

299. In May 2016, the fourth ministerial meeting of the Tripartite Initiative involving Afghanistan, Kyrgyzstan and Tajikistan was held in Kyrgyzstan. The goal of the meeting was to improve cooperation in counter-narcotics and border management in drug control among the three countries.

300. At the North Atlantic Treaty Organization (NATO) summit held in Warsaw from 7 to 9 July 2016, NATO determined the nature and extent of the assistance that it would continue to provide to Afghanistan. NATO countries pledged to commit military resources beyond 2016 and to continue to make national financial contributions to the Afghan National Defence and Security Forces until the end of 2020.

301. On 29 July 2016, Afghanistan became the 164th member of the World Trade Organization, following almost 12 years of negotiations on its accession terms.

302. The Brussels Conference on Afghanistan was held in October 2016. In advance of the Conference, the Board released a statement in which it expressed its concern about the deteriorating drug control situation in Afghanistan and called upon members of the international community to reaffirm their commitment to supporting the Government of Afghanistan in its development efforts, including by acknowledging the importance of drug control as a cross-cutting issue that should be put at the top of the development agenda for the country. The Brussels Conference was co-hosted by the Government of Afghanistan and the European Union. The aim of the Conference was to continue providing a platform for the Government of Afghanistan to set out its vision for reform and for the international community to provide assistance, including financial assistance, to the Government. The Afghanistan National Peace and Development Framework for the period 2017-2021 was adopted at the Conference. The Framework sets out steps towards achieving economic development and a substantial increase in the welfare of the Afghan people, with the goal of putting an end to corruption, criminality and violence and establishing the rule of law.

Conclusions

303. The Board takes note of the commitment of the Government of Afghanistan to tackle money-laundering, as reflected in the National Drug Action Plan 2015-2019, and urges the Government of Afghanistan to take determined steps to counter money-laundering and to give effect to its legal framework for identifying, tracing and seizing illicit assets derived from drug trafficking, as well as to the recommendations of relevant international bodies.

304. The Board notes with concern the deteriorating safety and security situation in Afghanistan and its impact on the authorities' ability to monitor and control the illicit supply of drugs originating in the country. At the same time, the Board has observed that the willingness of the international community to continue providing aid to Afghanistan appears to have been declining, in particular in the area of drug control. The Board acknowledges that the success of drug control efforts in Afghanistan is intrinsically linked to broader developmental and criminal justice challenges being adequately addressed but cautions that action against drugs cannot be removed from the equation if sustainable development is to be achieved. **In that context, the Board calls upon partner Governments and the international community to sustain their support for the counter-narcotics efforts of Afghanistan, in the spirit of their common and shared responsibility to respond to the world drug problem and in order to ensure that the potential vacuum left by the withdrawal of international support from the country is not filled by criminal or terrorist elements.**

305. The deteriorating drug control situation in Afghanistan and the region remains of grave concern. That situation seriously endangers the aims of the international drug control treaties and its repercussions are felt internationally. **The Board calls upon the Government of Afghanistan and the international community, including through relevant United Nations entities and programmes, to continue their cooperation to achieve the goals set out in various documents adopted by the international community.** Bearing in mind the overarching objective of the National Drug Control Strategy of Afghanistan, the Government of Afghanistan, with assistance from the international community, including, in particular, UNODC, should translate its commitment into specific actions and ensure that substantial, sustainable, measurable and demonstrable progress is achieved in countering drug trafficking, promoting alternative development and reducing drug demand; in other words, bringing about the effective implementation of the international drug control treaties in the country.

F. Special topics

1. State responses to drug-related offences

306. As the Board has reiterated on several occasions, the fundamental principles underpinning the three

international drug control treaties, as well as the Political Declaration adopted by the General Assembly at its twentieth special session, devoted to countering the world drug problem together, and the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, are the principle of a balanced approach, the principle of proportionality and respect for human rights.

307. In many States, policies to address drug-related offences, including possession for personal use, have continued to be rooted primarily in punitive criminal justice responses, which include prosecution and incarceration and as part of which alternative measures such as treatment, rehabilitation and social integration remain underutilized.

308. While drug trafficking and the diversion of drugs into illicit channels may require the use of interdiction efforts, criminal prosecution and the imposition of criminal sanctions, in some States, approaches to dealing with criminal behaviour committed by persons affected by drug use and addiction have become more differentiated in recent years. This is a result of an evolution in those States that have come to recognize drug use and dependency as a public health concern requiring responses that are health-centred and less reliant on punitive sanctions.

309. The Board welcomes that development as entirely consistent with what is foreseen in the international drug control framework. Prevention of drug abuse, especially among young people, must be the primary objective of drug control policy, and a comprehensive drug demand reduction strategy that includes the reduction of the adverse health and social consequences associated with drug abuse is of paramount importance.

Proportionality and alternatives to conviction or punishment

310. Disproportionate responses to drug-related offences undermine both the aims of the conventions and the rule of law. Accordingly, the international drug control treaties require proportionate responses by States to drug-related offences and to the treatment of offenders.

311. States have an obligation under the drug control conventions to establish certain behaviours as punishable offences and to ensure that serious offences are liable to adequate punishment, including by imprisonment; however, that obligation is subject to the constitutional principles of the State and to the principle of proportionality. In addition, pursuant to article 36, subparagraph 1 (b), of

the 1961 Convention, article 22, subparagraph 1 (b), of the 1971 Convention and article 3, subparagraphs 4 (b) and (c), of the 1988 Convention, States are not obliged to adopt punitive responses for minor drug-related offences, including possession of small quantities of drugs for personal use, committed by people who abuse drugs.

312. In such cases, the three conventions provide the possibility for alternatives to conviction or punishment through treatment, education, aftercare, rehabilitation and social reintegration. They allow States to focus the most severe penalties on more serious forms of crime, such as trafficking and money-laundering, giving States a certain discretion in the legislative and policy choices they make in implementing their obligations under the three conventions. There is no obligation stemming from the conventions to incarcerate drug users who commit minor offences.

313. The Board notes that the discretion to adopt criminal justice policies that include alternatives to conviction or punishment for minor offences that is provided for under the conventions remains underutilized.

314. Where States have provided legal penalties for more serious categories of drug-related offences, including trafficking, the principle of proportionality must also continue to act as a guiding principle.

315. **Although the determination of sanctions applicable to drug-related offences remains the prerogative of States parties to the conventions, the Board has continued to encourage States that retain capital punishment for that category of offence to commute death sentences that have already been handed down and to consider the abolition of the death penalty for drug-related offences, in view of the relevant international conventions and protocols and resolutions of the General Assembly, the Economic and Social Council and other United Nations bodies on the application of the death penalty.**

Extrajudicial treatment of suspected drug-related criminality

316. The Board has noted with great concern recent reports in some countries of the targeting of individuals suspected of involvement in drug-related activity, including drug use, who have been subjected to violent acts of reprisal and murder at the hands of law enforcement personnel and members of the civilian population. In some instances, those acts have been committed with the expressed or tacit approval, or even encouragement, of political forces and, in many cases, have gone unpunished.

317. The extrajudicial targeting of persons suspected of illicit drug-related activity is not only a breach of the three international drug control conventions, it also constitutes a serious breach of human rights, including due process norms as contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and is an affront to the most basic standards of human dignity.

318. The Board wishes to reiterate, in the strongest possible terms, its categorical and unequivocal condemnation of those acts, wherever and whenever they may occur, and calls upon all Governments concerned to put an immediate stop to such actions and to publicly commit to and undertake investigations into any person suspected of having committed, participated in, aided and abetted, encouraged, counselled or incited any such extrajudicial actions, in full observance of due legal process and the rule of law, and their prosecution and sanction, as warranted.

2. Regulation of the use of cannabis for non-medical purposes

319. The Board notes the adoption or consideration by some States of measures affecting the legal control measures applicable to cannabis in order to allow the use of cannabis for non-medical purposes and the creation of a regulated market for the distribution and sale of cannabis products for non-medical use.

320. The Board wishes to reiterate that the 1961 Convention establishes, in its article 4 (“General obligations”), that the parties to the Convention are to take such legislative and administrative measures as may be necessary to give effect to and carry out the provisions of the Convention within their own territories and to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in and use and possession of drugs. As the Board has repeatedly emphasized, the limitation of the use of controlled substances to medical and scientific purposes is a fundamental principle that lies at the heart of the international legal framework for drug control and allows no exception.

321. The central role of the international drug control conventions was most recently reaffirmed by the States participating in the special session of the General Assembly on the world drug problem held in April 2016.

322. In examining measures taken by States with the aim of permitting and regulating the non-medical use of

cannabis, the Board has maintained a dialogue with the States concerned in which it has reaffirmed the incompatibility of such measures with the legal obligations incumbent upon States parties to the 1961 Convention, with a view to promoting compliance.

323. The Board wishes to remind all States that, in recognition of the public health risks associated with its abuse, cannabis has been subjected to the highest levels of control under the international drug control treaties through its inclusion in Schedules I and IV of the 1961 Convention. Schedule IV contains noxious substances that are particularly liable to abuse. Furthermore, dronabinol (*delta-9* tetrahydrocannabinol), the major active ingredient of cannabis, and other tetrahydrocannabinol (THC) isomers are classified as psychotropic substances under Schedules II and I, respectively, of the 1971 Convention.

324. While it is difficult to predict the effects of the legislative measures making cannabis available for non-medical use, it is certain that the abuse of cannabis potentially carries serious health consequences, as acknowledged by WHO. In recent years, States have reported a marked increase in the THC content of cannabis seized and an associated rise in health-related adverse reactions, evidenced by increases in hospital emergency room admissions. There have also been reported cases of children having ingested food products containing cannabis. Moreover, the rates of abuse may increase, especially among young people, because the legalization measures may affect perceptions of harm in that fewer people may perceive cannabis as being harmful, highlighting the need for enhanced prevention measures.

325. One of the central arguments advanced by proponents of the legalization of the use of cannabis for non-medical purposes is that the creation of a regulated licit market for cannabis intended for non-medical use would contribute to reducing drug trafficking by criminal networks. That argument fails to take into account the spillover effect that legalization may have in neighbouring jurisdictions where the use of cannabis for non-medical purposes remains illegal. Countries where legislative measures to permit and regulate the non-medical use of cannabis have been adopted or are being considered should also be aware of the risk that they will be targeted by criminal networks seeking to use them as transit countries for trafficking to other jurisdictions where the non-medical use of cannabis is not permitted.

326. In some States, the legalization of the use of cannabis for non-medical purposes has been justified by its proponents on the basis of the argument that the