

## Foreword

Chapter I of the 2007 report of the International Narcotics Control Board contains a discussion on the principle of proportionality and drug-related offences. The principle has ancient origins, such as the Code of Hammurabi, with its rules of retributive justice (“an eye for an eye”, “a tooth for a tooth” and “a bone for a bone”) to curb excessive punishment by victims or the State.

The human sense of how best to address wrongdoing in a proportionate manner has evolved considerably since the time of Hammurabi. However, there are still differences between countries and regions concerning how best to respond to offences and offenders.

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 addresses in a general manner responses to drug-related crime. Those responses serve as a guide, as any response adopted by a party is subject to its constitutional principles and its domestic law.

The 1988 Convention provides that sanctions take into account whether an offence is of a grave or minor nature. There is a wide variety of sanctions, ranging from imprisonment or other forms of deprivation of liberty to measures such as the education, rehabilitation or social reintegration of drug-abusing offenders.

The 1988 Convention recognizes that, to be effective, a State’s response to an offence committed by a drug abuser must address both the offence and the underlying cause, namely drug abuse. More scrupulous application of the provisions of the 1988 Convention by Governments will ensure that serious offences are not committed with impunity and that those who commit them are not treated more leniently than is reasonably justifiable and do not escape justice entirely.

The Board is of the opinion that the nature and severity of penalties and sanctions for enforcement are useful in assessing whether the principle of proportionality is met. Full compliance with the principle of proportionality implies mutual respect for national sovereignty, for the various constitutional and other fundamental principles of domestic law – practice, judgements and procedures – and for the rich diversity of peoples, cultures, customs and values served by those different legal systems.

A close look at the world’s drug problem reveals two developments of particular concern. First, criminal organizations are taking advantage of loopholes in the control systems in Africa for chemicals used in illicit drug manufacture and are in the process of establishing in that region trafficking hubs for chemicals. Numerous suspicious shipments of precursor chemicals to Africa have been identified. Also of concern is the establishment of routes for smuggling cocaine between countries in South America and Africa. Countries affected by those developments should introduce appropriate measures to prevent their territory from being targeted for such criminal activity.

It has now been almost 10 years since the General Assembly adopted the Declaration on the Guiding Principles of Drug Demand Reduction. The time has come to reflect on investments made by Governments in reducing the demand for illicit drugs. Although many Governments have made considerable efforts, more needs to be done. Governments should recognize that reducing illicit drug demand and reducing illicit drug supply are complementary and mutually reinforcing.

To suggest that the legalization of drugs would “solve” the world drug problem is to ignore historical facts. The first international controls over narcotic drugs, introduced in 1912, helped to reduce the scourge of opium addiction in some Asian countries. Some 60 years later, accession to the Convention on Psychotropic Substances of 1971 contributed to a significant decline in the abuse of psychotropic substances, which had created serious health problems in the 1950s and 1960s. Given those and other experiences, any suggestion to legalize the use of illicit drugs seems rather simplistic and misplaced. There are no “quick fix” solutions to the drug problem. Governments should continue to take action to address drug abuse and illicit drug trafficking in a comprehensive, sustained and concerted manner. That is where the solution to the world drug problem lies. To do nothing is not an option.

A handwritten signature in black ink, appearing to read "Philip O. Emafo". The signature is fluid and cursive, with a prominent initial "P" and a long, sweeping underline.

**Philip O. Emafo**  
President of the International Narcotics Control Board