**REPORT**

**3rd Brandenburg Forum on Drugs and Development Policies**

‘THE RUN-UP TOWARDS 2019’

The 3rd Brandenburg Forum on Drugs and Development Policies took place from February 13th to 15th 2018 at the Hotel Schloss Lübbenau in Germany. The Forum was organised within the framework of the Global Partnership on Drug Policies and Development (GPDPD) – a programme aiming to enhance evidence-based development and public health-oriented approaches to drug policy.\(^1\) GPDPD is commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented under political patronage of the German Federal Government’s Drug Commissioner. The meeting was co-hosted by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of BMZ, the Drug Commissioner of the Federal Government of Germany, the Ministry of Foreign Affairs of the Netherlands, the Norwegian Ministry of Health and Care Services, the International Drug Policy Consortium (IDPC) and the Transnational Institute (TNI).

The Forum brought together 56 expert participants, including government representatives from Brazil, Bulgaria, Canada, Colombia, France, Germany, Ghana, Guatemala, Mexico, Netherlands, Norway, Peru, Switzerland, Thailand, Trinidad and Tobago, and the United Kingdom. The Forum was also attended by representatives from the European Union, the Executive Office of the UN Secretary General, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Office on Drugs and Crime (UNODC), UN Women and leading civil society organisations. In order to promote open dialogue, the discussions were conducted under ‘Chatham House Rule’ whereby the contents can be shared and used, but neither the identity nor the affiliation of any participants may be revealed.\(^2\)

**Session 1: Recap of the 2nd Brandenburg Forum on Drugs and Development Policies**

Following welcoming remarks from the co-hosts, participants were provided with an overview and reminder of the discussions and recommendations emanating from the previous Brandenburg Forum in February 2017 – in order to set the scene for this meeting, but also discuss some of the progress that has been made since. In February 2017, participants agreed and prioritised a list of 40 actionable proposals and recommendations across four areas: (alternative) development, public health, human rights, and enhanced cooperation between UN entities – see Annex.\(^3\) These proposals were re-presented through four “information stations”, and participants were encouraged to discuss which proposals had been actioned in the previous 12 months, which

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\(^1\) For more information on the programme please visit [www.gpdpd.org](http://www.gpdpd.org)

\(^2\) [https://www.chathamhouse.org/about/chatham-house-rule](https://www.chathamhouse.org/about/chatham-house-rule)

\(^3\) The full meeting report from the 2nd Brandenburg Forum is available at: [https://www.gpdpd.org/wAssets/docs/2nd-Brandenburg-Forum-Meeting-Report_final.pdf](https://www.gpdpd.org/wAssets/docs/2nd-Brandenburg-Forum-Meeting-Report_final.pdf)
suggestions had become less of a priority since February 2017, and whether or not any new proposals needed to be added.

Reassuringly, progress was reported against several of the proposals from the 2nd Brandenburg Forum in February 2017. These include:

- The ongoing process to revise and reformulate UNODC’s Annual Report Questionnaire, as mandated by Resolution 60/1 from the Commission on Narcotic Drugs (CND) – especially with regards to alternative development and human rights.
- Several member states reporting implementation of, and changes in approach as a result of, the UNGASS outcome document.
- INCB releasing a clear position that “The Conventions do not automatically require the imposition of conviction and punishment for drug-related offences... the Conventions afford discretion for Parties to provide... an alternative to conviction and punishment”.
- The establishment by Harm Reduction International of a global network of “Champion” governments.
- A gradual opening of the discussions on non-traditional alternative development interventions, including implementation by some member states of interventions dealing with prison inmates and urban drug markets. This was further developed at the 2nd Expert Group Meeting on Alternative Development (September 2017), which discussed the evolution of concept towards a broader and more sustainable framework within UN drug control system.
- The WHO Expert Committee on Drug Dependence (ECDD) decision to review cannabis in June 2018.
- INCB’s position on “Ensuring the availability of internationally controlled drugs in emergency situations” in December 2017.
- The ongoing development of international guidelines on human rights and drug policy – to be launched in early 2019.
- CND Plenary statements condemning extrajudicial killings and the death penalty from Australia, Austria, Belgium, Brazil, Canada, Costa Rica, the Czech Republic, Finland, France, Germany, Italy, Malta (on behalf of the European Union), Norway, Portugal, Switzerland, the United Kingdom, INCB, OHCHR, the Holy See and the Pompidou Group, among others.
- The signing of a Memorandum of Understanding between UNODC and WHO.
- The strong participation of various UN agencies at the 60th CND and CND inter-sessional meetings throughout 2017.

Session 2: Towards 2019 – Priorities of the Mexican CND Chair

The CND Chair provided participants with inputs in her position as Chair of the 61st Session of the CND in March 2018. She stressed the importance of allowing spaces for open, informal and flexible discussions – especially the uniqueness of the Brandenburg Forum – and emphasised the significant achievements that have been made by member states in recent years. Participants were talked through the proposed agenda for the

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4 https://www.incb.org/documents/News/Alerts/Alert_on_Convention_Implementation_April_2017.pdf
7 http://cndblog.org/theme/cnd-sessions/
CND in March, and some of the current considerations and discussions around the preparations for the Ministerial Segment to be held during the 62nd Session of the CND in March 2019. Some participants noted that greater clarity is required on the scope and plans for inter-sessional CND meetings before 2019, and for the format of the Ministerial Segment itself. Others noted the importance of understanding the perspectives from a range of member states in order to find the acceptable balance and consensus needed to move forward at the global level. The solution could be “intellectual engineering”: looking at the goals from the 2009 Political Declaration (which expires in 2019) through the lens of the 2016 UNGASS (as the latest international consensus), in order to build on the momentum and move forward with one track instead of two. Participants agreed that the negotiation of a new Political Declaration was not desirable for March 2019, and rather a “slightly negotiated” resolution would be a more constructive outcome to provide clear guidance and mandates for the coming decade, linked to the Sustainable Development Goals.

Participants also asked questions about measures to ensure the participation of member states and UN agencies that do not have a permanent presence in Vienna, as well as the meaningful engagement of civil society. For the latter, it was announced that a Civil Society Task Force has been relaunched for 2019 to maximise participation and ensure global representation, and the level of engagement was anticipated to be the same as for the UNGASS in 2016. Many participants did emphasise their desire that the 2009 Political Declaration (and its target for the eradication or significant reduction in drug markets) be “closed off” in 2019, but some others acknowledged the position of the “Friends of 2009” member states who consider that these targets are longer-term and aspirational and should not be forgotten in 2019.

Session 3: Latest Developments and Upcoming Initiatives

In this session, discussions returned to the four overarching and inter-connected themes of the Brandenburg Fora: (alternative) development, public health, human rights, and enhanced cooperation between UN entities. Plenary inputs were provided on, respectively: the draft CND Resolution on alternative development that has been submitted by Germany, Thailand and Peru; the International AIDS Conference in the Netherlands in July 2018; the development of international guidelines on human rights and drug policy; and efforts to connect the dots between UN entities and member state representatives in Vienna, Geneva and New York. These inputs were then followed by breakout group sessions on each of the four topics, where participants were asked to discuss immediate actions, challenges and next steps between now and 2019.

(Alternative) Development

Participants in this working group emphasized the need for ongoing conversations across the UN to open up the narrative towards a wider development scope – as is the aim of the GPDPD Expert Group Meetings (EGMs) on Alternative Development that are jointly organized by UNODC, the Mae Fah Luang Foundation under Royal Patronage and GIZ. The third EGM is included in the draft CND resolution, with the aim of creating a conference room paper reviewing progress to inform the 2019 Ministerial Segment. It was discussed that more than 20 member states continue to express specific interest in, or support for, alternative development – but the funding is still falling short. Data collection was also highlighted by several participants as one of the main challenges for member states – with many programmes seen to be lacking the necessary evidence on the impacts on farmers involved in illicit cultivation, on beneficiary families, on levels of drug trafficking, etc. These data are urgently needed to make the impact of alternative development programmes more visible and recognised. Many participants commented that development indicators also need to go beyond the hectares of crops eradicated or replaced.

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9 [https://www.cstfondrugs.org](https://www.cstfondrugs.org)
The working group discussion also covered the lack of market access for the products of alternative development programmes. Some participants felt that development must be broader than just agricultural solutions, including income opportunities such as handcrafts and tourism, and providing alternative livelihoods for marginalized urban populations involved in the illicit drug market as mentioned in the UNGASS outcome document. A number of participants also suggested that the alternative development paradigm could incorporate supporting cannabis production destined for the expanding licit cannabis markets, especially for medical purposes. The need to meaningfully engage farmers and communities in the international debate on alternative development was also highlighted.

Public Health

This discussion opened with an acknowledgement that the over-riding purpose of the international drug conventions is to promote the health and wellbeing of mankind. A number of key opportunities were highlighted for the coming 12-18 months – including the International AIDS Conference, the UN High Level Meeting on Non-Communicable Diseases, the universal healthcare discussions at the World Health Assembly and elsewhere, and the draft CND resolution on preventing mother-to-child transmission of HIV.

There was an interesting debate on the terminology to use on the road to 2019: some participants stated preference to focus on language of “public health” or “right to health” in order to avoid the sometime over-political debates around “harm reduction”. However, other participants emphasised the importance to keep pushing for, and championing, the acceptance of harm reduction by the CND in 2019 and beyond – and providing greater clarity over what this term means (and what it doesn’t). Others suggested that the most productive approach could be to focus on outcomes (i.e. reduced HIV, hepatitis and overdose, or lower mortality and morbidity), rather than the technicalities of how to achieve these. Participants called for greater outreach to member states that may not understand or support harm reduction and public health approaches – working in partnership with them to advocate and support policy shifts, or to bridge the gap between practices on the ground and policy positions taken at the UN level. More attention should be given to any country examples of where a shift has been made from exclusively punitive to more public health-oriented approaches.

Human Rights

This group discussed several opportunities for 2018 and 2019 to better acknowledge the human rights impact of international drug policy – including discussions on the death penalty at CND, the potential inclusion of human rights metrics within the Annual Report Questionnaire, and the ongoing engagement of UN human rights agencies and mechanisms (such as the Universal Periodic Reviews). The forthcoming international guidelines on human rights and drug policy were widely hailed as a crucial future tool – and one that is currently undergoing extensive consultation through regional dialogues to build broad political support amongst member states, civil society and international organisations. Several participants felt that it was important to further encourage ownership of these guidelines in Vienna and Geneva. Some proposals included the agreement of a Memorandum of Understanding between OHCHR and UNODC (mirroring the one agreed with WHO), or the appointment of a senior human rights advisor at UNODC.

For 2019, it was suggested that a narrative can be created around trying to reduce the adverse footprint that illicit drug markets (and policy responses to drugs) leave behind. This may pave the way for a common vision to allow the discussions to advance. The human rights guidelines can support this effort, as can the broader conversations around the Sustainable Development Goals. However, according to some participants, the bottom line is that the human rights narrative is not very palatable for some member states, and needs to be better defined and explained in terms of what has been shown to work (and how it can best be measured). A ‘bottom-up’ approach may also be needed to engage national human rights constituencies and to use citizen reporting and narrative storytelling as important tools.
Enhanced Cooperation Between UN Entities

This discussion opened with an acknowledgement that the engagement of numerous UN entities at CND and UNGASS has improved substantially in recent years. However, according to some statements, building on this momentum requires many agencies to feel that they have a mandate from member states within their respective governing bodies (through resolutions, etc). There is insufficient information flows between the relevant UN agencies (and sometimes within different departments of the same agency). It was suggested that the arguments for greater cross-UN coherence should be structural, rather than topical and just about drug policy. The provision of conditioning funding from donor governments for such cooperation would obviously help, as stated during the debates. Building on existing examples of multi-partner projects and co-financed initiatives, and ensuring that donors support inter-agency cooperation, structures and dialogues. A number of participants also raised the issue of secretariat capacity for several UN agencies. It was claimed that there are only a handful of UN officials actively involved in the discussions at the UN Headquarters in New York.

Some participants also advocated for more cross-UN positions on drug policy – mirroring the recent statement on ending discrimination in healthcare, as one example. Similar positions and statements clarifying the support for issues such as harm reduction or decriminalization were identified to be a huge asset for 2019. It was suggested that this can be achieved through the inter-agency coordination that has been called for by the Executive Committee of the UN Secretary General. Participants also proposed greater effort to coordinate country missions in Vienna, New York and Geneva.

Session 4: Mid-Term Processes Towards 2019 and Beyond

On the last day, a similar methodology was used to discuss actions and proposals centred on three more specific areas: the reform of the Annual Report Questionnaires; the key member state and regional body strategies for 2019; and shifting the drug policy targets for the next decade. After plenary inputs on each topic, participants were divided into three groups for more detailed discussions and debate.

Annual Report Questionnaires

The process for reviewing and revising drug policy metrics was presented by UNODC, and represents an opportunity to better embed the objectives stemming from the UNGASS outcome document and to disaggregate drug-related data from other international reporting mechanisms. Participants discussed how this process could better reflect the Sustainable Development Goals on the road to their target date of 2030, but crucially could also provide a more realistic picture of the state of the world drug problem. It was also discussed that the Questionnaire responses from member states could be made publically available in the interests of greater transparency – as is the case already even in politically sensitive areas of the UN’s work such as human rights. A key issue of debate was also the widely acknowledged need to broaden the return rate of the Questionnaire, to ensure that the UNODC World Drug Report accurately reflects the world drug problem.

It was proposed that a future Expert Meeting could focus on the inclusion and incorporation of human rights and other broader indicators in the Annual Report Questionnaires. The involvement of the scientific community and civil society in these discussions was also regarded as essential. Other options discussed included a change of approach – with pre-filled questionnaires using existing data sent to member states for their confirmation or comment, rather than relying only on member states to provide data. Crucially, it was suggested that member states should continue to speak out at the CND and other fora in favour of the Annual Report Questionnaires improvements, and provide funding and support for this initiative and for broader capacity building efforts on data collection.

Member state and regional body strategies for 2019

In this engaging debate, participants discussed the various member state positions and strategies for the Ministerial Segment of the CND in March 2019. The group agreed on the need to overcome polarised debates and identify key partners and bridge builders between member states with different perspectives that can come together on certain issues (such as alternative development as a bridge-building policy). EU’s position for 2019 has already been openly articulated, and includes continued opposition to the death penalty, support for harm reduction and alternatives to punishment, and the meaningful engagement of UN agencies and civil society. Others sought to explain their support for the 2009 Political Declaration – seeing the UNGASS as one part of a longer-term process, but not a replacement for the 2009 targets and goals. Some participants posited that there remains a certain risk that 2019 may result in a weakened role of CND, and may undermine the drug conventions as the guiding framework documents of international drug policy.

For many participants, it is important to identify the motivations and drivers of other member states, and then to focus both on points of convergence and disagreement. Their perceptions, interests and concerns need to be sympathetically considered, and a way forward needs to be found that does not pitch the UNGASS as in opposition to the 2009 Political Declaration. However, for others, there was a sense that no such negotiation or concession is required, as the UNGASS represents the most recent international consensus. Several participants stated that a more in-depth comparative analysis of the two documents may help to provide reassurances in this regard.
Participants proposed that the debate for 2019 should ensure greater engagement of member states that are not represented in Vienna – including many Caribbean and African member states (especially as the Africa Group will have the CND Chair for the 62nd Session in 2019).

**Moving Targets in the Drug Policy Debate for the Next Decade**

It was suggested that the preparations for 2019 will be on two fronts: the political debate, and actions on the ground. Successful examples from member states should accordingly be emphasized. At the UN level, the review of the Annual Report Questionnaire represents a key opportunity for more meaningful data and targets.

A number of participants stated that the traditional target and narrative of “a world free of drug abuse” (as contained in the UNGASS outcome document itself) is unrealistic, but may also be counter-productive as it potentially incites policy responses that undermine human rights, public health and development in a way that other “aspirational” targets (such as a “world free of AIDS” or “ending poverty”) do not. Some participants felt that a more realistic aim would be to reduce harms, and that 2019 may be an opportunity to set concrete targets and objectives. Some participants stated that more work would be needed to articulate meaningful health and human rights indicators such as reduced overdose deaths, HIV and hepatitis transmission or extra-judicial killings. It was underlined that if the UN-level language and targets cannot be changed in time for 2019, there is still a unique opportunity to influence and change actions and policies on the ground.

It was concluded that this discussion requires parallel work on the political goals of drug policies, as well as the technical metrics to measure them. Many participants suggested that the Sustainable Development Goals, as a broader UN framework, play an important role in these discussions: the question should be how drug policies and targets help to promote these Goals – especially those on health and wellbeing, ending poverty, achieving gender equality, and on peace, justice and strong institutions.

**Session 5: Defining Next Steps Including the 61st Commission on Narcotic Drugs**

The Forum ended with a more specific discussion on the forthcoming 61st Session of the CND. Participants discussed various initiatives, resolutions, events, plans and priorities for this meeting, which took place on March 12th to 16th 2018 in Vienna.

The 3rd Brandenburg Forum closed with statements of thanks by the co-hosts.
ANNEX: Proposals from the 2nd Brandenburg Forum

**(Alternative) development**
- The integration of alternative development into the broader SDG framework, and vice versa – recognising sustainable development as a platform and a way to formulate better drug policies, and developing better indicators to assess alternative development efforts based on the SDGs. [Deemed to be the 1st priority]
- The involvement of farmers and affected communities in policy making processes. [Deemed to be the 2nd priority]
- Greater funding for the development approach to drugs: including enhanced coordination to ‘tap into’ donor priorities linked to the SDG framework; the use of assets and money seized from drug control and anti-money laundering operations; and the identification of clear financial benefits and costs of implementing development-oriented drug policies. [Deemed to be the 3rd priority]
- Gather more information on alternative development in urban settings, as we need to understand the context better and don’t really understand the links with violence, security, human rights, etc.
- Gain a more thorough understanding of the effects of cannabis regulation and commercialisation on the livelihoods of traditional growers and communities.
- Closer work with other UN Agencies on coordination, communication and information sharing related to drugs and development.
- The absorption of the alternative development paradigm into the SDGs, entailing a re-review of the concept of alternative development itself to move away from the terminology of the past.
- The development of more evidence-based ‘key performance indicators’ to justify the way forward and to ensure that alternative development fits within the SDG framework.

**Public health**
- Increase funding for public health approaches (encompassing prevention, treatment and harm reduction) – not by finding new money, but by seeking to rebalance existing drug control budgets, in collaboration with Ministers of Finance and Treasuries. Such funding could, for example, support the development of pilot programmes to demonstrate the effectiveness of these approaches in new settings. [Deemed to be the 1st priority]
- UNODC and/or INCB to clarify their respective positions in support of proportionate sentencing and the decriminalisation of low-level, non-violent drug offenders – building on the unreleased 2015 position paper by UNODC to outline the definition, scope, legality and public health benefits of such approaches. [Deemed to be the 2nd priority]
- Build upon the network of member states and champions that support harm reduction – in particular reaching out to document new experiences with this approach, and develop new and diverse arguments and language to support this. [Deemed to be the 3rd priority]
- UNODC to review the health impacts of the regulated cannabis markets emerging in several jurisdictions, for subsequent discussion and debate at CND.
- CND should ensure a space for Geneva and Vienna-based diplomats and officials to come together to discuss access to essential medicines for the relief of pain or suffering, with a potential initial focus on just one key pain medicine as a pilot or proof of concept.
- Countries are requested to explicitly prioritise SDG 3 (on health) in their country plans and funding – including the voluntary reviews being periodically submitted as part of the SDG process.
- A CND resolution on the need for countries to sensitize communities, public, religious leaders, policy makers and the media on the need for a health-based approach to drugs and what this looks like in practice.
- UN agencies to play a convening role and bring together different actors, stakeholders and Ministers at the national level to discuss health-based approaches.
- UN agencies to prioritise technical support, capacity building and knowledge exchange on public health approaches, to allow learning from experienced country successes and failures.
- INCB and CND to develop an emergency protocol for access to essential medicines in conflict settings – for example where a competent authority cannot (or will not) follow the usual process and requirements, or when a fast-track process is required to respond to emergency situation.
- A CND resolution in 2018 following up on the International Standards for the Treatment for Drug Use Disorders, based on recommendations from a UNODC working group looking at implementation of the Standards. [Subsequently deemed to no longer be a priority at the 3rd Forum]
CND to ensure that any new Political Declaration and Plan of Action in 2019 or beyond is fully-costed to identify the needs, budgets and gaps – facilitating a debate on the financing of the drug control system, national ownership and innovative new funding mechanisms. [Subsequently deemed to no longer be a priority at the 3rd Forum]

**Human rights**
- Give political and financial support for the elaboration and adoption of UN guidelines on human rights and drug policy – a process that is already underway, led by the International Centre for Human Rights and Drug Policy and UNDP. [Deemed to be the 1st priority]
- A resolution by the Human Rights Council requesting an updated report from the OHCHR on drug policy-related human rights violations. [Deemed to be the 2nd priority]
- Ensure the inclusion of the UN human rights and drug policy bodies in a coordinated review of the metrics and indicators used to assess drug policies, linked to the SDGs. [Deemed to be the 3rd priority]
- A special event to be organised by the Human Rights Council President and the CND Chair, at the reconvened 60th CND in December 2017, on the issue of drugs and human rights.
- Explicit condemnation of extrajudicial killings and the death penalty in various country statements at the 60th CND – tied to a more enduring goal to build a coalition of like-minded states interested in building human rights content at the CND.
- Joint special procedures missions to UNODC. There are 57 different procedures that can be related to drugs, and this would ensure that UNODC adheres to the guidelines that already exist, as well as to the UNGASS Outcome Document.
- Approach national human rights institutions to assess the national situation and convene a national stakeholders dialogue including affected communities, law enforcement and health institutions – beginning a movement towards institutionalising accountability at the domestic level.
- UNODC to routinely report on cross-cutting human rights dimensions in the World Drug Report – engaging with tough questions surrounding human rights and drug control, and through better engagement of the relevant UN entities.
- Use strong language from the UNGASS Outcome Document around access to essential medicines to promote the Memorandum of Understanding currently being developed between UNODC and WHO, in collaboration with the INCB.
- Encourage member states and civil society to use the Universal Periodic Review (UPR) mechanism to focus on drug control-related violations.
- Develop a Memorandum of Understanding between OHCHR and UNODC.
- Include drug policy and human rights issues in the resolutions and declarations of the Crime Congress. [Subsequently deemed to no longer be a priority at the 3rd Forum]

**Enhanced cooperation between UN entities**
- A cross-UN task force on drug policy, as a way to consolidate the strong engagement of various UN agencies in the UNGASS preparations – but learning from the failings of previous attempts to achieve this goal. Member states and civil society have a key role here to encourage and enable UN agencies to participate in drug policy discussions. [Deemed to be the 1st priority]
- Increase the visibility, role and importance of UN agency participation at the CND in Vienna, offering equal standing with UNODC (including designated places on the podium rather than on the sidelines). [Deemed to be the 2nd priority]
- Engagement with the new UN Secretary-General – via the CND Chair and/or a letter from Member States – asking him to build drug policy into his work, and the possibility of establishing the position of a special advisor to facilitate UN system-wide coherence. [Deemed to be the 3rd priority]
- In Geneva, mainstream the drugs issue into human rights mechanisms through a new Human Rights Council resolution to update the OHCHR report.
- Use the SDG agenda item at CND, or the UNODC Executive Director’s reports as a means of updating member states and meaningfully engaging other UN agencies.
- Member States to improve their own coordination across missions and agencies – for example, ensuring better communications between teams in New York, Geneva, Vienna and capitals.
- Promote and share cross-UN projects at the national level.
- A joint mission of the UN special rapporteurs to UNODC to feed into their work and make recommendations to improve UN system-wide coherence. [Subsequently deemed to no longer be a priority at the 3rd Forum]