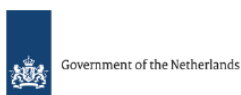
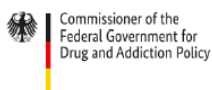


On behalf of



This report summarises the discussions and conclusions of the meeting, but does not reflect the institutional positions of the co-hosting parties

7TH BRANDENBURG FORUM ON DRUGS AND DEVELOPMENT POLICIES

“TOWARDS 2024 – A KEY MILESTONE IN GLOBAL DRUG POLICY”

MEETING REPORT

The 7th Brandenburg Forum on Drugs and Development Policies took place from 16th to 18th November 2022, at the Schloss Lübbenau in Brandenburg, Germany. The Forum was organised by the Global Partnership on Drug Policies and Development (GPDPD)¹ – commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented under political patronage of the Commissioner of the Federal Government for Drug and Addiction Policy. The meeting was co-hosted by the Government of the Netherlands, the Norwegian Ministry of Health and Care Services, the Transnational Institute (TNI), and the International Drug Policy Consortium (IDPC).

The Forum was attended by 53 participants from around the world – including government representatives from Albania, Belgium, Colombia, Czechia, Finland, Germany, Ghana, Jamaica, Kenya, Malaysia, Mexico, the Netherlands, Norway, Peru, Portugal, Spain, Switzerland, Thailand, the United Kingdom, Uruguay, and the USA. Also in attendance were officials from the European Union, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) and the World Health Organization (WHO), as well as leading civil society organisations. In order to promote open dialogue, discussions were conducted under the ‘Chatham House Rule’ whereby contents can be shared but neither the identity nor the affiliation of any participants may be revealed.²

OPENING SESSIONS

The 7th Brandenburg Forum was formally opened by the Head of the GPDPD, and welcome remarks were provided by representatives from BMZ, IDPC and Norway – as well as a specially-recorded video message from the German Federal Government’s Commissioner for Drug and Addiction Policy. This was followed by an interactive session where participants were invited to explore the progress that had been made in the last 12 months – some of which was linked to recommendations from the 6th Brandenburg Forum in November 2021.³ Four ‘stations’ were set-up around the room to discuss each of the Forum’s pillars: development, public health, human rights and new trends. Examples included:

¹ For more information on the Partnership, please visit www.gpdpd.org

² <https://www.chathamhouse.org/about/chatham-house-rule>

³ 6th Brandenburg Forum meeting report: https://www.gpdpd.org/fileadmin/user_upload/6th_brandenburg_forum_meeting_report_final.pdf

- **Development:** The UN Commission on Narcotic Drugs (CND) adopting Resolution 65/1 on promoting alternative development taking into account measures to protect the environment; the World Drug Report special chapter on drugs and the environment; and the first-ever International Forum on Sustainable Cannabis Regulation hosted by Germany, and which immediately preceded the Brandenburg Forum.
- **Public health:** Representation from the Executive Director of UNAIDS and senior UN human rights experts at the CND – including the (virtual) side event on “Reaching global AIDS targets through harm reduction and reform of restrictive drug policy frameworks”; the CND Chair’s special focus on access to essential medicines; and the uptick in the number of countries implementing key harm reduction services (needle and syringe programmes, drug consumption rooms, opioid agonist therapy and take-home naloxone).⁴
- **Human rights:** Delivery of the 2nd “Brandenburg Forum in Geneva” in June 2022 with a strong focus on human rights and the role of the Human Rights Council in international drug policy; a highly substantial CND Thematic Intersessional in September 2022 dedicated to human rights; and continuing activities to roll-out and disseminate the International Guidelines on Human Rights and Drug Policies.⁵
- **New trends:** Competitive elections amongst member states for the ECOSOC Committee on Non-Governmental Organizations (the mechanism which makes decisions on civil society accreditation to the UN); and the presentation of an African civil society common position at the African Union.



PLENARY: TOWARDS 2024 AT THE UN COMMISSION ON NARCOTIC DRUGS

A representative of the current CND Chair, Belgium, reflected on the challenges and achievements from the 65th Session during 2022. The need to navigate diplomatic tensions affecting all multilateral processes was highlighted, while also taking the opportunity to levitate the issues around access to essential medicines by hosting special events in Vienna, New York and Geneva. The recent CND Thematic Intersessional in September 2022 focused on policies that are not in line with the drug control conventions and/or human rights law – and

⁴ <https://hri.global/flagship-research/the-global-state-of-harm-reduction/the-global-state-of-harm-reduction-2022/>

⁵ <https://www.humanrights-drugpolicy.org/>

were widely hailed as a platform for some of the most open discussions on human rights at the CND to date. These issues will remain a priority for Belgium, who also have the Presidency of the Council of the European Union from January to June 2024.

Participants were then privileged to hear from the incoming CND Chair for the 66th Session in 2023, representing Colombia, who outlined some of his expectations for the coming year and the need for multilateral consensus and progress to be maintained. In early 2023, the Chair will table a draft resolution outlining the modalities for the mid-term review of implementation of the 2019 Political Declaration, which is anticipated to be a two-day high-level segment in Spring 2024. This will allow for honest discussions about the dramatic increases in drug use and production, while also paving the way for a new CND work plan of thematic meetings from 2024 onwards. It was highlighted that the mid-term review should also ensure the engagement of all relevant UN entities as well as civil society. Colombia's own experience was cited as an example showing that the so-called 'war on drugs' has not worked, yet violates human rights and destroys the environment. All stakeholders should come together to reassess global drug policies.

A colleague from the European Union then outlined expectations for the mid-term review itself in 2024, which risks being politically overshadowed by the sustained Russian attacks on Ukraine. Process-wise, the review could culminate in a high-level meeting with engagement from UN entities and civil society – the latter's participation enshrined in the relevant ECOSOC rules (unlike in other Vienna-based UN processes, for which civil society space has been more problematic). It was suggested that the target for 2024 should be to protect current language and prevent any 'back-slide' in this context, requiring allied member states to hold strong with regards to their 'red lines'. The potential outcome of the review remains open for discussion: a ministerial-level meeting in 2024 would usually result in another ministerial declaration, but many member states prefer a non-negotiated 'Chair's summary' instead, for what is ultimately a stock-taking exercise of previous commitments.

While acknowledging that the geopolitical challenges cannot be understated, the civil society speaker identified 2024 as an opportunity for a thorough, honest review of progress (or the lack thereof). Rather than taking a 'business as usual' approach, the mid-term review could be a political opportunity to reassess the fact that UN drug policy debates do not operate in a vacuum, and that many lives are at stake. It was highlighted as a moment for civil society to hold governments accountable for the incalculable human cost of the so-called 'war on drugs'. Comprehensive inputs could be provided by the Task Team of relevant UN agencies which oversee implementation of the UN system common position on drugs,⁶ updating on what has been learned since their last major report in 2019 in terms of promoting a human rights-based approach.⁷ Considering the format for 2024, it was suggested to learn from the thematic intersessional CND meetings in terms of how to promote interactivity, while hybrid formats (including webcasts and the use of UN Web TV) and other steps should be taken to ensure the broadest possible participation. As in 2019, civil society participation could be coordinated by the Vienna and New York NGO Committees.

With regards to the aforementioned UN Task Team, a representative from UNODC spoke about the ongoing coordination of the group, and the need for all relevant UN entities to remain actively engaged in order to ensure an inclusive process for the mid-term review. The value of the UN speaking with one voice, both at the headquarters and country levels, and the importance of having the Common Position translated into languages other than English (something that requires funding) was emphasized. A colleague from OHCHR also highlighted the important presence of human rights entities in Vienna, building and further strengthening the connections between Vienna and Geneva.

From the floor, some participants asked about the hopes for future thematic CND meetings after 2024, and what role the ongoing cannabis debates may have within the work plan. Others reiterated the importance of

⁶ <https://unsceb.org/united-nations-common-position-supporting-implementation-international-drug-control-policy>

⁷ https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN_Entities/What_we_have_learned_over_the_last_ten_years_-_14_March_2019_-_w_signature.pdf

civil society engagement, the need for better-funded UN coordination and alignment around the common position, and the importance of member state coordination and the defence of ‘red lines’ if a new document is to be negotiated. One participant remarked on how valuable a ministerial meeting could be if they were able to acknowledge that previous drug policy approaches have failed.

WORKING GROUPS: PRIORITIES FOR 2023 AND 2024

The second day of the Forum began with two parallel working groups, with participants divided in order to build on the previous day’s discussions and explore key issues and ideas for a) the CND in March 2023, and b) the mid-term review in 2024. The key elements of these discussions were then reflected back to the plenary by the working group rapporteurs.

The first working group suggested high-level side events or meetings at the CND in 2023 to elevate human rights further in Vienna, as well as securing and funding a special chapter in a future World Drugs Report on the topic – something raised by several member states at the recent CND thematic intersessional meeting in September 2022. To support these ideas, the CND Chair could extend a direct invitation to the UN High Commissioner for Human Rights and other senior human rights experts. Other suggestions were for CND resolutions on overdose from a public health perspective, while the planned resolution on alternative development (led by Peru) could aim for a much-needed update of the definitions used as well as a new focus on indigenous populations and the role of cannabis farmers. Suggestions further included strengthening the presence and engagement of WHO at the CND and encouraging member states to use their national interventions to give honest assessments of increased drug production and use, the persistent challenges, the impacts and results of cannabis regulation, and the need to change some of the outdated paradigms.

The second working group, focused on the mid-term review, discussed the need for a thorough assessment of the whole international drug control system, while focusing largely on the procedural steps and issues between now and 2024 (including the already-planned thematic intersessional on ‘stock-taking’ in Autumn 2023). The working group explored the role of (and funding for) the UN Task Force, and the value of explicitly including this in the modalities resolution in March (albeit in the face of anticipated resistance from some member states). As had already been proposed, the format will likely be a high-level segment – two or three days scheduled immediately prior to the 67th CND in March 2024. The working group generally supported the idea of a Chair’s summary, and the adoption of a new CND work plan and road map to continue the deliberations between 2024 and 2029.

PLENARY: RECENT DEVELOPMENTS IN LEGAL REGULATION

The burning topic of cannabis regulation had been raised at several points throughout the Forum thus far and was given a dedicated session and discussion for the first time at the Brandenburg Forum with the aim of looking at some of the models that have been adopted or proposed around the world.

First were the new developments in **Germany**, where the Federal Government has proposed a framework for the regulation of cannabis for recreational use, as laid down in the coalition agreement, and driven by the costs of enforcing prohibition and the contamination and harms of illicit cannabis supplies and their impact for approximately four million cannabis users in the country. After a series of expert hearings during the summer, the Government presented an ‘Eckpunktepapier’ (key issues paper) outlining the envisaged law and policy principles – removing cannabis and THC from the Narcotic Drugs Act. The production, supply and distribution of cannabis would be authorized within a licensed and state-controlled framework (with small-scale self-cultivation also permitted), while possession of up to 20-30 grams for personal use would no longer be punishable. One of the biggest challenges is how to frame the proposal in terms of the three UN drug control conventions and EU rules. The Federal Government plans to submit an ‘interpretative declaration’ on

the implementation of the new model under specific, strict conditions and under the auspices of consumer health protection, youth protection and the fight against crime.

The **Czech Republic** Government, including the pro-regulation Pirate Party, is also tabling an ambitious plan for cannabis regulation based on the principles of harm reduction and limiting the damage caused by the illicit market. Their own 'key issues paper' outlines three principles of regulation: allowing self-cultivation, enabling cannabis social clubs, and regulating commercial sale through licensed dispensaries. Other highlighted elements include a universal ban on advertising, the registration of cannabis users, and the possibility of export of cannabis to other markets. A first draft law is expected by March 2023 yet depends largely on agreements being reached within the coalition Government. The National Drugs Coordinator organised a meeting of EU drugs coordinators in September 2022 to try and foster mutual support.

In 2015, **Jamaica** amended its Dangerous Drugs Act to effectively decriminalise the possession of up to two ounces of cannabis for personal use. Such possession is not legal, but is regarded as a petty offence resulting in a fine but no criminal record. Each household is legally permitted to cultivate up to five cannabis plants for personal use, while the Act also established the Cannabis Licensing Authority (CLA) and the country's medical cannabis system. Practitioners of Rastafarianism can also use cannabis for religious and sacramental purposes – making Jamaica the first country to officially recognize the use of cannabis for these reasons. From 2018, medical cannabis dispensaries allowed for cannabis to be purchased with a recommendation from a certified health practitioner. Over the years, this system has developed into the establishment of 'herb houses' – best described as an amalgamation of medical clinics, coffee shops and spas. To transition traditional cannabis growers into a complex and expensive licensing system, the 'Alternative Development Programme' was established in 2017 to support 'mother farm' pilot projects whereby current legal suppliers identify traditional growers to provide equipment and assistance in return for their products, as well as 'community farms' where the areas traditionally associated with cannabis farming are supported to set up legal facilities, monitored to prevent diversion to the illicit market.

Colombia's new President, Gustavo Petro, was elected in June 2022 and has been vocal in his preference for the legal regulation of cannabis. There are currently two bills under consideration which will need to pass both chambers in Congress: one to amend the national constitution, and one that would put in place a regulatory framework. Currently the possession of up to 20 grams of cannabis for personal use is decriminalised, and the cultivation of up to 20 cannabis plants for personal use is permitted. A medical cannabis system has also been in place since 2016. Under the new proposals, licences would be required for the import, export, cultivation, manufacture, and production of cannabis for commercial recreational markets. No licences would be required for personal self-cultivation, dispensaries, coffee shops or members-only clubs. The proposals also include social justice initiatives to empower traditional, small-scale producers – for example, Government-owned dispensaries must acquire at least half of their cannabis products from small-scale producers. Tax revenue will be re-invested in sustainable development for the areas most affected by drug trafficking.

The session closed with a more global perspective provided by civil society, outlining the challenges and ways forward for the international drug control system as more and more countries embark on legal regulation initiatives – described as an irreversible trend. The intervention outlined some basic principles to uphold:

- Political honesty when making the case that legal regulation will have better results in terms of health protection and crime prevention, and will therefore be more effective to achieve the overall aims of the UN drug control treaties and complies with human rights principles. Although appealing to these overall aims does not automatically offer a legal escape from the specific obligations to limit drugs 'exclusively to medical and scientific purposes'. Overcoming the inherent tensions requires coordination with like-minded countries, especially from member states who retain their objections on the record to Bolivia's withdrawal from, and subsequent re-accession to, the 1961 Single Convention with a reservation to permit traditional coca use.

- Overcoming the serious impediments to sustainable development, fair trade and social justice within current models of legal regulation, including the dominance of domestic production models which close doors to traditional cannabis growers in the Global South (replacing them instead with environmentally damaging indoor cultivation by big corporations in the Global North). The aim for every country's model should be to 'leave no one behind' at a global level.
- Promote the peaceful co-existence of different regulation and policy approaches, as is already the case for alcohol, for example. Countries that have legally regulated markets should not pressure others to do likewise. Rather, they could explore inter-se modification of the 1961 Single Convention whereby like-minded countries can agree on additional measures, trade rules and protections while respecting their obligations towards other jurisdictions.

During the subsequent discussions, several participants asked questions about the possible diversion of cannabis from legal markets into illegal markets, either within or between countries. While it was broadly agreed that a 'diversion-free' system was an impossible goal, it was also posited that the current international drug control system is one of "100 percent diversion". A balance is needed between preventing diversion on the one hand, and not over-regulating markets on the other (which would hinder the effectiveness of a legal market and further complicate the involvement of small growers and producers). Fears around 'corporate capture', vertical integration and the monopolisation of cannabis markets were also voiced by some participants, seen as contrary to public health and social justice concerns. Some of the measures highlighted above, as well as preferential licensing and tax re-investment in vulnerable communities, were mentioned as useful tools for social equity-based regulation.

WORKING GROUPS: THEMATIC RECOMMENDATIONS

For the remainder of the second day, participants were invited to select two of the four established pillars of the Brandenburg Forum: development, public health, human rights and new trends. Each group was tasked with outlining a series of key recommendations and initiatives for collective action over the coming years. After engaging discussions, the following recommendations from each of the working groups were presented in the plenary on the final day of the Forum. All participants were then invited to 'vote' by placing coloured stickers on the recommendations which they felt were the most important. As in previous years, the results of these 'votes' (below in square brackets) provide a useful indication of the group's sense of priorities as the 2024 mid-term review approaches.

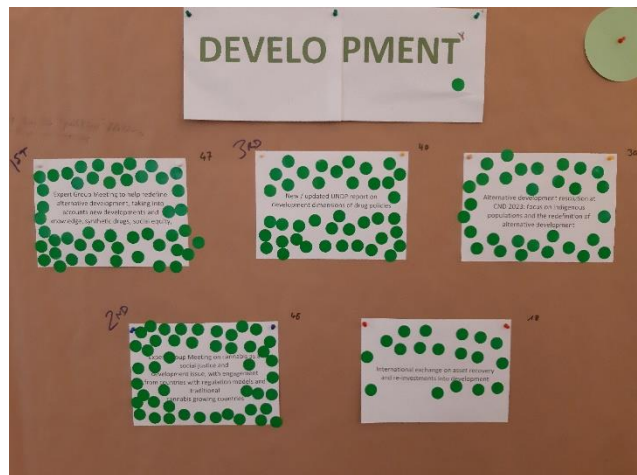
A: DEVELOPMENT

- 1st [47 votes] Expert Group Meeting to help redefine alternative development, taking into accounts new developments and knowledge, synthetic drugs, social equity, etc.**
- 2nd [46] Expert Group Meeting on cannabis as a social justice and development issue, with engagement from countries with regulation models and traditional cannabis growing countries.**

3rd [40] New / updated UNDP report on the development dimensions of drug policies.

[30] Alternative development resolution at CND 2023: focus on indigenous populations and the redefinition of alternative development.

[18] International exchange on asset recovery and re-investments into development.



B: PUBLIC HEALTH

1st [37 votes] CND Resolution on preventing overdose deaths (the first since 2012), with accompanying special event or side event on the topic.

2nd [36] Funding for the World Health Organization to develop best practice guidelines on cannabis regulation and learning lessons from the alcohol and tobacco sector regarding public health and commercial interests.

3rd [27] Expert Group Meeting on good practices and challenges regarding decriminalisation, with the meeting report submitted as a CND Conference Room Paper.

[24] WHO to capture and publish good practice in the implementation of drug consumption rooms with a view of working towards developing technical guidelines.

[19] Expert group meeting on how public health approaches can reduce overdose deaths.

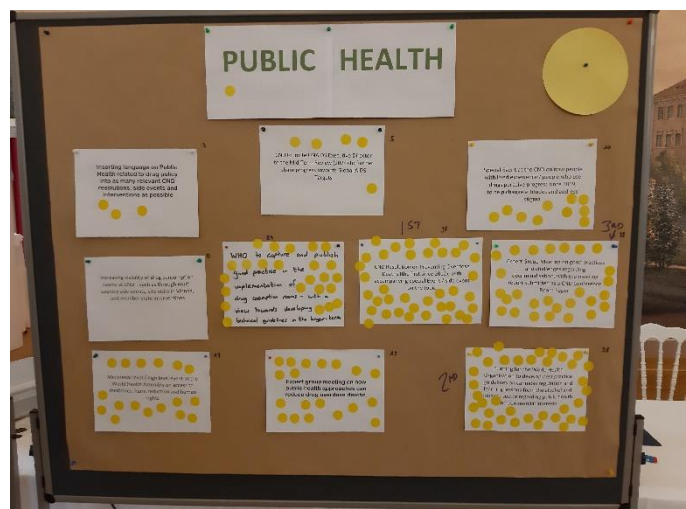
[17] Ministerial level / high level event at the World Health Assembly on access to medicines, harm reduction and human rights.

[10] Special Event at the CND on how people with lived experience / people who use drugs perceive progress since 2019, to help change attitudes and address stigma.

[5] CND to invite UNAIDS Executive Director to the Mid-Term Review (2024) to further share progress towards Global AIDS Targets.

[3] Inserting language on all aspects of public health related to drug policy into as many relevant CND resolutions, side events and interventions as possible.

[0] Increasing visibility of drug consumption rooms at CND – such as through multi-country side events, site visits in Vienna, and member state interventions.



C: HUMAN RIGHTS

- 1st [43 votes] World Drug Report special chapter on human rights – produced jointly with OHCHR and human rights experts, with funding secured from like-minded member states.**
- 2nd [30] Maintain awareness amongst Vienna diplomats of the International Guidelines and practical examples of implementation at the country-level – by building this into the induction offered by UNODC to incoming diplomats every year.**
- =3rd [27] Human Rights Council resolution on drugs in 2023: member states to include references to the International Guidelines, and mandate for a new report by OHCHR in time for the Mid-Term Review (2024).**
- =3rd [27] Continue engagement of human rights bodies and experts in Vienna – including inviting the High Commissioner for Human Rights and the Chair of the Human Rights Council to the CND in 2023.**

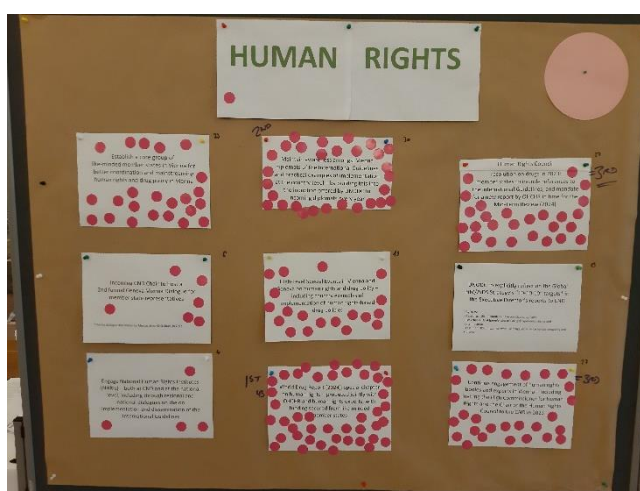
[23] Establish a core group of like-minded member states in Vienna for better coordination and mainstreaming human rights and drug policy in Vienna.

[19] High-Level Special Events in Vienna and Geneva on human rights and drug policy – including country examples of implementation of human rights-based drug policies.

[6] Incoming CND Chair to host a second formal Geneva-Vienna Dialogue for member state representatives (the first dialogue was hosted by Mexico, then CND Chair, in 2018).

[4] Engage National Human Rights Institutes (NHRIs) – both at CND and at the national level, including through regional and national dialogues on the on implementation and dissemination of the International Guidelines.

[0] UNODC to explicitly reflect on the Global HIV/AIDS Strategy's "10-10-10" targets in the Executive Director's reports to CND.⁸



D: NEW TRENDS

- 1st [48 votes] Fund the UN Task Team to produce a new report feeding into the Mid-Term Review of 2024.**
- 2nd [40] Expert Group Meeting(s) on best practices regarding cannabis regulation – including issues of sustainability, trade and social justice – resulting in a meeting report for dissemination.**
- 3rd [35] Like-minded member states to convene and fund an Expert Group Meeting exploring solutions to the treaty tensions relating to cannabis regulation – followed by an event to disseminate the meeting report.**

⁸ The '10-10-10' targets are that, by 2025: less than 10% of countries have punitive [drug] laws; less than 10% of [people who use drugs] experience stigma and discrimination; and less than 10% of [women who use drugs] experience gender inequality and violence.

- [18] CND Resolution on the drug policy, environment and climate change nexus.
- [18] Sensitize New York country missions to the option of using ECOSOC to overcome and overrule blockages faced by NGOs applying for “consultative status” via the Committee on NGOs.
- [10] CND side event on “safe supply” approaches in the context of the overdose crisis.
- [10] Funding for the World Health Organization to undertake ‘return on investment’ studies of interventions such as drug consumption rooms.
- [2] CND side event on frontiers in psychedelics.
- [1] CND side event on kratom.

PARTICIPANT FEEDBACK

Evaluation forms were completed by 40 participants and, as was the case for previous events, the feedback was overwhelmingly positive.

When asked for their main reasons for attending the Forum, most participants selected the content and the networking opportunities. Reassuringly, therefore, all but two participants said that they had acquired new ideas which they can use in their future work. As in previous years, all respondents fed back that the Forum was beneficial.

Finally, 35 respondents agreed that the Brandenburg Forum is an established platform for discussing development-, human-rights-, and health-oriented drug policy approaches.

CLOSING SESSION

After the presentation of the voting exercise results above, the 7th Brandenburg Forum was formally closed by representatives of GPPD and the Permanent Mission of the Netherlands to the United Nations in Vienna, acting in their roles as co-hosts. Both thanked the participants for their energy and expertise over the three days and reflected positively on the way forward. The Colombian Ambassador was then also given the floor for his final remarks and reflections in a personal capacity, and urged participants to continue to think about the bigger picture – what is needed to solve the problems faced with regards to drugs and drug policies. He reiterated the absolute necessity of working together towards the solutions and challenged participants to think about each of the four Brandenburg Forum pillars, considering what the ultimate goal could be, and not just the shorter-term ambitions and activities. It was a fitting, thought-provoking, final word for a thoroughly engaging event.

