

Session on  
**'Reforms to the Global Drug Policy'**

*15 September 2014, WWF Auditorium*

**Speakers:**

**H.E. Carlos Raúl Morales**, *Minister of Foreign Affairs of the Republic of Guatemala*

**Ambassador Georges de La Roche**, *Ambassador of Guatemala to India*

**Dr. Ash Narain Roy**, *Director of the Institute of Social Sciences*

**Chair:**

**Ambassador Deepak Bhojwani**, *Former Ambassador of India to Cuba*

The session on 'Reforms to the Global Drug Policy' began with opening remarks by moderator of the session Ambassador Deepak Bhojwani pointing out the importance of this issue at international level. The ambassador also emphasised on that it was an honour to have H.E. Foreign Minister Morales in India, particularly during, what he described as, the 'Latin Week' in New Delhi when numerous Latin American delegates visiting India.

**Dr Ash Narain Roy:**

- Guatemala, the land of the eagle and the land of eternal spring, is best known for its flourishing culture and most importantly for the preservation of that.
- Despite various periods of occupation, the ancient Mayan culture lives on Guatemala which makes this country a survivor.
- Guatemala's unique drug policy, which is based on a regional strategy, has evoked global attention.
- For the past decades, the whole of Latin America has experienced an intense period of constitutional reform in order to deepen democracy. Particularly important and impressive is that they have been building this democracy from below; it comes from the people.

- Regarding drug policy, the Latin American countries have also been very innovative in their ways. Uruguay was the first Latin American country to legalise the produce, sale and consumption of marijuana and Bolivia has legalised the coca leaf.
- Regarding India's drug policy, it is clear that the country is ridden by drug related crime. India is sandwiched between the Golden Triangle and the Golden Crescent making it vulnerable to escalated drug trafficking.
- In 2012 the Government of India released a comprehensive bill on drug policy trying to enforce a multi-pronged strategy to fight drug-related crimes.
- India is a signatory state to all major international illegal narcotics agreements reflecting its willingness to rise to the problem and accept responsibility.
- One way of dealing with drug crimes has been the decriminalisation of certain drugs. However, this is not sufficient and what is needed is a middle ground between legalisation and criminalisation of drugs.
- India is associated with drug problems directly or indirectly.
- India should particularly look to Guatemala for innovative ways to reform its drug policy.

**Critical Points:**

- Guatemala has shown innovation and endurance in its drug policy reforms by implementing a regional strategy.
- The problem of drug related crimes is one of international significance.
- Although India demonstrates willingness to accept more responsibility in the fight against drugs, the country is still ridden by drugs. Therefore, it should take into account the Guatemalan reforms that have led to success in that country.

After **Dr Ash Narain Roy's** opening remarks **Ambassador Georges de La Roche** introduced **H.E. Foreign Secretary Morales** particularly pointing out that since being appointed to his post, India is the first country the Foreign Minister has visited.

### **H.E. Foreign Secretary Morales:**

- Why has Guatemala taken a leading role in fostering an international debate on drug prohibition policy?
  1. Guatemala (as well as other countries of Central America) is used as a stage for drug traffic activities, traffic of arms, traffic of people, illicit traffic of migrants and money laundering.
  2. This is because Guatemala is a transit point for drug trade from South American producers to North American consumer.
  3. These illicit activities translate to the interior of our society in homicides, kidnappings, extortions, gangs, vehicle thefts, corruption, and other illicit activities that affect the democratic security of Guatemala.
  4. In particular, the effect of criminal violence on the Guatemalan economy has been staggering (cf. World Bank, 2011)
  5. Unfortunately, strengthening our domestic political institutions and revising policies have not had a significant impact on the problem
  6. In light of the violence and threats to security and democratic stability, Guatemala is compelled to invest large sums of money in military and policy activities; the opportunity cost is less capital investments in education, health and other priority sectors of development.
- Guatemala believes that unilateral reforms will be of limited effect, so the country is pushing for cooperation across North, Central and South America that will tackle the negative effects of prohibitionist response to drug policy through international dialogue
- Reform strategy comprises four pillars:
  1. Emphasising science- or evidence-based policymaking as opposed to ideologies e.g. Vienna Declaration (2010).
  2. Reorienting approach to drug reform towards a framework of public health, human rights and crime prevention, in contrast to the 1988 UN Convention explicitly says that drug possession and use must be treated as crimes.
  3. Prioritising measures to reduce demand for hard drugs.

4. Promoting a flexible and pluralistic interpretation of legal and constitutional documents concerning drug reform, while strengthening the rule of law.
- Two landmark declarations:
    1. Declaration of Antigua Guatemala (2013) adopted by consensus by members of the OAS has taken an approach of a comprehensive drug policy that concentrates the efforts of the fight against drugs on the individual's welfare, prevention and treatment of addictions, mitigation of harm, the strengthening of health care systems, and human rights.
    2. Declaration to the United Nations (2012) of three Latin American Presidents of Mexico, Colombia and Guatemala pressing for an urgent review of the current international drug policy; and that the review should be conducted on a *scientific basis* in order to establish effective public policies in this area.

#### **Critical Points**

- The transit countries had very different perspective from the producer countries
- There has been a paradigm shift in global drug policy, switching framework and resources from criminal justice to public-health (i.e. treatment of drug dependence) and human-rights (i.e. restorative justice) approach
- Further dialogue is necessary to agree on where drug policy reform should be headed and how countries can work together to develop innovative approaches
- Need for countries to remain open and to explore innovative strategies and policies that are being tested across the globe.

After the remarks by **H.E. Morales** the moderator **Ambassador Deepak Bhojwani** took the floor and commented on the difficulties that accompany the legalisation of drugs; namely administrative issues such as role distribution as to the production, sales and most importantly the control over the cultivation of the drugs.

- In India there is no severe law to deal with distribution and consumption of liquid marijuana.
- India has MoUs with 30 countries to deal with drug issue except any Latin American countries.