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**Follow-up to the implementation at the national,
regional and international levels of all
commitments, as reflected in the Ministerial
Declaration of 2019, to address and counter the
world drug problem****Statement submitted by IDPC Consortium, a
non-governmental organization in special consultative
status with the Economic and Social Council****

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* [E/CN.7/2023/1](#).

** Issued without formal editing.



The 2022 Drugs “Omnibus” Resolution: The first-ever United Nations vote on drugs places human rights at the centre of international drug policy

Introduction

In December 2022, the United Nations General Assembly adopted its yearly “omnibus” resolution on drug policy – Resolution 77/238 entitled “Addressing and countering the world drug problem through a comprehensive, integrated and balanced approach”.¹

The adoption of this resolution was historic in many regards, not least because it was the first time in the history of the United Nations drug control regime that a resolution on drugs was adopted by vote (with an overwhelming majority), instead of by consensus. The resolution also includes some of the strongest language to date on drug policy and human rights – which was, in fact, made possible because the proponents of the resolution did not recoil when some Member States threatened to call for a vote. In this NGO paper, IDPC reviews progress made with the resolution in terms of advancing critical language on human rights and drug policy, as well as the possible implications of the vote for the future of international drug policy.

Breaking new ground: Unprecedented support for human rights

Although the contents of the 2022 drugs “omnibus” resolution were inevitably watered-down during the negotiations process, the resolution marks a significant departure from its predecessors as it includes some of the most progressive language to date in a politically negotiated document on various aspects of drug policy and human rights. The title itself evolved from the traditional wording (“International cooperation against the world drug problem”) by bringing forward the need to ensure a “comprehensive” and “balanced approach” to drugs.

The text of the resolution then reiterates positive language from previous drugs omnibus resolutions and the 2016 UNGASS Outcome Document, in particular on improving access to controlled medicines, and the need to uphold the prohibition of torture, arbitrary arrests and detention, and other cruel, inhuman or degrading treatment or punishment and eliminate impunity. All of these are of critical importance considering the ongoing global epidemic of pain where billions of people remain without access to controlled medicines, and the devastating and rampant human rights abuses committed worldwide in the name of drug control. Importantly, this language echoes the groundbreaking findings of the Working Group on Arbitrary Detention contained in its 2021 report on arbitrary detention in drug policy.²

Taking a step forward compared to its predecessors, the 2022 drugs “omnibus” resolution also contains strong human rights language on a number of critical issues. Firstly, the resolution highlights the “systemic racism in the law enforcement and criminal justice systems” in drug control efforts, as well as the need to address impunity for such cases. It is the first time that a negotiated resolution on drugs recognises how drug control efforts affect specific ethnic groups – an issue that has been highlighted both by civil society³ and the United Nations human rights mechanisms.⁴

Secondly, the resolution includes strong wording on the rights of Indigenous Peoples “to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants”, in line with the United Nations

¹ <https://research.un.org/en/docs/ga/quick/regular/77>.

² <https://www.ohchr.org/en/documents/thematic-reports/ahrc4740-arbitrary-detention-relating-drug-policies-study-working-group>.

³ See, for instance: www.globaldrugpolicyindex.net.

⁴ See, for instance: <https://www.youtube.com/watch?v=j40NNePG-D0>.

Declaration on the Rights of Indigenous Peoples. This is a major win, considering the historical lack of visibility given to Indigenous Peoples' rights in CND resolutions, as well as the undeniable tension between Indigenous People's rights and the obligations contained in the drug control treaties relating to the traditional use of substances like coca, opium and cannabis.

Thirdly, the 2022 resolution expands the scope of civil society (and affected communities') participation by incorporating important language on the need for member states to "ensure the participation of local communities, including farmers, women, minorities and Indigenous Peoples, in the design and implementation of alternative development programmes", while also underscoring the need to ensure adequate sequencing when designing such programmes. The omnibus resolution also recognises the "significant role" of civil society in "delivering services and in evaluating the human rights impact of drug policies".

Fourthly, the resolution recognises the need to ensure more coherence within the United Nations system on drug policy and human rights issues. Although a reference to the United Nations System Common Position on drugs⁵ was deleted during the negotiations, the text recognises the "role and contributions" of various United Nations entities, explicitly mentioning specific entities such as UNDP, the OHCHR, UNAIDS and UN Women. This is important progress, especially considering the ongoing reluctance from several Member States to recognise the critical role that OHCHR and other United Nations bodies play on drug policy issues at the United Nations in Vienna.⁶

Finally and significantly, the resolution differs from its predecessors by not including the long-standing reference to "actively promote a society free of drug abuse" for the first time in decades. This is particularly important considering that this reference was often used as a trade-off for the inclusion of positive human rights language in resolutions on drugs. Similarly, the usual paragraphs on drug law enforcement and combatting organised crime received much less prominence in the 2022 resolution than in past iterations of the "omnibus" resolution.

A historic vote: Breaking the consensus on drugs

Most of the progress made in endorsing human rights language within the 2022 drugs "omnibus" resolution was made possible because its proponents did not sacrifice the most progressive parts of the text when a few Member States threatened to call for a vote. It should be recalled that, historically, United Nations resolutions on drugs have always been agreed by consensus. This usually entails significant compromise and watering down of language, leading to generally weak references to human rights and other issues. The vote on this resolution therefore broke with a long-standing tradition. Crucially, the vote was not called by the sponsors of the resolution but by the Member States that are often most vocally attached to consensus, precisely *because* they thought the text was too "skewed towards the defence of human rights".⁷

Positively, the resolution received overwhelming support when it was tabled for adoption at the plenary of the General Assembly, with 124 votes in favour and only 9 votes against, and 45 abstentions. This demonstrates how the self-imposed "Vienna consensus" has truly become an instrument to hold back progress on drug policy making, pushing the international community away from the policies grounded on human rights, public health, and scientific evidence already adopted by a majority of Member States. A good example of this is that the words "harm reduction" remain a taboo in drugs resolution, although at least 105 countries support harm reduction in

⁵ <https://unsceb.org/united-nations-system-common-position-supporting-implementation-international-drug-control-policy>.

⁶ For an analysis, see: <https://idpc.net/publications/2022/07/the-65th-session-of-the-commission-on-narcotic-drugs-report-of-proceedings>.

⁷ <https://media.un.org/en/asset/k1p/k1p1qrqvr>, see minute 32.00.

their national drug policies,⁸ and “harm reduction” features in resolutions that were voted upon at both the Human Rights Council⁹ and the United Nations General Assembly.¹⁰

This groundbreaking development in New York has the potential of shaking the proceedings in Vienna, where protracted negotiations at the CND have long failed to advance on critical human rights issues, with delegations being hampered by the now quasi-impossible search for consensus. However, moving beyond the idea of achieving consensus at all costs in Vienna will require political courage from those Member States which have otherwise become leaders in promoting and protecting fundamental human rights both at national and global levels. Whether a complete breach in the consensus actually happens in the near future of the CND remains to be seen. But as negotiations are becoming more and more fraught in Vienna, initiating a new tradition to vote on some of the most controversial elements of CND resolutions may become the only viable way forward.

⁸ <https://hri.global/flagship-research/the-global-state-of-harm-reduction/the-global-state-of-harm-reduction-2022/>.

⁹ <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F47%2F14&Language=E&DeviceType=Desktop&LangRequested=False>.

¹⁰ https://www.unaids.org/en/resources/documents/2021/2021_political-declaration-on-hiv-and-aids.