

## **Establishing the case for 'draft international guidelines on human rights while countering the world drug problem': Rural Supply Reduction & Development**

**Project Partners:** The United Nations Development Programme & the International Centre on Human Rights and Drug Policy

### **Project overview:**

Across the globe countries that have historically cultivated plant-based controlled drugs including coca and opium have borne the brunt of international efforts to stem supply. Increasing international pressure, frequently from the United States, in combination with the international legal obligations created by three international drug control treaties has resulted in intensive crop eradication programmes in these countries throughout the twentieth century. The impact on rural farmers has been devastating and a large body of evidence has illustrated the significant human rights impacts on rural communities, including their development prospects, with no aggregate effect on rates of production.

The United Nations Development Programme's (UNDP) mandate extends from development assistance to acting as the lead for the Joint United Nations Programme on HIV/AIDS' (UNAIDS) work on human rights and co-lead of UNAIDS' work on key populations, which includes people who use drugs.<sup>1</sup> Given the effects of drug control efforts on the rights of rural farming communities, indigenous populations, and people affected by HIV, the UNDP is well placed to initiate a project on the development of draft guidelines on human rights while countering the world drug problem. As of 2015, the UNDP has been the lead UN agency undertaking exploratory work to determine what its role may be in the development of these guidelines. The International Centre on Human Rights and Drug Policy has played a leading role in advocating for such guidelines, including in collaboration with the UNDP.

While a growing body of scholarship has begun to clearly identify how guidelines can be effective in addressing the health impacts of drug policy, little has emerged on how these standards may be useful in the supply reduction context. This project will map out the international legal obligations for supply reduction, the domestic implementation of such obligations, and the human rights impacts on rural communities. A secondary dimension to this project will use a case study (TBC) to illustrate how human rights guidelines may be used to address the problem. The project output will serve as an important scoping document for UNDP as it currently considers ways forward on this important international project. The project output

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<sup>1</sup> UNAIDS is comprised of 11 co-sponsors: United Nations High Commissioner for Refugees, United Nations Children's Fund, World Food Programme, United Nations Development Programme, United Nations Population Fund, United Nations Office on Drugs and Crime, United Nations Entity for Gender Equality and the Empowerment of Women, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, World Bank and the World Health Organisation. For a summary of the division of labour among the co-sponsors and the UNAIDS Secretariat, please see UNDP, Preventing and Responding to HIV Related Human Rights Crises: Guidance for UN Agencies and Programmes, September 2014.

has important uses outside of UNDP as it will further clarify State human rights/drug control obligations informing both advice provided by UN technical agencies and reviews undertaken by UN human rights monitors. At the same time, this document can be used as an advocacy tool for civil society and a diplomatic resource for member States in this emerging area of international debate.

**Project Output:** 20 page scoping document

The project output should be structured to include the following:

- The international legal framework that applies to rural supply reduction (eradication of internationally controlled crops cultivated illicitly)
  - What do the drug control conventions require with respect to supply reduction? What are the limits of state discretion?
  - What is recommended in political declarations adopted at the UN/regional fora? What are the gaps?
- Developments at the domestic level: mapping out the human rights impact
  - How have these legal obligations been interpreted and applied on the ground?
  - How do these supply reduction activities affect the rights of poor farmers and those living in communities where crops are grown? (food, water, housing, child rights, women's rights, etc)
  - What are the international legal obligations to protect against and address rights violations under the relevant IHRL treaties?
- Case study (*TBD by project partners*) used to illustrate the problem
- Articulation of how guidelines may be useful in addressing the problem—bringing in examples of other standard settings guidelines (for example, HIV and human rights,<sup>2</sup> and on sexual orientation and gender identity (the Yogyakarta Principles) and their subsequent uses (international, regional, domestic)

**Project timeline & activities:**

This project is centered around key research and learning goals and one briefing paper deliverable.

**Project Phase 1 (October-December 2015): Building effective research plans**

Clinic participants will:

- Acquire basic legal and human rights research skills
- Undertake research of drug control law and international policy and apply a human rights critique of its implementation

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<sup>2</sup>Office of the United Nations High Commissioner for Human Rights and the Joint United Nations Programme on HIV/AIDS, HIV/AIDS and Human Rights International Guidelines (Geneva: UNAIDS, 1998), UN Doc. HR/PUB/98/1

- Acquire skills to design and implement a research project timeline and strategy
- Complete a research project work plan
- Understand the scope of international work on rural supply reduction as well as institutional and political challenges to the effective implementation of human rights in this area
- Attend an introductory lecture on why human rights matters in drug control
- Participate in a project partner discussion with the United Nations Development Programme
- Understand various human rights standard setting documentation and their uses to promote and strengthen human rights
- Produce a draft project outline by December 2015

**Project Phase 2 (January-June 2015): Researching and drafting a research-based advocacy briefing paper**

- Attend a two-day intensive course on human rights and drug policy hosted by the HRDP
- Complete comprehensive research for briefing paper
- Develop writing skills through regular supervisory and peer review exercises
- Collaborate regularly with team on research and writing tasks through team meetings and/or collaborative writing engagements
- Submit regular writing drafts of research and a full provisional draft to project partners for review
- Complete a final, high quality academic briefing paper
- Prepare and deliver an oral intervention on the promotion and protection of human rights in the implementation of supply reduction strategies at the March 2016 Commission on Narcotic Drugs in Vienna, Austria

**Partner Roles:**

HRDP: Co-Director will manage and oversee the day-to-day progress of the Clinic team, including through bi-weekly Clinic team meetings

UNDP: Provide commentary on initial outline & provisional written draft prior to final submission; provide a 1-hour introductory lecture of UNDP's role in the subject area and the general problem

Clinic team: 4 students, working from October to end of June will produce the necessary draft outline, written draft, and final project output

**Bibliography**

**Legal Sources**

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Convention on Psychotropic Substances 1971 <http://www.hr-dp.org/contents/736>

Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 <http://www.hr-dp.org/contents/737>

Universal Declaration of Human Rights 1948

International Covenant on Economic, Social and Cultural Rights 1966

International Covenant on Civil and Political Rights 1966

Convention on Biological Diversity 1992

International Convention on the Elimination of Racial Discrimination 1965

UN Declaration on the Rights of Indigenous Peoples 2007

ILO Convention 169-Indigenous and Tribal Peoples Convention 1989

UNESCO Convention for the Safeguarding of Intangible Cultural Heritage 2003

### **Key Jurisprudence**

Human Rights Committee, Ilmari Länsman et al. v. Finland (Communication 511/1992)

*Saramaka People v. Suriname*, Preliminary Objections, Merits, Reparations, and Cost, Inter-Am. Ct. H.R. (ser. C) No. 174, paras 131 and 136 (Nov. 28, 2007)

ICJ Colombia v Ecuador (written proceedings)—look here for more sources and jurisprudence

### **General Reading**

'Perspectives on the development dimensions of drug control policy', UNDP (2015) <http://www.hr-dp.org/contents/1124>

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Mannava, P., Zegenhagen, S., and Crofts, N. (2010). Dependent on development: The interrelationships between illicit drugs and socioeconomic development Nossal Institute for Global Health and Family Health International

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D Barrett, 'Unique in International Relations?: A Comparison of the International Narcotics Control Board and the UN Human Rights Treaty Bodies', International Harm Reduction Association, 2008. <http://www.hr-dp.org/contents/178>

D Barrett, R Lines, R Schleifer, R Elliott, D. R. Bewley-Taylor, 'Recalibrating the Regime: The need for the human rights-based approach to international drug policy' <http://www.hr-dp.org/contents/169>

Harm Reduction International, Human Rights Watch, Open Society Foundations, Canadian HIV/AIDS Legal Network, 'Human Rights and Drug Policy: Briefing No. 6 - Crop eradication' <http://www.ihra.net/contents/804>

'Bolivia's concurrent drug control and other international legal obligations' International Centre on Human Rights and Drug Policy, 2011 <http://www.hr-dp.org/contents/90>

D. Barrett and M. Nowak 'The United Nations and Drug Policy: Towards a human rights-based approach' in The Diversity of International Law: Essays in Honour of Professor Kalliopi K. Koufa, pp. 449-477, Aristotle Constantinides and Nikos Zaikos, eds., Brill/Martinus Nijhoff, 2009 [http://www.ihra.net/files/2010/07/01/The\\_United\\_Nations\\_and\\_Drug\\_Policy\\_%28with\\_Manfred\\_Nowak%29.pdf](http://www.ihra.net/files/2010/07/01/The_United_Nations_and_Drug_Policy_%28with_Manfred_Nowak%29.pdf)

UN Office on Drugs and Crime, 'UNODC and the Promotion of Human Rights', 2012 <http://www.hr-dp.org/contents/709>

Review reports produced by UN Special Procedures & Treaty Bodies: available to easily search and filter at the HRDP e-library: <http://www.hr-dp.org/e-library>

### **Soft law normative standards**

Guidelines on HIV/AIDS & Human Rights <http://www.ohchr.org/EN/Issues/HIV/Pages/InternationalGuidelines.aspx>

Council of Europe Guidelines on Human Rights in the Fight Against Terrorism [http://www.coe.int/t/dlapil/cahdi/Source/Docs2002/H\\_2002\\_4E.pdf](http://www.coe.int/t/dlapil/cahdi/Source/Docs2002/H_2002_4E.pdf)

The Yogyakarta Principles [http://www.yogyakartaprinciples.org/principles\\_en.htm](http://www.yogyakartaprinciples.org/principles_en.htm)

Guiding Principles on Business & Human Rights [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

### **Lectures & Multimedia**

Why Human Rights Matters in Drug Control: <http://www.hr-dp.org/lectures>

Insite: Not Just Injecting, but Connecting <http://www.hr-dp.org/contents/720>

Parallel Universes: Human Rights and International Drug Control: <http://www.hr-dp.org/contents/110>