

David Borden, prepared remarks for Plenary Item 6
Commission on Narcotic Drug annual meeting, March 16, 2022

Thank you, Chair and Excellencies, for including us in this dialogue. I am David Borden, Executive Director of DRCNet Foundation, also known as StoptheDrugWar.org.

One of the commitments in the 2019 Ministerial Declaration is "promoting and protecting health, including access to treatment, safety and the well-being of all humanity." Following the 2014 invasion of Crimea by the Russian Federation, access to methadone in that region was abruptly terminated. It is believed that as many as 100 patients in addiction treatment died as a result of this. The representative of The Netherlands noted Monday that Russia's current attack on Ukraine has impacted concerns of this Commission. So indeed did Russia's 2014 attack on Ukraine.

Authoritarianism is on the rise. My organization has therefore added rule of law efforts to the ways in which we pursue better drug policies. We are active in global civil society networks including the Coalition for the International Criminal Court, and the GloMag Coalition. "GloMag" is short for Global Magnitsky Act, the best known of a number of US laws that individually target perpetrators of human rights violations or financial corruption. Sergei Magnitsky was an attorney who exposed financial corruption by an ally of Russian President Vladimir Putin, and whose assassination is believed to have been authorized by President Putin. The EU, Canada, and UK have recently passed Magnitsky laws.

In partnership with allies, we will soon be submitting information on Russia's actions with respect to methadone in Crimea, to the International Criminal Court, for the prosecutor's consideration. Should the matter get included in the ICC's Ukraine investigation, it will be the second case of a drug policy matter coming before the Court. The other is the investigation of extrajudicial killings in the Philippine drug war.

The ICC -- a UN partner -- suffers from chronic underfunding, partly due to a "zero nominal growth" policy espoused by several member states, all but one of which are NATO members. We hope the current situation provides a new perspective. We believe the context in which to understand any proposed ICC budget increase is not its roughly 150 million Euros annually, but the trillions NATO and others spend on security.

Another situation impacting on this Commission at this time is the growing difficulty faced by NGOs seeking Consultative Status with ECOSOC. According to an analysis by the International Drug Policy Consortium, NGOs working on drug issues are among the leading categories targeted, by a handful of governments but by Russia's most of all. Between 2017 and 2021, Russia asked 43% of the questions put to NGOs in the drug field. Each time a committee member submits a question to an NGO, the NGO's application is deferred for half a year until the next meeting. A Russian NGO providing harm reduction drug services has been deferred in this way 11 times, getting neither a yes nor a no to their application in more than six years.

I lastly note that policy statements from this Commission routinely have the language "in accordance with national legislation" added during negotiations. It is the reliance on consensus in Vienna which allows some member states, Russia most often again, to in that way weaken the impact of the Commission's work. To get any reference to forward-looking ideas included, delegations advocating for them have no alternative but to agree with such qualifications, if voting is not an option. Consensus is a good principle, but every principle has its limits. Consensus if taken too far can be a tool for authoritarians.

Thank you.