

The licit cultivation of opium poppy

1. Within its mandate to support a proper balance between the supply of and the demand for opiate raw materials, the Board analyses the situation of production, utilization and stocks of opiate raw materials in order to derive recommendations to producing countries on adjusting their production to an adequate level, i.e. to lower it in times of excess supply and high levels of stocks and vice versa.
2. The Board has repeatedly recommended that global stocks of opiate raw materials be maintained at a level sufficient to cover global demand for about one year¹, in order to ensure the availability of opiates for medical purposes in case of an unexpected shortfall of production and, at the same time, limit the risk of diversion associated with excessive stocks.
3. When considering estimates for cultivation by countries intending to commence the cultivation of opium poppy, The Board main objective is to avoid the proliferation of cultivation sites. This objective is emphasized in the ECOSOC resolutions² on the supply of and demand for opiates. The resolutions urge all Governments, inter alia, to cooperate in preventing the proliferation of sources of production of opiate raw materials, and urge all Governments of countries where opium poppy had not been cultivated for the licit production of opiate raw materials, in the spirit of collective responsibility, to refrain from engaging in the commercial cultivation of opium poppy, in order to avoid the proliferation of supply sites.
4. The cultivation of opium poppy is regulated by articles 21 bis, 22, 23, 24, 25 and 29 paragraph 3 of the 1961 Single Convention, as amended. The crucial articles on the limitation of cultivation are articles 24 and 25.
5. However, the Single Convention does not require limitation on the cultivation of opium poppy for purposes other than opium production. Therefore, the requirements contained in article 25 on poppy straw are less demanding.
6. Additionally, articles 29(3) and 30(2) of the 1961 Convention as amended requires that Parties prevent the accumulation of quantities of poppy straw in the possession of manufacturers, traders and distributors, State enterprises and duly authorized persons of drugs in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.
7. The normal conduct of business and the prevailing market conditions are not further defined and are open to interpretation. In the 1931 Convention, the normal amount in possession of manufacturers was recommended to be six months or twelve under exceptional conditions³. However, the Single Convention does not prescribe such a time limit.
8. Given this, the Board has urged countries not to engage in cultivation because of considerations related to medical needs and the prevailing market conditions in order to reduce the accumulation of drugs and poppy straw in excess of those required for the normal conduct of business. Based on current demand, there has not been accumulation in excess of one year. However, at the same time access to opiates for medical use remains a problem in most countries but this has not translated into greater demand, and thus not in need of increase in licit production.
9. The Board, having the global overview of production stocks, and consumption, is in the best position to determine global needs. On this basis, INCB has reminded States Parties of the need to ensure the availability of controlled substances for medical use and the commitments made under the various ECOSOC resolutions to refrain from proliferation of opium production. Although these resolutions are non-binding, they reflect the intentions and will of the international community.

INCB is the independent, quasi-judicial body charged with promoting and monitoring Government compliance with the three international drug control conventions: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

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¹ Article 16 of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, and Protocol of Signature (Geneva, 13 July 1931)

² ECOSOC resolutions 2005/26, 2006/34 and 2007/9.

³ Article 16 of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, and Protocol of Signature (Geneva, 13 July 1931)