

The 8th Asian Informal Drug Policy Dialogue

*Nay Pyi Taw – 18th and 19th of
November 2016*



Introduction

The 8th Asian Informal Drug Policy Dialogue took place in Nay Pyi Taw, Myanmar, on the 18th and 19th of November 2016, at the initiative of the Transnational Institute (TNI) and the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) on behalf of the Federal Ministry of Economic Cooperation and Development of Germany (BMZ). The event was organised in collaboration with the Central Committee for Drug Abuse Control (CCDAC) of Myanmar.

Participating organisations included National and International organisations, Governmental bodies, as well as civil society. More specifically, 47 participants, from the following organisations and departments, attended the Dialogue: Central Committee for Drug Abuse Control (CCDAC) of Myanmar, Myanmar National Drug Users Network, Metta Development Foundation, Chiang Mai University, Myanmar Opium Farmers Forum, Institute for strategy and policy, Myanmar Ministries of Social Welfare, Agriculture and Education, UNODC and UNAIDS, as well as NGO's from the Philippines, Cambodia, India, Thailand and Europe.

Day 1

Opening remarks

The dialogue started with opening remarks by the three organisers of the meeting: CCDAC, TNI and GIZ.

Firstly it was remarked that over the past 50 years, drug problems in Southeast Asia have become more complex; it is necessary and increasingly urgent to move to a public health and development-based approach within drug policy. This will require a change in policy, CCDAC is currently in the process of drafting new national drug policies in cooperation with UNODC and in consultation with UNAIDS/ WHO and national civil society.

One of the speakers observed that while other countries of the region like the Philippines are taking a repressive approach to drugs and drug use, Myanmar is drafting new policies in cooperation with civil society. With this process, the Myanmar government is acknowledging the importance of an inclusive process on a policy level. Similarly, in the future, alternative development projects in the country should be designed in collaboration with people from the community, drug users, and opium poppy farmers.

Finally, it was noted that the [UNGASS outcome document](#), which was adopted in April 2016, puts forward a more humane, development- oriented and human rights-based approach to drug policy at the international level. It highlights the need to broaden access to treatment and links drug policies to the Agenda 2030 and the [Sustainable Development Goals](#) (SDGs). Finally, it stresses the need for proportional sentencing.

In conclusion of the opening remarks the hope was expressed that Myanmar Government, from now on, would adopt a public health-based approach to drugs, rather than a punitive approach.

Regional trends in drug markets, policy responses and drug policy reform in the region

In this session several speakers provided an overview of the main national and regional trends.

Myanmar

In regards to Myanmar there is growing concern about amphetamines production and use. A decrease of opium poppy cultivation was observed until 2006, but it increased again between 2007 and 2013. Opium poppy farmers lack economic opportunities and as a result, there is a great need to provide alternative development (AD) options.

The Myanmar government has started a process to define a new drug control policy in cooperation with the Parliament, Government sectors, community based organisations and civil society by including them into five thematic working groups. The results from this process in November will be compiled and submitted to the highest Government level for review. The

draft policy outcome will be presented in April 2017.

India

It was observed that in India, cannabis is illegal even for medical use, this is resulting in increased trafficking, corruption and overcrowded prisons. The cultivation of cannabis and opium for personal use will soon be discussed in the national Parliament. How the discussions will develop remains to be seen.

Thailand

A participant stated that the war on drugs conducted in Thailand in the past decades has had highly negative consequences: increased domestic and international trafficking; increase of illicit drug use and prison overpopulation (70% of inmates incarcerated due to drug-related offences).

Since 2013, discussions have been taking place to shift from a punitive towards a more humane approach to drug control. The decriminalisation of drug use is seriously considered as an option, and three working groups have been set up by the government to develop new policies: 1) public health; 2) drug supply; 3) communication to inform the public. The Thai government under the lead of the Ministry of Justice is currently consulting with other governments on drug use policies, e.g. Germany.

Philippines

Participants stated that a full war on drugs has been waged since President Duterte took office in June 2016. 1600 suspects were “neutralised” by the police (word used for killed), and there were an additional 2800 incidents of “unexplained killings” (as of beginning of November 2016). Drug use and possession is considered as a crime and is highly stigmatized. Despite the violence and the killings, Duterte can still count on the support of the majority of

the Filipinos, even though 71% of the population thinks drug users should be captured alive.

“Rehabilitation” centers are being created to cope with the number of users who have voluntarily surrendered, and discussions are going on to restore death penalty. NGOs find it difficult to document what is happening on the ground, especially human rights organisations are under threat.

In conclusion it was observed by some participants that drug policy reform should be moving towards models based on public health and socially supportive measures, which acknowledge the inevitability of drug use and aim at managing the consequences of drug use. The ASEAN region recently reaffirmed its intention to maintain its war on drugs approach, even though it is contrary to trends observed at the global level, where more and more countries are moving away from the punitive model. There is a risk that the violent approach taken in the Philippines can spread throughout the region. However, Thailand and Myanmar seem to be pointing in a different direction. There are concerns, though, that compulsory treatment may still be considered as a valid option in Myanmar.

The future of Alternative Development (AD) in the region

The UNGASS outcome document expands the AD concept from a so far rural development focus to new settings and broader and often more urban aspects of the drugs value chain. In addition, it calls for mainstreaming AD as part of a national development strategy.

During this session, one of the key success factors of AD programmes **in Thailand** was attributed to the fact that AD is not seen as being only about drugs and illicit crops, but is also linked to overall development issues such as poverty reduction and community mobilization. The focus is put on addressing the root causes of illicit crops cultivation in rural areas. Communities are involved in policy design, implementation and M&E of AD programmes. Such programmes are not limited to agricultural development, even if it is obviously a very

important aspect. Access to land is also fundamental, and customary land tenure rights must be recognized.

Diversification of livelihoods, promotion of entrepreneurship, and involvement of the private sector can play a crucial role in ensuring that livelihoods become viable.

It was noted that the identification of appropriate indicators to measure programme impact is a fundamental issue: [human development indicators](#) are more relevant than indicators merely measuring the reduction of illicit crop cultivation, as they allow measuring the impact of policies.

In Myanmar, as well as in Thailand, the Mae Fah Luang Foundation has ample experience in the implementation of AD projects. In Tachileik, they work in close collaboration with CCDAC. Those projects have reinforced the governance capacities of the Myanmar Government in those areas.

The key aspects of successful AD programmes were summarised as follows:

- Bringing on board as many stakeholders as possible (central Government, local authorities, communities).
- Thorough assessment of needs from the start of the project (e.g. health, livelihoods, etc.).
- Identify good indicators: success is not measured only by the reduction of crops cultivation, but also through socio-economic indicators.
- Adapt to the local context, for instance the types of crops that will be cultivated.
- AD programmes should be planned for a minimum of 10 years. Access to long-term funding is essential. Unfortunately, Myanmar has so far only received very limited international financial support for AD programmes.

The discussion then moved to the question of how to define the term “development”. One participant remarked that “development” does not mean “drugs free”; drugs also have traditional and medicinal uses.

In 2006 some unsuccessful and unsustainable crop substitution programmes have been

implemented in Shan State where potatoes had been planted as a substitution crop for poppy, however those were not successful as potatoes rotted even before reaching markets. Consequently, it was pointed out that the lack of infrastructures and basic services has to be addressed firstly.

One participant remarked that without proper access to development services, only opium poppy cultivation can provide sufficient income to pay for an education in certain areas. Poppy farmers are often marginalized. Illicit cultivation is a complex issue, and lots of “invisible people” are involved. It was reminded that poppy cultivation is illicit only because of laws that make it illicit. Some participants remarked that undoing this illegal status might help reaching out to marginalized communities and work out some solution. Stigmatisation is high, especially towards users, and social reintegration is fundamental. Drug users are often dehumanised, the involvement of communities in policy development is a key issue to counter this. Interventions need to include social justice.

According to UNODC, the drivers of cultivation, such as poverty, food insecurity, and access to land for instance, should be addressed as part of the development framework. In line with this, the [UNGASS outcome document](#) recommends a development-oriented approach, with a wider range of measure not only focusing on crops substitution but also on land rights, access to health etc.

UNODC provides technical support for alternative crops and ensures close cooperation with CCDAC and other Ministries. Other issues are also taken into account, such as access to markets, improvement of infrastructures (roads), with a focus on gender equality and involvement of women. In Southern Shan State, a new project started in 2014, promoting coffee cultivation as an alternative crop. It also promotes short-term food security crops while poppy cultivation may serve farmers during a transition period. Outcome indicators include a reduction of illicit cultivation at the end of the programme, as well as the income provided by coffee crops.

Under the topic of development policies, participants also discussed options for legal opium

poppy production for national pharmaceutical industries. The UNGASS outcome document highlights the importance to ensure access to essential medicines, and the need for appropriate regulation.

According to the UN Conventions, the Government of Myanmar does not need authorisation from the INCB for medicinal opium production schemes, as long as it is for domestic purpose only. Opium tincture is, for instance, already locally and legally produced in Myanmar. The real difficulty is more linked to the price, as illegal markets always offer much better prices to farmers than licit cultivation schemes. So if this is going to be considered, opium should be subsidised so that those farmers do not need to turn to illicit organisations.

In a final input, it was noted that the 2016 UNGASS outcome document, for the first time, lists AD within a lone- standing development- chapter in the international drug control framework, separating it from law enforcement and eradication policies. Socio-economic development is strongly emphasised; comprising for the first time also illicit manufacture and trafficking of drugs. Linkages to the [Sustainable Development Goals](#) (SDGs) are also highlighted. This new framework opens up possibilities to establish holistic answers to drug problems in South East Asia, and is a confirmation of the importance to address the socioeconomic root causes along the drug production value chain. One of the lessons learnt from Latin America is that, for example, the needs of young people in cities, who are often involved in trafficking, also have to be addressed.

As a conclusion of the session it was stated that some lessons have been learnt over the years, and conflicts related to access to land, are, for example, among the main causes of violence across Asia. The lack of access to land is a common cause of illicit crops cultivation.

Drug production and drug trafficking, beyond cultivation alone, are also important issues that urgently need to be looked at and addressed, if drug policies want to be sustainable.

Community voices and alternative policy option

During this session the role of community voices in drug policy making was discussed.

In Asia national and local policies often aim at establishing “drug free” societies. This aim can cause a lot of harm. One participant drew attention to the state of Punjab in India. In Punjab drug related problems recently increased significantly, as a result of numerous and complex factors. As communities assumed that it was due to the Government’s inability to achieve a “drug free” society, the local Government started arresting thousands of people – mostly users – ahead of upcoming elections. This situation illustrates how unrealistic promises – e.g. to achieve a drug free society – can backlash at politicians and trap them into unattainable commitments.

It was stressed how people who directly experience the consequences of the drug market can help design creative solutions when they are included in policy development. People involved in drug trafficking for instance can help identifying flaws of the judicial system, inequalities, etc. Reforms should be comprehensive, as those that address only part of the issues are usually unsatisfactory. In Asia, progressive reforms, when it comes to drugs, have never lasted very long, and hopes are regularly deceived.

Between 2013 and 2016 a survey on the impact of drug law enforcement practices in Myanmar was conducted by TNI and Myanmar National Drug Users Network. The research resulted in a drug policy [briefing paper](#). The main findings include:

- There are serious drug related problems in Myanmar. Needles sharing is among the main problems, leading to a high prevalence of blood borne diseases (HIV and HCV).
- There is a good level of collaboration with law enforcement (CCDAC) at national governmental level, but there are numerous difficulties on the ground at the local level (arrests and harassment).
- The criminalisation of drug use has an impact on the lives of users and their families. It boosts risky drug use behaviour. Arrests and crackdowns on users’ sites badly impact the provision of harm reduction services, too, and users are reluctant to access services because of obligatory registration.

- Most arrests concern users or small-scale dealers. Large-scale traffickers are not targeted.
- Needs of female drug users are insufficiently taken into account.

The [Myanmar Drug Policy Advocacy Group](#) (DPAG) is a network that was established in 2014. The involvement of affected communities is a key principle (users and poppy farmers), and reducing stigma and discrimination and sensitizing communities and authorities on the importance of Harm Reduction is a key objective.

DPAG key recommendations related to harm reduction include:

- Decriminalise drug use and possession for personal use
- Abandon compulsory registration of drug users
- Facilitate access to drug dependence treatment only for those needing it, on a fully voluntary basis
- Provide legal basis to harm reduction
- Consider the proportionality of sentences in policies

It was observed that the Ministry of Home Affairs in Myanmar has historically supported harm reduction efforts. The CCDAC was invited to stay at the forefront of progressive practices and policies.

Day 2

The links between drugs and conflict and consequences for peace and development

According to some participants, opium poppy in some areas is traditionally regarded as a “perfect crop” (some even call it a “gift from God”): it takes only 100 days to be grown and harvested, has a high value, is easy to carry away in case of conflict, and can also be easily stored for long period without perishing. In addition, it has traditional, medicinal and religious

values.

One participant emphasized how the forced eradication of this crop has created a number of problems:

- In Wa special region for instance, when opium was eradicated in 2005, many of the opium users reportedly switched to ATS use.
- Forced eradication without alternative development often results in an increase of cultivation during the following season. Farmers will often be forced to borrow money, while eradication pushes them to grow even more poppy to repay their debts.

The [Myanmar Opium Farmers Forum](#) recommends the following with regard to poppy cultivation and development:

- Decriminalise small-scale poppy cultivation
- Provide long term viable livelihoods support before stopping to grow (the prior eradication should not be a pre-condition to benefit from development programmes: non conditionality)
- Involve farmers in policy design and AD programmes
- Consider a legally regulated production scheme for the pharmaceutical industry
- Consider legally regulated schemes for personal opium use in areas where it has been traditionally used

Another participant remarked that drugs can be controlled only if peace has been achieved. Drugs are still present, despite some drug lords being arrested or surrendered: it is not an issue that is likely to go away easily. One participant observed that both the Government and the ethnic armed groups have been utilizing drugs as a tool to finance war. The drugs issue was included in the Nationwide Ceasefire Agreement (NCA) (with an obligation to undertake eradication of drugs). It deserves to be on the agenda of the peace talks as well. There is a need to look for common ground to achieve peace and reduce drug related problems.

Some participants shared the historical links between drugs and conflict in Myanmar. In Shan State, a dramatic increase of opium production between the period before 2nd world war and the 70's was observed. The insecurity induced by conflict led people to increase production and rely on opium as cash crop. Informal taxation of opium growers in villages and repression of civilians by various armed groups was a common pattern.

The lack of access to credit and landlessness also played an important role in increasing opium production. In conclusion, farmers living in areas affected by armed conflict and insecurity have used opium cultivation as a survival strategy. Armed groups and militia have also used opium as an economic tool, as militias are self-financing, without any supervision scheme imposed by the army.

A participant highlighted that before independence, only few communities grew opium poppy for commercial purposes, while other communities usually only grew opium poppy for medicinal or traditional purposes. The large increase of production for commercial purposes coincided with the emergence of armed conflict.

The example of Shan State was taken to illustrate how eradication can push farmers to move to new areas and increase poppy cultivation. This creates tensions between different ethnic groups when it results in new settlements. Some AD projects (especially Chinese crop substitution programmes) have resulted in farmers land confiscation. Unbridled economic development without sufficient safeguards for communities has been resulting in land grabbing in Myanmar. All stakeholders need to be involved before the implementation of AD projects, including militias and the Tatmadaw.

A comparison was drawn between the peace talks in Myanmar and those in Colombia. In Colombia, drugs were 1 of the 5 main topics included in the peace talks. Both the Colombian Government and the FARC acknowledged that drugs were an important aspect of the conflict that couldn't be overlooked. The involvement in the drug economy for the sake of the political struggle and armed conflict was therefore included in transitional justice agreements and part of amnesty pardons.

Current drug use trends and treatment options in the region

It was observed how ATS use has spread across Myanmar in the past few years, though heroin still remains the first drug of choice in some regions.

Harm Reduction programmes are usually available in areas that are the most affected by drug use and coverage has expanded in last few years. In terms of drug treatment, opioid substitution therapy (methadone only in the context of Myanmar) is directly managed by the Government, but numerous barriers to access treatment remain.

Very few rehabilitation centres are operational. Social reintegration is an important service for drug users, however it rarely exists in Myanmar.

Another participant underlined that 70 % of the 300,000 people currently in Thai prisons, were incarcerated for drug related offences. However he also observed that a transition from a compulsory detention towards voluntary treatment was currently being discussed. The need for treatment facilities to become more accessible to the community was highlighted, as well as the importance to keep users in the community and make sure they can access services. Discussions that are going on in Thailand seem to indicate a move away from the “war on users”, nevertheless law enforcement will continue to target dealers and traffickers.

Drug treatment services in Thai prisons are nonexistent. About 1 million people have been incarcerated and released from prisons in the past 10 years, however there’s no programme to prepare those people to return to society and they suffer from high stigmatization.

A participant remarked that drug use trends observed in Cambodia are similar to Myanmar and Thailand.

Challenges in Cambodia include a high HIV prevalence among injecting drug users, a limited number of facilities (only one methadone maintenance therapy clinic in the country), high stigma and discrimination, a punitive legal framework and high rate of overdoses. It is also remarked that a National Harm Reduction Strategic Plan was recently developed. Community-

based drug treatment is available, however at very small scale. Compulsory treatment is still common.

Most programmes rely on donors, and despite funding will end at the end of next year. There is no funding transition plan from the government for harm reduction and community-based services.

In the following discussion it was observed that injecting drug use is one of the main drivers of HIV in Myanmar. At the same time users are hard to reach and services are often not available. Situation at a glance:

- 28% of new HIV infections are due to unsafe injection practices.
- 28% HIV prevalence among PWID, even higher in Northern areas (Waimaw 47%).
- HCV infection rates extremely high, around 80 or 90 % in some areas.
- HIV Testing and Counseling coverage is very low, with only 22% of PWID who tested in the past year. There are no clear estimates of the number of PWID accessing HIV Treatment services (ARV).

It was highlighted how punitive policies are having a strongly negative impact on the health of drug users. In Myanmar, prisons are overpopulated. Stigma and discrimination against injecting drug users is very high and drug users are viewed either as criminals or patients, regardless of whether they are dependent or not. At the same time harm reduction interventions still have no legal basis. To improve the situation in Myanmar the following recommendations were suggested:

- Increase the involvement of drug users in policy design;
- Differentiate drug use and possession for personal use with possession for the sake of sale;
- Shift towards a decriminalised approach and develop alternatives to incarceration and forced treatment as is recommended by the [UN joint statement](#) in 2012;
- Invite the Government of Myanmar to increase funding for harm reduction, as most of the

funding comes from International donors.

Additionally it was remarked that:

- In Myanmar harm reduction still largely relies on NGOs. The only service implemented and partly supported by the Government of Myanmar is MMT.
- Myanmar law foresees the registration of users for treatment, however treatment services are not readily available.
- Limited training of law enforcement agencies on HIV prevention and harm reduction is carried out in Myanmar and Cambodia. However, the cost-effectiveness is questioned in Cambodia.

Asia after UNGASS 2016

As previously mentioned a consultation of civil society actors for the development of a drug policy is ongoing in Myanmar. Topics discussed in the working groups are: prevention, treatment and rehabilitation, supply reduction, cross-cutting issues: human rights and new challenges, alternative development. A consultation with Members of the Parliament has also taken place.

Some other member states are undergoing a similar process with regards to the follow up of the outcome document and the implementation of key measures (e.g. Mexico).

History tells us that deadlines for a drug-free world mentioned in political documents are constantly postponed. Colombia and Mexico asked to move the UNGASS forward from 2019 to 2016 in order to discuss new approaches. The 2016 UNGASS outcome document does provide some changes in comparison to the 2009 Political Declaration on Drugs. Specific attention is given to AD, access to controlled medicines, and Human Rights (including references to proportionality of sentences). As a follow up of the outcome document Mexico requested the UN Secretary General:

- To review the overall coherence of the drug control system

- To have a high level General Assembly meeting in 2019
- To put together seven working groups on specific issues raised in chapters

Some important notions included in the UNGASS outcome document are highlighted:

- “Drug policy should contribute to building a peaceful, just society”
- Corruption, peace and conflict
- Food security, reduction of drug related violence and community participation are mentioned as important factors in drug policy.
- Harm reduction is not explicitly mentioned in the UNGASS outcome document. However, countries can obviously include harm reduction in their policies, as they can always go beyond the recommendations included.
- A specific chapter on access to controlled substances for medicinal purposes was included in the outcome document, and there are already some tools that can allow alternative interventions such as therapeutic cannabis, heroin maintenance programmes etc.

A participant observed how there was no international consensus around the prohibition of cannabis anymore, concluding that the global prohibition of cannabis was most likely going to end.

It was also remarked that the recently adopted [ASEAN work plan](#) on drugs does not match the UNGASS outcome document in various aspects (mentions of eradication, mentions of a “drug free world”). Participants discussed the importance of counting, besides Thailand, with new active reform-oriented countries from Asia for political negotiation.

Feedback and suggestions for follow-up

- Next time include a half-day- field trip to see a harm reduction or AD project.
- Involve new stakeholders:
 - o Representatives from the private sector to explore options, for instance, to offer professional reintegration to drug users following release from prison.

- Lawyers and people working on the rule of law, as well as people working in prison.
- MP's
- A session on cross-cutting issues, such as gender, could be included, under which the different "disciplines" could contribute in next dialogue
- It was suggested to include a multimedia-contribution as one session (best practice or project examples on video, audio, etc.) that could be discussed.