

Intervention of the Chief of the Delegation of the Eastern Republic of Uruguay

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Mr. President

The delegation of the Eastern Republic of Uruguay greets you and the distinguished members of the Table auguring that your performance be fruitful. Relay on our collaboration to fulfil the recommendations of Secretary-General Ban Ki-Moon, when he urged the states to use UNGASS 2016 as an “*opportunity* to conduct a wide-ranging and open debate that considers all options”.

Uruguay congratulates the effort and contribution of all those who have collaborated to make **Road to UNGASS 2016**, besides its imposed direction, an ongoing debate. To those that work from the States, to the invaluable involvement of the social civil organizations, to the Universities, academic centers, journalists, analysts and leaders of opinion. To the efforts to achieve consensus and agreements of regional organisms such as CELAC, OEA, UNASUR, MERCOSUR, also to the European Union, African Union, Commonwealth of Independent States (CIS) that have developed an inclusive process with important contributions of NNUU agencies like the Nacional Program of Development of the UN, World Health Organization (WHO), Office High Commissionaire of Human Rights (OHCHR) and United Nations Office of Drugs and Crime (UNODC). We still have a hard task in the search of an inclusive consensus, one that is not a repetition of common places and that steps up and reflects the richness of this debate. We are still on time for this not to become a new frustration and to move forward into a realistic debate that is not a repetition of the current situation.

In a note of Chinese poetry **to let a hundred flowers bloom and that a hundred schools contend**, we must extend this debate, without diminishing the common and shared responsibility that we have in the framework of international cooperation. To guarantee that we arrive at UNGASS with the richness of diversity and a true debate.

Mr. President

Road to UNGASS 2016 has inaugurated a new state of political consensus on the basis of diversity. This may or not be reflected in this text and that is a challenge these days. We will achieve that UNGASS considers all options or we will repeat the same phrases. Facts are facts. There is an extended, wide and

fermentable debate which is undeniable. We have different views, there are new and renewed approaches and most importantly, we will live with those because far from a weakness they are a strength. There are new languages and concepts: these must take part in the new definitions, move forward. In our region coexist different approaches and we achieve consensus. Only one week ago, on March 4th, the ministers of Latin America and the Caribbean in Santo Domingo, under the Presidency Pro Tempore of Dominican Republic, issued a statement directed to UNGASS 2016 (which has been distributed in the room) in which it is stated:

“Inspired, as we have already done, on the principle of unity in diversity (...) we declare our commitment to address the world drug problem and revert its serious social impact, always within the framework of full respect of Human Rights and the right of the States to formulate their own drug policies based on their realities, promoting and guaranteeing access, without any restriction, to prevention, comprehensive care, treatment, rehabilitation and social integration of the individual (...) Reaffirming that three United Nations conventions on drugs and other relevant international instruments, such as the United Nations Charter and the Universal Declaration of Human Rights continue to be the cornerstone of the international system for drug control (...) Recognizing, as indicated in the Declaration of Quito, that the social, cultural and economic diversity of the countries in the region must allow the formulation of diverse, broad and comprehensive policies, within the framework of the three United Nations conventions on drugs and other relevant international instruments; fully respecting their sovereignty and territorial integrity.

The Declaration of Santo Domingo states:

“To promote programs to reduce risks, to prevent and to revert the social impact generated by the drug world problem;

“The importance of applying the legal principle of proportionality in penalization to establish different levels of responsibility for those involved in drug trafficking, (...) respect to due legal process (...)

“To achieve, in line with national legislations, as long as impunity is not generated, the development of alternative measures in the application of justice”

Other regional organization have pronounced themselves in the same way:

The States of MERCOSUR, in the Declaration of Brasilia of the XX Reunion of Authorities of Drugs, in august of 2015, state that:

“The legal framework of the three United Nations Conventions on drugs if sufficiently wide and flexible to allow us to approach our different national experiences; and acknowledging the different efforts that the nations of MERCOSUR perform to approach the world wide issue of drugs in the region from their respective realities, restating the importance that all approaches, including new approaches, be grounded in scientific evidence (...) in the search of effective solutions”

The South American Council on the World Wide Problem of Drugs of UNASUR, approved in august of 2015, affirms:

“All the approaches of the politics on drugs must be understood as answers to the challenges that we face related to all aspects of the world wide problem of narcotics, as a social economical phenomenon always grounded in the respect to Human Rights, the intercultural diversity, the scientific evidence, public health and social inclusion”

The Organization of American States, in *its 43rd General Assembly in 2013 held in Antigua, Guatemala, pronounced similar terms emphasizing 1. “to advance in a coordinated manner in the search for effective solutions (...) with a comprehensive, strengthened, balanced, and multidisciplinary approach with full respect for human rights and fundamental freedoms (...) 2. That they encourage the consideration of new approaches to the world drug problem in the Americas based on scientific knowledge and evidence”*

Mr. President

Uruguay promoted in the 51st Period of Sessions in 2008, the resolution 51/12 which promotes the due coordination of instruments of Human Rights to the system of drug control. Declaration which today is included in the report of the High Commissioner for Human Rights issued by resolution 28/28 of the Counsel of Human Rights. In the High-level Segment of 2009, Uruguay insisted upon the necessity of a wide and open debate, which made a serious and demanding balance of the Plan of Action and the goals set in UNGASS 1998. We didn't give ourselves the opportunity. Today we face the same situation. Voices are raising and the evidences of the failure of a strategy completely unbalanced which has provoked severe consequences starting from a predominantly repressive approach are overwhelming.

Mr. President

The title of Alain's Resnais inspires us: **“The war is over”**. An irrational war, sustained from a fundamentalist approach of strict prohibition with the pretension of being a single line of thought. The single line of thought is also over. We unleashed an absurd against substances, and we proposed in 1998 to eradicate all the crop and have a world free of drugs. We prohibited so much that now, besides having a war, we lack access to those which ease pain and heal. We forget that the etymology of “drug”, is *Pharmacon*, which in Greek means at the same time remedy and/or poison.

It has also been an irrational war due to the disproportion of the penalty to the offense, the implementation of the death penalty and the criminalization of users. Due to the creation of an indiscriminate front of repression against the entire chain of production, distribution and consumption of drugs which has increased the violence without weakening the organized transnational delinquency. The worst of an indiscriminate war: it has taken legitimacy from the just execution of the law. The extended front has not allowed to concentrate the blows to the more important links such as asset laundering,

corruption and white collar criminals. Strictly speaking, this form of regulation of the illicit market has generated impunity.

Mr. President

Let's quote those who know about the art of war. General Vo Nguyen Giap, hero of the Vietnamese resistance against colonialism and imperialism in Dien Bien Phu and Saigo, recently deceased military genius, stated: "the most important thing in war is men, not weapons". Western thought took some time to learn this lesson. Sir Basil Liddell Hart in *The strategy of indirect approach* sustains: "...the longest way round is often the shortest way there". None of this has been understood in this crusade against drugs.

In the words of ONU's ex-Secretary-General, Kofi Annan: *"I believe that drugs have destroyed many lives, but wrong government policies have destroyed many more."*

"The "war on drugs" has not succeeded. Some estimate that enforcing global prohibition costs at least \$100 billion (€90.7 billion) a year, but as many as 300 million people now use drugs worldwide, contributing to a global illicit market with a turnover of \$330 billion a year, Prohibition has had little impact on the supply of or demand for drugs. (...) The widespread criminalization and punishment of people who use drugs, the over-crowded prisons, mean that the war on drugs is, to a significant degree, a war on drug users -- a war on people." (http://www.huffingtonpost.com/kofi-annan/why-its-time-to-legalize-drugs_b_9298502.html)

The report of the High Commissioner for Human Rights states: *"The World Health Organization has recommended the decriminalization of drug consumption, including the use of injectable drugs, since by doing so it could perform a fundamental role in the application of its recommendations on interventions in the health sector, including the harm reduction and in the treatment and attention of people that use drugs. UNAIDS has also recommended the decriminalization of drug consumption as a mean to reduce the number of infections by HIV and to treat AIDS."*

Mr. President

A different vision on how the substances market functions as well as a more efficient and human regulation of it is needed. It is clear that the supply and demand dynamic does not distinguish between legal and illegal areas, it follows laws that intend to maximize profit and promote growing consumption at all levels. This is evident in substances with legal circulation that have severe repercussions to public health such as alcohol and Tobacco. Uruguay has the faculty to speak about the market interests since it applies the WHO Framework Convention on Tobacco Control. The free market is not interested in health or human wellbeing. Leaving substances circulation in the hand of an illegal supply and demand dynamic is even more dramatic and regulation that is based on repression has proven to be inefficient and even more distorting.

Uruguay has always maintained a position that is clear and without ambiguities claiming the proper conjunction of the Human Rights instruments and the policies towards drugs together with the need of an honest debate. We have exposed our national position to UNGASS 2016: “Axes for an integral approach of the substances policies”. With this integral approach we are promoting a new model for the regulation of the cannabis market, complying with our Constitution and in the use of our sovereign right with observance to the international instruments. This approach possesses strong institutionalism in the interest of public health and is in permanent and demanding revision. It answers to our history, to the Uruguayan cultural peculiarities and to our tradition. It does not intend to be an applicable solution to other countries, and as our fellow Caribbean brothers, we don't want a “copiadera” (to copy paste solutions). This is an approach that is being implemented in dialogue with civil social organizations, with the states of the region, with the cooperation of the University of the Republic of Uruguay, research centers and health professional's organizations.

The International Narcotics Control Board just visited our country. We had an excellent dialogue and in spite of controversial opinions on conventionality, they presented interest to follow this initiative.

Public policies must inform, prevent and educate. They must also reach to those who decide to continue the consumption with the final objective to reduce harm and to regulate supply and demand.

The right to health, understood as a state of social and physical wellbeing, means more than an economist mechanism to reduce demand. It means social development, prevention, community work in the territories, low demanding intermediate devices. Also proper scientific treatments for troubled consumption, including the illness that is addiction. Our politics must address to real human beings in their contexts, with their histories, weaknesses and vulnerabilities. The State must prevent adequately, prohibit adequately, reduce damages and help to administrate the risks. It must guarantee human rights always. **We will continue to cooperate as an active member of the international community in the search of happiness and wellbeing of all men and woman, with the aspiration to achieve peace and coexistence, a fair and sustainable human development. This is the unrenounceable commitment of Uruguay of common and shared responsibility in the world wide problem that is drugs.**