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**Follow-up to the special session of the General
Assembly on the world drug problem held in 2016,
including the seven thematic areas of the outcome
document of the special session**

Statement submitted by the New Zealand Drug Foundation**

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

* [E/CN.7/2019/1](#).

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Recommendations to Member States on steps to ensure indigenous rights in drug policy

Purpose

Member States have an important opportunity during the 2019 High-level Ministerial Segment and the Commission on Narcotic Drugs regular session to ensure that the next decade in international drug policy is strongly grounded in indigenous rights principles to ensure that drug control efforts are effectively designed to protect indigenous peoples and do not result in further harm.

New Zealand Drug Foundation is calling on all Member States to ensure that the Ministerial Declaration adopted at the High-level Ministerial Segment recognizes that indigenous rights should be respected and protected during the design and implementation of drug policies and that Member States' obligations under international indigenous rights commitments are upheld in all drug policy-related matters.

Background

Internationally there has been unprecedented levels of change and innovation in drug law reform, including moves away from punitive criminal justice approaches. However, indigenous peoples still carry the disproportionate burden of harm from punitive approaches and do not equally benefit from health-based approaches.

While the Outcome Document of the United Nations General Assembly Special Session 2016 acknowledges the Rights of Indigenous Peoples (4i) it is largely silent on the challenges facing indigenous communities and the subsequent inequalities associated with legal and illicit drug use.¹

Following that Special Session, at the Healing Our Spirit Worldwide – The Eight Gathering conference held in Sydney, Australia in November 2018, an International Indigenous Drug Policy Network was formed by the New Zealand Drug Foundation, the Thunderbird Partnership Foundation (Canada) and the Aboriginal Drug & Alcohol Council (Australia). The motivation for this was to ensure the world's indigenous, aboriginal and first nations peoples have a voice on international issues associated with drugs, particularly as a result of the Outcome Document insufficiently addressing these issues.

The network was established in an interim capacity by those three organizations, who are working to consolidate and formalize a representative international indigenous group. The New Zealand Drug Foundation is presenting this submission in lieu of the formal establishment of that representative international group, to ensure that indigenous issues are at the forefront of international discussions on drug policy in 2019 and the coming decade.

Discussion

Indigenous people experience disadvantage right across all socioeconomic indicators. The gap in health status between indigenous and non-indigenous remains unacceptably wide and is identified as a human rights concern by the United Nations.²

In terms of illicit drugs, possession, use, supply and manufacturing all have serious implications for indigenous peoples. Drug use and drug harm is often disproportionately concentrated in indigenous communities and this, combined with discriminatory law enforcement, explains the racial disparity in drug arrests and poor

¹ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/V16/017/77/PDF/V1601777.pdf?OpenElement>.

² United Nations Committee on the Rights of the Child, Concluding Observations – Australia, Unedited version, United Nations Document: [CRC/C/15/Add.268](#); United Nations Committee on the Elimination of Racial Discrimination, Concluding observations of the Committee on Australia, United Nations Document: [CERD/C/AUS/CO/14](#), para. 17.

health outcomes for these populations. The evidence is growing that drug arrest rates are influenced by racial bias or racist intent and that this is reinforced by the domestic implications of international treaties, conventions and declarations.

The disproportionate impact of current drug laws, policy and practice on indigenous peoples fits within the context of the personal and institutional racism that all indigenous communities have consistently suffered in colonial and post-colonial societies.

The International Drug Policy Consortium Drug Policy Guide, 3rd Edition 2016, states that governments should repair the discrepancies between United Nations drug conventions and international agreements, to ensure that the rights of indigenous peoples are upheld and fully protected. It also states that indigenous communities should be meaningfully involved in the design and implementation of any policies and regulations that affect them.³

Recommendations

Recognize the UNGASS 2016 Outcome Document as the basis for the next phase of international drug policy, but also recognize that it doesn't go far enough in relation to indigenous rights. While the Outcome Document acknowledges the United Nations Declaration on the Rights of Indigenous Peoples, it is largely silent on the challenges and inequalities facing indigenous communities associated with legal and illicit drug use.

Incorporate strong language on indigenous rights and highlight Member States' obligations under international commitments while designing and implementing drug policies. A new Declaration must have clear references to Member States' obligations to comply with their obligations under international indigenous rights commitments in the design and implementation of drug policies.

Ensure that the rights of indigenous people to cultivate and use certain substances for traditional, religious and cultural purposes are upheld. This will require correcting the tensions between the United Nations drug control treaties and international indigenous rights obligations, in particular the United Nations Declaration on the Rights of Indigenous Peoples.

Promote wider engagement of United Nations Permanent Forum on Indigenous Issues (PFII) and other United Nations agencies in the development, implementation and evaluation of drug policies. A wider engagement of regional and international indigenous peoples, including PFII and other United Nations agencies, with the Commission on Narcotic Drugs and other drug control bodies is needed to ensure that drug control policies uphold indigenous rights. A new Declaration should establish the procedures to deepen the engagement and participation of indigenous peoples in the design, implementation and evaluation of drug policies, both at the national and international level.

³ International Drug Policy Consortium Drug Policy Guide, 3rd Edition 2016.