

## VI. The role of the Board in monitoring compliance and ensuring the execution of the provisions of the 1961 Convention and the 1971 Convention

77. As part of its treaty monitoring functions, the Board continuously reviews implementation of the international drug control conventions by States parties. The Board examines developments in the drug control field in States parties in order to identify areas which may require increased dialogue or possible remedial actions. When shortcomings are noted, the Board, through close collaboration with Governments, identifies and recommends specific good practices and measures that can be implemented with a view to improving compliance with the international drug control treaties.

78. States parties to the international drug control conventions have a substantial level of discretion when engaging in domestic drug policy actions. Although the legislative and policy choices made in implementing the treaty obligations can vary widely, the Board notes that these policy choices should adhere to the provisions of the treaties and the international drug control system. For example, the States parties must limit the use of narcotic drugs and psychotropic substances exclusively to medical and scientific purposes and adopt policies that respect human rights and safeguard the health of humanity.

79. The Board periodically undertakes country missions to monitor compliance with the international drug control treaties and promote effective implementation of those treaties. During these country missions, the Board discusses with relevant national authorities of the countries hosting the mission the legislative, institutional and practical measures implemented at the national level in the areas of licit manufacture of and trade in controlled substances with a view to facilitating the availability of

those substances for medical and scientific purposes while preventing their diversion into illicit channels. The Board also engages with the countries visited in dialogue on national mechanisms for preventing and addressing the illicit manufacture, trafficking and abuse of narcotic drugs and psychotropic substances.

80. Based on the results of carrying out those treaty-monitoring functions, the Board adopts recommendations that are communicated confidentially to the Governments in question. These recommendations propose measures aimed at improving compliance of national drug control systems with the international drug control conventions.

81. Article 14 of the 1961 Convention as amended and article 19 of the 1971 Convention provide for a mechanism which the Board may use to ensure the execution by States parties of the provisions of those conventions. The provision contains sequential measures which the Board may take to achieve this. Under article 14, paragraph 1 (*d*), of the 1961 Convention, where the Board finds that the Government concerned has failed to give satisfactory explanations or failed to adopt remedial measures proposed by the Board, or where the Board is of the view that there is a serious situation that needs cooperative action at the international level, it may call the attention of the parties, the Economic and Social Council and the Commission on Narcotic Drugs to the matter.<sup>17</sup> Pursuant to article 14, paragraph 3, of the 1961 Convention, the Board has a right to publish a report on a matter dealt with under article 14 and communicate it to the Council. A similar procedure is described in article 19 of the 1971 Convention.

<sup>17</sup>See article 14, paragraph 1(*d*), of the 1961 Convention.

82. The procedure under article 14 of the 1961 Convention and article 19 of the 1971 Convention is considered to be of a confidential nature. The dialogue and communications between the Board and the relevant party pursuant to those articles would need to be considered confidential until the Board decides to call the attention of the parties, the Council and the Commission to the matter.

83. During the past 50 and 60 years, of the two conventions, article 14 of the 1961 Convention has been invoked in only a few instances, and the issues of concern were resolved in the confidential dialogue as required, without the need to bring the matter to the attention of the parties, the Council and the Commission.

84. The Board formally invoked article 14 of the 1961 Convention with respect to Afghanistan in May 2000

and made a public pronouncement about it because it was necessary to bring to the attention of the international community the fact that the country's failure to carry out the Convention's provisions (in this case, the eradication of illicit opium poppy cultivation) seriously endangered the aims of the Convention. Discussions were held with the Taliban authorities in Kabul and with the Northern Alliance. Three months after the invoking of article 14, the Taliban announced a total ban on opium poppy cultivation, which led to a sharp decline in the cultivation of opium poppy for the 2000/01 growing season in most areas controlled by them. Since then, the situation in Afghanistan has deteriorated despite the efforts made by the international community, and in 2019 INCB invoked article 14 bis of the 1961 Convention as a serious call for urgent support from the international community.