approach that involved civil society, including non-governmental organizations,

*Recognizing and respecting* the authority vested in the CND,

*Appreciating* the efforts of many UNODC country offices and national authorities in a number of countries to substantively involve NGOs in the development and implementation of drug policy and strategies,

*Welcoming* the formal consultative mechanisms which have been developed through which government, academic and practitioner participants have been able to explore issues of common policy interest in an open forum,

*Noting* that at present there are no systematic mechanisms available to consult with NGOs or with civil society generally to assist the CND or UNODC in developing their policy and programs whilst *welcoming* the UNODC's efforts at increasing the engagement and participation of NGOs in drug control matters and the Executive Director's view that "drug issues are too important to be left to government alone",

*Building* on successful collaboration between NGOs, governments and UN agencies in the context of the HIV UNGASS and subsequent review of progress and on meaningful involvement of people living with HIV /AIDS in that process,

*Noting* that "Beyond 2008" was created to facilitate the input of NGOs into the review of the 1998 UNGASS on drugs and *encouraged* that it has provided a platform through which NGOs with diverse ideological positions have been able to meet and find substantial areas of common ground,

To this end, the participants in the "Beyond 2008" International NGO Forum:

- 1) *Exhort* all NGOs to come together in a spirit of shared responsibility, accountability and commitment to the betterment of all and to commit to a productive partnership among themselves, with their respective national governments and with key international institutions such as UNODC in order to advance the use of evidence informed, practical and on the ground experience to reduce illicit/harmful drug use and its adverse health, social and economic consequences.



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- 2) *Call upon* the CND to:
  - a) *review* consulting mechanisms which have been developed by other UN entities and establish mechanisms for both ongoing and recurring civil society participation, including affected and stigmatized populations, at the CND, including participation in plenary discussion and thematic debate to stimulate informed discussion and proposals for collective action,
  - b) *commission* a review of the level of engagement and expenditure attributed to NGO activity by other UN entities and *consider and approve* proposals arising from such a review which can enhance the involvement and contribution of NGOs and further develop the role of the UNODC Civil Affairs Office.
  
- 3) *Call upon* Member States:
  - a) *to establish and support* transparent and systematic mechanisms for engagement and consultation at a national level, including NGOs and those most affected by illicit/harmful drug use and drug policy, when developing policy, strategy and practice guidelines,
  - b) *to implement* national policies and legislation that are supportive of civil society gatherings and discussions, remove barriers to the freedom of association and freedom of expression of those most affected by illicit/harmful drug use and drug policy and request that adequate time, space and resources are provided for such consultations,
  - c) *to support* NGOs and seek their contributions on a more systematic basis by including them in matters related to the work of CND when appropriate,
  - d) *to encourage and support* youth groups/initiatives aimed at reducing illicit/harmful drug use and its health, economic and social consequences,
  - e) and regional groups *to create or use existing* international funding mechanisms, similar to the Global Fund to Fight AIDS, Tuberculosis and Malaria, to stimulate adequate investment in sustainable, evidence based and/or effective services to reduce illicit/harmful drug use and its adverse health, social and economic consequences.
  
- 4) *Call upon* UNODC to:
  - a) *implement* the spirit and priorities of the General Assembly as it pertains to NGO engagement,
  - b) work within the framework provided by the Joint UN Program on HIV/AIDS (UNAIDS) and in line with global political declarations, in collaboration with co-sponsors, to develop and strengthen civil society participation structures to match such involvement in other UN agencies and programs,
  - c) *explore* means to establish national NGO focal points to promote two way communication, using as a model the structures established by UNAIDS,
  - d) *promote* more regional meetings to share best practice,
  - e) *support* thematic networks on specific drug-related issues, building on the work already undertaken with regard to prevention and treatment, whether at regional, trans regional or global level,
  - f) *take* a more active role in promoting a comprehensive package of interventions in the response to the transmission of blood-borne infections.
  
- 5) *Call upon* the INCB to:
  - a) *broaden* the scope of key informants used in their analysis by systematically including NGOs and affected groups in that process,



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- b) *continue* meeting with representatives of civil society, including affected and stigmatized populations when conducting in-country assessments in order to have the benefit of their input and incorporate their perspectives, as foreseen in Article 14 of the Single Convention, and to establish a mechanism for NGOs to request clarification of statements made in the INCB Annual Report,
  - c) *publish* reports on substantive discussions and outcomes from their meeting with Governments and NGOs.
- 6) *Call for* the relationship between UNODC, CND and NGOs to be monitored and evaluated for the results achieved every two years by each party and through a joint monitoring, consultation and planning group, with meaningful NGO involvement and this evaluation should be results-based and reported to the CND as well as the UNAIDS Program Coordinating Board for further action.



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## RESOLUTION – OBJECTIVE 3

*TO ADOPT A SERIES OF HIGH-ORDER PRINCIPLES, DRAWN FROM THE CONVENTIONS AND THEIR COMMENTARIES THAT WOULD BE TABLED WITH UNODC AND CND FOR THEIR CONSIDERATION AND SERVE AS A GUIDE FOR FUTURE DELIBERATIONS ON DRUG POLICY*

*Recognizing* that the Charter of the United Nations, the founding document of the organization, enshrines the binding and primary commitment of signatories to health, human rights and fundamental freedoms,

*Further noting* that the present system of worldwide drug control is based on three international conventions: the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol; the 1971 Convention on Psychotropic Substances; and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and that by 14 March 2008, 183 states were Parties to these three Conventions,

*Underscoring* that the drug control conventions sit within a broader framework of UN treaties and declarations including, *inter alia*, the Charter of the United Nations, the Universal Declaration on Human Rights, the World Health Charter, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Rights of Indigenous People and the Declaration of Commitment on HIV/AIDS and that there should be complementarities between these international instruments and the respective UN bodies responsible for them,

*Also underscoring* that greater attention should be given to the health and public health aspects - in the widest sense - of drug policy, given the rapid spread of blood borne infections, including HIV and hepatitis, and the increasing evidence of co-occurring mental health and substance use disorders,

*Noting* that the need to take action on demand reduction is stressed in each of the three Conventions and *welcoming* the explicit efforts and decisions taken to address drug demand reduction including, *inter alia*, the Comprehensive Multidisciplinary Outline, the 1998 UNGASS Political Declaration, the Guiding Principles on Drug Demand Reduction and subsequent resolutions of the CND but *noting also* the discrepancy between the decisions taken and actual practice at national and international levels,

*Drawing attention* to the fact that the language of the Drug Control Conventions on supply control measures are mandatory on Parties while those related to demand reduction measures are not,

*Concluding* that despite significant and serious effort, demand and harm reduction activities continue to lag behind supply reduction at the national and international levels and that this is reflected in the balance of discussion at the CND and in the composition of national delegations to the Commission, as well as in UNODC budgets,

*Acknowledging* that the conventions require that "the Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment,



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education, after-care, rehabilitation and social reintegration of the persons involved and shall coordinate their efforts to these ends"<sup>2</sup>,

*Recognizing* that, consistent with the conventions, States Parties - either as an alternative to conviction or punishment or in addition to conviction or punishment for a drug related offence - may provide that the offender undergoes measures of treatment, education, after-care, rehabilitation and social reintegration, but *noting* that this provision is not adequately or appropriately implemented and *further noting* the technical advice available from UNODC on implementation,

*Recalling* that the "medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and the treatment of addiction, and that adequate provisions must be made to ensure the availability of narcotic drugs for such purposes",

*Underscoring* that a majority of the "Beyond 2008" regional consultations reported that the controls required for narcotic and psychotropic drugs created an impediment to the availability of essential drugs for pain control as well as access to substances known to be effective for the treatment of drug dependence and access to HIV prevention, treatment, care and support and other health related services,

The participants in the "Beyond 2008" International NGO Forum:

1. *Call upon* the CND to:
  - a. *re-emphasize* the importance of adhering to and fulfilling the obligations and commitments of 'soft law' instruments, such as the human rights protection of the UN Charter, the Universal Declaration on Human Rights, the Comprehensive Multidisciplinary Outline, the Guiding Principles on Demand Reduction and resolutions agreed at the CND and *revise* the agenda of the annual session of the Commission to give greater time and priority to drug demand reduction and to the human rights consequences of drug control policies,
  - b. *ensure* that reduction of illicit/harmful drug use and its adverse health, social and economic consequences, as characterized within the drug control conventions, are considered as challenges of equal importance to and as required as supply reduction activities,
  - c. *create* Guiding Principles on Effective Treatment in consultation with relevant authorities such as the World Health Organization, UNODC, UNAIDS, *et al* and relevant regional organizations as well as with service providers and those most affected by drug use and drug policy. These Guiding Principles should outline a common definition of effectiveness and structural conditions including *inter alia* policies, facilities, services and professional development aimed at achieving the greatest positive impact,
  - d. *require* that the relevant authorities such as the INCB and UNODC, in line with their mandate, regularly address countries' performance against these 'soft laws' and guiding principles, and report annually to the Commission on the adoption and implementation results of such instruments,
  - e. *encourage* the availability of alternative sanctions and dispositions for drug related crimes.

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<sup>2</sup> Single Convention on Narcotic Drugs, 1954, as amended by the 1972 Protocol, Article 38, para. 1



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2. *Call upon* Member States to:
  - a. *ensure* that the composition of their delegation to the CND reflects the agenda and functions of the Commission, to facilitate good governance and policy guidance, with an increased focus on expertise related to the reduction of illicit/harmful drug use and its adverse health, social and economic consequences and human rights compliance,
  - b. *support* the efforts being undertaken by WHO, in consultation with INCB and UNODC, to ensure that all drugs classified as essential medicines are widely and readily available to medical practitioners and their patients,
  - c. *ensure* that more attention is given to the needs of those in closed custody settings so that they can gain access to the comprehensive range of interventions recommended by WHO, UNODC and UNAIDS.
  
3. *Call upon* the INCB to:
  - a. *renew* its commitment to give equal attention to the supply and demand reduction elements of the Drug Control Conventions in their reports, challenging countries' poor performance and highlighting best practices and innovative approaches in both these elements with a view to fully exploring the existing latitude and flexibility of the Drug Control Conventions and ensure adequate supply of licit drugs to treat dependence and relieve pain,
  - b. *regularly undertake* reviews of the application of criminal sanctions as a drug control measure, in consultation with other relevant bodies such as the UNHCHR, UNHRC and UNODC, ensure full respect for the rights of prisoners who are drug dependent or in custody for drug related crimes, especially their rights to life and a fair trial and advise on the appropriateness of such sanctions commensurate to the actual offence and the opportunities for alternative sanctions.
  
4. *Call upon* UNODC to:
  - a. *Ensure* greater knowledge and understanding by the CND of the reciprocal impact of decisions made and policies adopted by the Commission and related UN agencies such as UNAIDS, WHO, UNESCO, etc.,
  - b. *Seek* from Member States the resources and support to significantly enhance its analytical capacity and its ability to identify, collate and disseminate best practices in supply, demand and harm reduction and in human rights compliance,
  - c. *Establish* a demand reduction mechanism equivalent to the Heads of National Law Enforcement Agencies (HONLEA) to provide it with improved technical guidance and information on policy and strategy and their practical application in the field.
  
5. *Call upon* NGOs to:
  - a. *Work together* at appropriate levels (sub-national, national, regional or international) to develop and implement quality improvement criteria for their activities, drawing upon work which has already been undertaken in some countries and regions,
  - b. *Increase* transparency and accountability by publishing annual reports including summary financial data, even if not required by national or local legislation.
  
6. *Call upon* CND, INCB, UNODC, Member states and NGOs to undertake regular policy and practice audits of their drug related activities, using information from a wide range of sources, including their target population, to identify areas for improvement.