



INTERNATIONAL DRUG POLICY CONSORTIUM

**The UNGASS
Evaluation Process
Evaluated**

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BRIEFING PAPER

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The International Drug Policy Consortium (IDPC) is a global network of 25 national and international NGOs that specialise in issues related to illegal drug use. The Consortium aims to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harm. It disseminates the reports of its member organisations about particular drug-related matters, and offers expert consultancy services to policymakers and officials around the world.

At the 49th Session of the Commission on Narcotic Drugs (CND), held in Vienna from 13-17 March 2006, a draft resolution was tabled by the European Union (EU) to guide the process of evaluation of the implementation of political declaration and action plans of the 1998 UN General Assembly Special Session (UNGASS) in 2008. The main objectives of the 1998 UNGASS were to eliminate or significantly reduce the illicit cultivation of coca, cannabis and opium poppy, as well as the illicit manufacture and trafficking of synthetic drugs, and achieve significant and measurable results in the field of drug demand reduction, by the year 2008.

The EU resolution was meant to strengthen the upcoming UNGASS evaluation process with solid evidence based methodology and analysis as well as input from a working group of experts. Its key aims were to enhance the quality of existing data and to improve the methods of evaluation by making them more transparent and objective. The EU also recommended a period of global reflection and discussion on the way ahead following the evaluation. This was to be based on evidence and the identification of effective best practices from around the world while taking into account different regional situations and needs.

The resolution reflected the disappointment with the 2003 Mid-Term Review of UNGASS. This was restricted to an interim stocktaking on the implementations of the UNGASS commitments. At the time, the director of the UN Office on Drugs and Crime (UNODC), Antonio Maria Costa, referred to “*encouraging progress towards still distant goals*” in respect to the 2008 targets. While one might have agreed that the goals were still distant, the conclusion that there was encouraging progress could not be substantiated. Cultivation of coca and opium poppy as well as the supply of cocaine and heroin showed fluctuations, but no indications pointed at any sustainable decline. The supply of cannabis and synthetic drugs had even increased.² Nonetheless, the goals and targets of the UNGASS were simply re-affirmed. The result was a distorted picture of virtual progress.³

In 2003 there were some examples of encouraging progress, especially in the field of harm reduction. A reduction in the number of drug-related deaths and a slowing down of the spread of HIV/AIDS and other diseases as well as a better variety of treatment options available were clearly apparent in some parts of the world. However, in spite of the direct contribution in terms of alleviating human suffering, this encouraging progress was considered problematic by the fierce defenders of zero-tolerance. Instead of applauding these positive developments, attacks were made during the Mid-Term Review to condemn harm reduction and to turn the clock back. Even on established successful interventions, such as needle exchange and methadone treatment, no basic agreement could be found.⁴

Current evaluation process

The current evaluation of the implementation of the 1998 UNGASS is based on Biennial Reports Questionnaires (BRQs).⁵ These are returned by governments to the Secretariat of the CND – *in casu* the UNODC – and form the basis for the reports that are submitted to the CND by the Secretariat on the

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² See: Measuring Progress: Global Supply of Illicit Drugs, TNI Drug Policy Briefing 6, April 2003 (<http://www.tni.org/policybriefings/brief6.htm>); A Review of UN Progress in Combating the Global Drug Problem, Forward Thinking On Drugs (<http://forward-thinking-on-drugs.org/>).

³ See: Cracks in the Vienna consensus, TNI Press Release, 17 April 2003 (<http://www.tni.org/drugs-docs/pr170403.htm>).

⁴ Harm reduction was the major controversy at the 2005 CND meeting. See: *The United Nations and Harm Reduction – Revisited. An Unauthorised Report on the Outcomes of the 48th CND Session*, TNI Drug Policy Briefing 13, April 2005 (<http://www.tni.org/policybriefings/brief13.htm>).

⁵ At its 42nd session in 1999, the CND adopted resolution 42/11 entitled “Guidelines for reporting on the follow-up to the twentieth special session of the General Assembly”, to which was annexed a unified, single questionnaire for reporting on progress made in implementing the action plans and measures adopted by the General Assembly (UNGASS). The CND requested the UNODC to prepare a biennial report on the basis of completed questionnaires returned by Member States. The BRQ is available at http://www.unodc.org/pdf/cnd_quest/BRQ2006e.pdf

progress achieved on the action plans and measures adopted by UNGASS. The BRQs provide information on how Member States perceive their own performance concerning the existence of certain structures, programmes and activities. There is no outside evaluation by independent agencies or experts. Every country evaluates itself.

The UNODC is well aware of the flaws in the reporting system and warns that the BRQs “*largely lack information about the quality or impact of the measures reported*”.⁶ Moreover, the UNODC notes that “*while Member States had adopted the biennial reports questionnaire as the primary instrument for the evaluation of progress, there was a relatively low overall response rate, as only 31 per cent of the Member States had responded in all three reporting cycles*” since its inception in 2000.⁷ In other words, an evaluation based on the BRQs will only result in a very thin assessment of UNGASS. It will be largely focused on the implementation of drug control mechanisms and not on the quality or impact of those mechanisms.

Such an evaluation process does not look at the consequences of drug control measures. Furthermore, even if such measures have a negative impact on the drug problem in a country or region, they might be considered in a positive light simply because the agreed rules, regulations and bureaucracy have been established. A traditional evaluation will also look only at accepted drug control measures based on the restrictive interpretation of the International Narcotics Control Board (INCB).⁸ Consequently, more controversial drug control measures based on harm reduction may be considered in a negative light. As is now well documented, needle exchange, methadone treatment, user rooms, etc. have a scientifically confirmed positive impact in particular on reducing drug-related blood-borne diseases such as HIV/AIDS and hepatitis.

The problematic BRQ process should be evaluated in itself. This is a task that could be carried out by the UNODC's Independent Evaluation Unit (IEU); a body that was established after complaints about mismanagement at the UNODC. Previous IEU reports have improved the management of the UNODC with for example valuable feedback enhancing the UNODC's role in the field of alternative development. In August 2005, the IEU published its annual evaluation report for 2004. Among other things, it recommended that the UNODC “*should further develop its professional identity and mission and knowledge base in order to deliver expertise in prioritised areas of competence as well as in emerging themes related to global threats and challenges*.”⁹ This recommendation would fit with a thorough evaluation of the BRQ process.

A road map to the UNGASS review

In the weeks preceding the CND, the resolution was discussed and approved by the Horizontal Drugs Group (HDG), the European Council's main technical, policy and coordination forum to

facilitate the joint efforts of Member States and the Commission on drug policy. In the final text presented to the CND, the EU resolution underlined the need for an objective, scientific and transparent evaluation of UNGASS on the basis of an agreed, clear and transparent methodology, reliable evaluation tools and actual evidence.

It also called for the establishment of an expert working group to assist with the evaluation process. This would be composed of experts from the various bodies of the UN system with relevant technical expertise and active programmes in the field of drug control such as the UNODC, the World Health Organisation (WHO) and the Joint UN Programme on HIV/AIDS (UNAIDS), as well as regional and national organisations. It called upon UNODC to improve the methodology and tools for an evaluation, to make use of the data and analytical tools available from all sources including from regional and national organisations and significantly from civil society.¹⁰

Well aware that the EU resolution would be introduced, Antonio Maria Costa, addressed the issue in his opening speech to the CND. “*UNGASS was intended to strengthen drug control processes, rather than outcomes,” Costa said. “*Yet, public opinion is interested mainly in results, whether levels and types of addiction are going down, why not, what works and what does not. In judging the processes we launched under UNGASS auspices, let's not disappoint the public.*”¹¹ The Costa's statement could be considered as a partial endorsement of the initiative of the EU that was first discussed at informal pre-session consultations the Friday prior to the official start of the CND on Monday.*

The UNODC published a non-paper on Monday, **A road map to UNGASS review 2008**.¹² It included a process of consultation and coordination with regional organizations, including the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS), the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (Accord) and the African Union, in connection with contributing data to the review process and providing regional perspectives. It also proposed to extend the UNGASS evaluation from 2008 to 2009 to allow for a full 10-year assessment, to take into account the “*period of global reflection and discussion on the way ahead*” that was proposed in the EU resolution.

The non-paper also embraced the inclusion of leading academic institutions and academics to contribute to the assessment of UNGASS implementation through the contribution of papers and participation in expert meetings on a pro bono basis. Some elements of the EU proposal were hence included in what could be considered as the UNODC's position paper on the EU proposal. In addition the non-paper recommended that the NGO community should be “*actively involved in contributing to*

reviewing the outcome of UNGASS” and to liaise with the Vienna NGO Committee and the NGO community to coordinate events on the UNGASS follow-up.

Watering down the resolution

In the Committee of the Whole, where the final texts are negotiated, the Chair, Hans Lundborg from Sweden, welcomed the EU resolution as a positive development. In his opening comments on the first draft, Lundborg stated that he considered it a ‘revolution’ that finally a resolution was being tabled that intended to look back at what has been done and take account of successes and failures instead of the endless repetition of resolutions without consequences and follow-ups. Nevertheless, during the discussion at the Committee of the Whole, the EU resolution was watered down significantly.

This was largely due to the fact that some of the delegations, in particular the United States but also strongly supported by India and Pakistan, feared that the evaluation process would be taken out of the hands of the Member States and the current reporting system. It could be argued that they were wary that an objective and transparent process would show that the current focus of the international drug control system is in many ways ineffective, even counterproductive, and that drug policies based on harm reduction might show better results.

The life cycle of the resolution at the CND reveals the intensity of debate surrounding its content and key objectives. While introduced at the beginning of the week, the resolution was not finally agreed upon within the Committee of the Whole until the Friday morning. The intervening days, and in some cases evenings, were filled with serious negotiations in closed side meetings and corridor discussions. It was clear to many observers that those delegations opposing the objective and transparent evaluation aspects of the resolution were unwilling to compromise in any significant way. Indeed, as a well placed representative of the European Commission commented after the CND session, “*It became clear early on in the week that the US was filibustering.*”

The fact that one draft, marked 10:00, on Thursday 16 March, was superseded without discussion in the Committee of the Whole by another version in the late afternoon (16:30) of the same day, suggests that significant “*behind the scenes*” negotiations were continuing up to the last point where the resolution could realistically be considered at that session. The longevity of the negotiations may in part also be explained by the complexities in gaining agreement on any changes to the text from the twenty-five sponsoring EU member states; a point noted by the Austrian delegate, representing the EU presidency, when apologizing to the Committee for the delay in re-introducing the resolution on the Thursday afternoon.

This EU dynamic was no doubt exploited by those delegations that had problems with some aspects of the resolution. According to one delegate, the aggressive lobbying of EU delegates by the US reached such intensity that it had to be taken to the level of ambassadors. At this point the US was asked to “*to rein in their dogs*”. Moreover, the EU countries were apparently so caught up in their internal consultation process that they seemed to forget to consult possible non-EU partners and explain in advance what they wanted to achieve with the resolution. This led to a lot of confusion among potential allies.

Additionally, since the spokesperson for the EU alters every six months with the transition of the presidency, the EU has a less experienced team of negotiators to guide their resolutions through the UN negotiating system than other nations; particularly the US. Indeed, it seems clear that the EU’s rather incoherent approach did little to help it shepherd the resolution through the CND unharmed. The EU delegations in Vienna certainly have some lessons to learn before they meet the recommendations of the EU Council that called for improving “*the coherence of the EU message at the UN through proper management of its statements and better coordination of support and of voting on decisions and resolutions by EU member States.*”¹³ The use of a small team of experienced negotiators at the CND, rather than individual country delegates who are substituted each time the EU presidency changes, would thus greatly enhance the EU’s influence on the UNGASS evaluation process.

Déjà vu

The current skirmishes to establish some kind of evaluation of the UNGASS process are very similar to the preparation of the 1998 UNGASS. At the time, some member states cautiously suggested that the current drug control system did not produce significant results and recommended a comprehensive review of current international drug control machinery by a group of independent experts. Then the US and the United Kingdom objected to the word “*independent*” and managed to limit their mandate to the “*strengthening of the UN machinery*” that should be carried out “*within the scope of the existing international drug control treaties*”. The attempts for an objective and transparent evaluation were effectively neutralised and the international community concluded in 1998 they could still do in 10 years what they had been unable to accomplish in the 25 years they agreed to in the 1961 Convention.¹⁴

Those who assisted at the negotiations in the Committee of the Whole this year as well as ten years ago must have had a tremendous ‘*déjà vu*’. At the 49th session the main controversy revolved around a semantic discussion on the difference between the meaning of ‘evaluation’ and ‘assessment’. According to several delegations the term ‘evaluation’ was too judgmental. The US opposed the term and considered it an inappropriate

frame of reference for a group of experts. Since the data of the BRQ determined the effectiveness of the evaluation process the US also wondered what the added value would be of an expert working group. India agreed. Reflecting the feeling of a number of delegations, including that of Australia, in their opinion the need and necessity for the resolution was not clear. Moreover, the Indian delegation felt that it would suggest that the existing process was not adequate. India also wondered what the status of an expert group reporting directly to the UNODC would be and worried about what would be left of the leading role of the member states in such a process. The US introduced the idea that an assessment should be “*based on the fundamental principles of the international drug treaties*” as they did in the preparation for the 1998 UNGASS.

During discussion of the resolution there were numerous assurances by several European countries that the expert working group would not conduct the evaluation but rather act as a reference group to improve the adequacy of the existing evaluation process. It was also made clear that the member states would not be put aside and that the final evaluation would be made by the CND. Despite such reassurance opponents introduced a series of amendments to neutralize the resolution. At the end of the deliberations, the chair of the Committee of the Whole ironically asked the member states if they understood what they were going to do.

The final result of the deliberations produced a considerably weakened version of the original resolution. If the title of a resolution is an indication of its content then the final title reveals the shift in purpose. “*Final evaluation of the implementation of the political declarations and measures adopted by the General Assembly at its twentieth session*” became “*Collection and use of complementary drug-related data and expertise to support assessment by Member States of the implementation of the declarations and measures adopted by the General Assembly at its twentieth session*”.

But more important were the changes in the operative paragraphs that decide the content of a resolution. In operative paragraph one the clause that recommended “*an agreed, clear and transparent methodology, reliable evaluation tools and actual evidence*” for an objective, scientific and transparent evaluation was simply deleted. Paragraph two was changed very significantly. Its purpose was to decide to establish an expert working group with relevant technical expertise specifically mentioning the WHO and UNAIDS as well as others. Reference to the WHO and UNAIDS disappeared as well as the expert working group. What was left was that the UNODC should “*engage with national and regional experts*” as well as “*from relevant international organisations*” on “*the collection and use of complementary drug-related data and expertise*” to support the assessment “*by Member States*”. In effect this means that the UNODC is fully in charge again and might seek outside expertise, now much less clearly defined, if extra-budgetary resources are made available; a clause on which was also included.

Paragraph three called upon the UNODC to facilitate the work of the expert working group and tried to define its purpose. Since the expert working group had disappeared it now requested the UNODC to submit a report on its efforts to engage with experts. The UNODC was also required to submit “*recommendations on the collection and use of complementary drug-related data and expertise*” to the CND “*for its consideration*” to “*as appropriate, complementing the information available to Member States and providing them with additional inputs*”. In other words, the expert working group that should have improved the flawed UNODC assessment process based on BRQs with a clear methodology and tools as well as outside data, became a very loose consultation process with an option to use additional inputs. Again, this was made subject to availability of extra-budgetary resources.

Finally, the fourth paragraph that originally called for “*a period of global reflection and discussion on the way ahead, based on evidence and identifying effective best practices (...) taking into account*”

⁶. World situation with regard to drug abuse (Addendum), Report of the Secretariat to the Forty-ninth session of the Commission on Narcotic Drugs, 25 January 2006 (E/CN.7/2006/2/Add.1), p. 23: <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=E/CN.7/2006/2/ADD.1&Lang=E>

⁷. Development, security and justice for all: towards a safer world, Report of the Executive Director to the Forty-ninth session of the Commission on Narcotic Drugs, 12 January 2006 (E/CN.7/2006/5), p. 16: <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=E/CN.7/2006/5&Lang=E>

⁸. See for the role of the INCB: The International Narcotics Control Board: Watchdog or Guardian of the UN Drug Control Conventions? by Dave Bewley-Taylor and Mike Trace, Beckley Foundation Drug Policy Programme Report 7, February 2006, available at http://www.internationaldrugpolicy.net/reports/BeckleyFoundation_Report_07.pdf

⁹ Report of the Executive Director on strengthening the drug programme of UNODC and the role of CND as its policy-making body, 12 January 2006 (E/CN.7/2006/8): <http://daccessdds.un.org/doc/UNDOC/GEN/V06/501/18/PDF/V0650118.pdf?OpenElement>

¹⁰. See Final evaluation of the implementation of the political declarations and measures adopted by the General Assembly at its twentieth special session, Draft resolution by Austria, 6 March 2006 (E/CN.7/2006/L.4). Austria held the presidency of the EU. The mantra ‘political declarations and measures adopted by the General Assembly at its twentieth special session’ stands for UNGASS of 1998.

¹¹. Speech by UNODC Executive Director Antonio Maria Costa at the Commission on Narcotic Drugs, Vienna, 13 March 2006. http://www.unodc.org/unodc/en/speech_2006-03-13_1.html

¹². A road map to UNGASS review 2008, non-paper by UNODC for the Forty-ninth session of the Commission on Narcotic Drugs, 13 March 2006 (E/CN.7/2006/CRP.4).

different regional situations and needs” was neutralised. The global period of reflection was now made subject to the “*fundamental principles of the international drug control treaties*” and any mention of evidence and best practices as well as different situations and needs was deleted.

Nevertheless, despite considerable resistance, the EU was able to save some crucial elements in the final draft of the resolution; a result of the EU ultimately deciding to show its teeth. The EU threatened to withdraw the resolution and, as noted earlier, negotiations were lifted to the level of ambassadors. As a consequence it did manage to insert references to the engagement of UNODC “*with national and regional experts*” and “*experts from relevant international organisations*”. It also managed to keep phrases referring to the “*use of complementary drug-related data and expertise*” and the provision of “*additional inputs to make an objective, scientific, balanced and transparent global assessment*”.

While this was the case, the final result of the attempt to improve the evaluation of the 1998 UNGASS certainly suffered a severe setback, with very slim chances to turn it around again.

Small opening

As noted above, and as is common with the drafting procedure within the Committee of the Whole, the final discussion of the resolution resulted in the so-called “*financial mantra*” being inserted into a number of key operative paragraphs. The limited budgetary resources of the UNODC mean that the phrase “*subject to the availability of extra-budgetary resources*” often becomes a restriction on the implementation of clauses within a resolution. In this case, however, it may offer a small opening through which to improve the evaluation process. This would though require the EU to invest money, not just energy in negotiations, by providing the funding for the inclusion of independent experts and better methodology and data in the process. It should also give very clear guidelines on the use of those funds. The EU could offer to involve the expertise of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

The discussion on the resolution closed with a number of delegations commenting favourably upon the spirit of accommodation that characterized the negotiations. When comparing the original resolution to that agreed on the final day of the 49th CND session it appears that some Member States were more accommodating than others.

Again, just as in 1998, the deliberations on the evaluation of UNGASS were a clear demonstration of the fear among several Member States for an objective and transparent evaluation of the current drug control mechanisms. The result is a watered down resolution and it remains to be seen if the “*assessment*” of UNGASS will reflect the realities of the drug problem in the real world or

will be driven by the unquestioning adherence to the conventions that have hampered genuine progress over the past decades.

In his opening speech to the 49th session Mr. Costa said that the UNODC has reached a fork in the road: it either “*follows the usual, bureaucratic course*”, or develops “*a culture of delivery and performance*”. The EU should help ensure the latter by working towards a more transparent and objective evaluation of UNGASS and the UNODC’s data collection. The EU has resolved much of its internal differences on drug policy by adopting a new common EU Drugs Strategy (2005-2012) and a common EU Action Plan (2005-2008).¹³ More transparent and objective evaluation is part of the internal EU process and should be expanded to the UN. The EU and individual member states currently provide more than half the budget for the UNODC and should use that financial leverage to press for an evaluation process that is transparent and objective, as well as based on the proper methodology.

If not, the NGO community and the academic world might want to seriously consider if they wish to go along with the paper realities in Vienna or set up their own independent evaluation process of UNGASS. However, it should be noted that an evaluation process outside the CND has its disadvantages because it will be very difficult to influence the Member States who have the final say on the direction of global drug control policies.

The NGO community could benefit from another resolution – tabled by Canada – that was approved at the CND. That resolution called upon NGOs “*to reflect on their own achievements in addressing the drug problem and to report on their progress to their respective national government bodies*”. It also called upon the UNODC to work with “*relevant United Nations entities, international organizations and non-governmental organizations in order to facilitate participation by representatives of non-governmental organizations in the preparations for the tenth anniversary of the twentieth special session of the General Assembly*.” The efforts of the EU and a strong engagement of civil society might open the door to an independent, transparent and objective evaluation process that is based on the proper methodology.

¹³ See paragraph 30 in the EU Drugs Strategy (<http://register.consilium.eu.int/pdf/en/04/st15/st15074.en04.pdf>) and EU-UN relations, Council Conclusions, General Affairs & External Relations Council (GAERC), 8 December 2003 (http://europa.eu.int/comm/external_relations/un/intro/gac.htm#un081203)

¹⁴ *Drugs in the UN system. The Unwritten History of the 1998 United Nations General Assembly Special Session on Drugs*, Martin Jelsma, International Journal of Drug Policy 14, April 2003 (<http://www.tni.org/archives/jelsma/unwritten.htm>)

¹⁵ See the website: http://europa.eu.int/comm/justice_home/fsj/drugs/fsj_drugs_intro_en.htm

Recommendations

- (1) Member States should acknowledge the value of an objective and transparent assessment of the current drug control mechanisms. They should decide if they want to work for a genuine assessment or continue with an unquestioning adherence to the current process that has hampered genuine progress over the past decades.
- (2) Member States should ask for an evaluation of the UNGASS evaluation process. In order to ensure an evaluation process that is transparent, objective and based on the appropriate methodology and data collection, they should request that further critical attention be given to the reporting system based on the Biennial Reports Questionnaires (BRQs).
- (3) The EU should review its way of operating at the CND. A review should aim to improve the coherence and effectiveness of the EU message at the UN. This could be achieved through better management of its statements and improved coordination of actual and potential support for resolutions among both EU member states and non-EU member states.
- (4) The EU should invest money, in addition to energy in negotiations at the CND, to support the realization of the core sections of its resolution. The EU should provide funding for the inclusion of independent experts and better methodology and data in the UNGASS evaluation process. It should also give very clear guidelines on the use of those funds. If the process with the UN proves to be unsatisfactory, the EU should explore the possibility of supporting independent experts to provide a transparent and objective evaluation of UNGASS.

