

Roundtable 4

Cross-cutting issues: new challenges, threats and realities in preventing and addressing the world drug problem in compliance with relevant international law, including the three drug control conventions; strengthening the principle of common and shared responsibility and international cooperation

(i) New challenges, threats and realities in preventing and addressing the world drug problem in compliance with relevant international law, including the three drug control conventions

Stocktaking: what works and what does not work

Emerging challenges on health

The unprecedented emergence of potentially dangerous psychoactive substances, which are not under international control, has led to their increased abuse, hospital emergency admissions, and sometimes fatalities. These new psychoactive substances (NPS), while often marketed as “legal” alternatives to substances under international control, may pose public health and safety threats comparable to those of traditional illicitly used substances.

The harmful effects, as evidenced in reviews by the World Health Organization's Expert Committee on Drug Dependence (ECDD) include: the tolerance, withdrawal symptoms and the dependence-producing properties of synthetic cannabinoids; high-frequency injecting use and the associated risks of transmission of infections such as HIV; emergency room admissions and fatalities due to the use of NPS with stimulant effect such as alpha-PVP; and overdoses due to highly potent NPS with hallucinogenic effect often sold as LSD.

A growing interplay between NPS and traditional illicit drug markets is being observed, and there is concern that synthetic drugs and NPS with stimulant effect are inter alia being used by people who inject drugs (PWID), sometimes as substitutes for traditional drugs. Reports show that people who inject synthetic drugs and NPS with stimulant effect often do so at a more frequent rate than other PWID, often share needles or other contaminated injecting paraphernalia and are involved in high-risk sexual behavior. This may expose already vulnerable groups to additional health risks, including an elevated risk of acquiring or transmitting HIV and other blood-borne viruses¹.

Emerging challenges in supply

The internet has increasingly been used for the illicit sale of internationally controlled narcotic drugs, psychotropic substances, precursor chemicals and new psychoactive substances. Various online platforms including social media networks and chat rooms are continually being used by drugs traffickers to advertise and illicitly offer controlled substances for sale thereby gaining access to new clients who may not have actively sought to purchase such substances.

In addressing this problem, law enforcement efforts are usually faced with various challenges within their domestic legislative and policy framework. Examples include overly protective legal regimes which limit access to computer data and electronic evidence by law enforcement officers within some jurisdictions while others have weak internal and oversight mechanisms and limited resources to respond to speedy online transactions usually conducted in more than one jurisdiction.

One of the new emerging trends after the 2009 Political Declaration has been the use of the Internet, including the darknet, for trafficking purposes, notably for ecstasy, hallucinogens, cocaine, ketamine and other synthetic drugs, less so for heroin and methamphetamine. Such trafficking continues to take place despite of major international law enforcement successes in shutting down some of the major trading platforms on the darknet, such as Silk Road (2013) and Silk Road 2.0 (2014).

In many countries the criminal justice system, including law enforcement, is still not in a position to deal effectively with this challenge. Apart from practical problems such as the necessary technical equipment and the availability of internet specialists who are also at ease with the language used in

¹ UNODC Global SMART Update Volume 15 (2016).

such drug fora, there are a number of other difficult legal issues that need to be addressed, including:

- the identification of the responsible jurisdiction, combined with the routine international sharing of information, especially when the physical location of sellers and buyers is unknown;
- the use of undercover agents (both online and offline) to infiltrate such networks to gather evidence and undermine the criminal business model; and
- the development and implementation of legislation to require suspects to reveal passwords/decryption information when charged with an offence.

Cross-cutting challenges

The last two decades have seen major improvement in the monitoring of the drug problem with an increasing global support for evidence based drug policies, however:

- in major parts of the world, in particular in low and middle-income countries, policies are not necessarily evidence-based and the monitoring of the drug problem is still in its very early development.
- there is still a lack of understanding of the cross-cutting nature of drug related issues - both the economic and social factors that underlie the drug problem and the impact that drugs have on a range of other areas including economy, governance, public health, human rights, security. Therefore there is a need to further strengthen the use and analysis of relevant, reliable and objective data to embrace the full complexity of the problem, and the interplay between its multiple facets and between the implementation of drug and other related policies.

Proposals for addressing the issues and way forward

Emerging challenges on health

1. Policy makers and practitioners need to be aware of the nature, extent and emerging trends in drug use and related harms in their countries, including by enhancing the capacity and effectiveness of national laboratories for the detection and identification of NPS.
2. Member States can make available the range of evidence informed services and interventions for treatment of opioid dependence and associated harm in accordance with the International Standards of Treatment of Drug Use Disorders, the WHO/UNODC/UNAIDS comprehensive package for HIV among people who inject drugs and other international guidelines for treatment, prevention of health consequences and prevention of overdose among opioid users.

Effective risk communication is key for the prevention and control of NPS and some Member States have incorporated NPS in their drug prevention awareness programmes.

Early warning systems such as the UNODC Early Warning Advisory on NPS offer an opportunity for awareness raising and risk communication at the national, regional and international levels. They need to be expanded and promoted to enhance the ability of countries to anticipate threats due to NPS and reduce risks to individual and public health consistent with Sustainable Development Goal 3 (Ensure healthy lives and promote well-being for all at all ages).

Emerging challenges in supply

Member States have acknowledged the need to develop more specific measures aimed at addressing new drug trafficking trends including the use of internet-based e-commerce. The strengthening of coordination and cooperation mechanisms amongst relevant law enforcement agencies is another key aspect that has been recommended for Member States. In 2009, the INCB published 'Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet'² to assist Governments in addressing problems related to the trade in internationally controlled substances on the internet. These Guidelines highlight the importance of preventive measures needed to stop the further proliferation of the illegal sale of internationally controlled substances by internet pharmacies and the need to empower appropriate authorities to investigate and take legal action against such internet pharmacies and similar websites.

Provision of technical assistance and capacity building of Member States to collect and exploit digital evidence is also key to address the threat posed by drug trafficking through the internet. A number of measures can be effective, including but not limited to:

- Provision of National Cybercrime Assessments and tailored response analysis - this provides a baseline analysis to work from.
- Digital Evidence training for investigators, prosecutors and judges to ensure that investigations and prosecutions achieve best evidence – including the use of mutual legal assistance – and that all involved can understand and, crucially, can explain the concepts of the evidence available to them.
- Design and delivery of a rights-based national online (and where necessary, offline) undercover training course to enable Member States to comprehensively infiltrate and disrupt online criminality and, where possible, prevent crime from impacting upon their jurisdiction through the routine monitoring of darknet, peer-to-peer and internet-relay-chat sites.

² http://www.incb.org/documents/Narcotic-Drugs/Guidelines/internet/NAR_guide_Internet_guidelines_English.pdf

- Long-term regional cybercrime mentoring programme led by UNODC (this would ensure the provision of practical investigative, legal and judicial support for Member States from the outset of an investigation through to conclusion).
- Provision of the necessary technical equipment (identified through a national assessment) to collect, analyse and store evidence from internet-enabled technology (including, but not limited to, Cellebrite UFED devices, EnCase /FTK software, dedicated servers, dedicated digital evidence protection and storage etc).

Cross-cutting challenges

Promoting the use and analysis of relevant, reliable and objective data is key to improve the implementation of comprehensive, integrated and balanced drug control strategies, policies and programmes. The Commission on Narcotic Drugs and other relevant regional and international organizations have an essential role to play in fostering the sharing of best practices and lessons learned between Member States. It is also important that the countries that are in greater need of technical assistance when developing drug policies that are scientific evidence-based, make the best use of the expertise and resources, including guidelines on public health and criminal justice science-based responses, available within the United Nations Office on Drugs and Crime, the International Narcotics Control Board, the World Health Organization and other relevant United Nations entities within their respective mandates.

(ii) Strengthening the principle of common and shared responsibility and enhancing international cooperation, including technical assistance, leading up to 2019

Stocktaking: what works and what does not work

The 2030 Agenda aims to revitalize the Global Partnership for Sustainable Development, based on a spirit of strengthened global solidarity, focused in particular on the needs of the poorest and most vulnerable and with the participation of all countries, all stakeholders and all people. The Agenda is accepted by all countries and is applicable to all, taking into account different national circumstances (specificities), capacities and levels of development and respecting national policies and priorities. Recognizing that the dignity of the human person is fundamental, the Agenda sees the sustainable development goals and targets met for all nations and peoples and for all segments of society. For a more extensive discussion on the 2030 Development Agenda, see Roundtable 5 background note.

Proposals for addressing the issues and way forward

Linking the principles of the 2030 Development Agenda based on a spirit of strengthened global solidarity with the principle of common and shared responsibility as embedded in the three international drug control conventions, a special effort should be made to support those countries with weak capacities, limited resources and multiple health priorities, to enhance prevention and treatment of illicit drug use. In the context of a truly comprehensive, integrated and balanced approach, such increased aid towards public health responses should not be to the detriment of supply reduction efforts, but within the context of cost effective outputs to the benefit of both the recipient country and the international community. International aid flows and technical assistance need to reflect this new UNGASS paradigm of a comprehensive, integrated and balanced approach, guided by principles and objectives embedded in the Conventions.

Questions for discussion

- **What measures e.g. early warning systems, are in place to enhance the ability of Member States to anticipate the risks due to NPS/synthetic drugs and their preparedness to address such issues?**
- **Who is responsible for conducting customer due diligence throughout the supply chain? What more can be done to minimize the abuse of legitimate online wholesalers?**
- **What form of international cooperation could be established to have more effective way to address the common challenges related to drug trafficking through the Internet, including the darknet?**
- **How can the international community strengthen the collection and use of relevant, reliable and objective data as a basis for comprehensive, integrated and balanced evidence-based drug policies within the framework of the international drug conventions?**
- **Acknowledging that international and domestic resources are stretched, how can these be cost effectively allocated taking in consideration the comprehensive, integrated and balanced approach to the world drug problem?**
- **How can Member States enhance general knowledge of national drug policies, priorities and needs, both domestically and internationally, in line with the principle of common and shared responsibility and acting within the framework of the international drug conventions and applicable international law?**