

Vienna International Centre, P.O. Box 500, A-1400 Vienna, Austria
Telephone: +43-1-26060, Telefax: +43-1-26060-5867 / 5868
E-Mail: secretariat@incb.org Internet Address: <http://www.incb.org/>

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**Statement by Mr. Werner Sipp, President,
International Narcotics Control Board (INCB)**

Sixtieth session of the Commission on Narcotic Drugs

**Agenda item 8(c): Implementation of the international drug control treaties:
International Narcotics Control Board**

16 March 2017, Vienna, Austria

Madam Chair, Excellencies, ladies and gentlemen,

It is an honour and a pleasure for me to stand before you today to present an overview of the Board's work for 2016, for my last time in my capacity as President of the International Narcotics Control Board. Over the past year the Board has continued to monitor and promote the implementation of the three international drug control treaties, which, as recognized by the special session of the General Assembly on the world drug problem in April 2016, serve as the cornerstone for international cooperation in drug control, towards ensuring the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, and in preventing and addressing diversion, illicit drug crop cultivation and production, trafficking and abuse.

The Board's findings and recommendations can be found in its Annual Report and Precursors Report for 2016, which were launched globally earlier this month. The Board's technical publications for 2016 are also now available, including on the INCB website. These reports aid competent national authorities in their work of ensuring adequate availability of narcotic drugs and psychotropic substances for licit purposes, and for preventing diversion.

Chapter I

Every chapter I of the INCB Annual Reports is dedicated to a thematic topic which the Board considers to be at the core of current global interest or importance. For 2016 this was determined to be 'women and drugs'. In consideration of Sustainable Development Goal N°5, "achieving gender equality and empowering all women and girls", our report calls upon governments to design and implement drug policies which are more gender sensitive. To achieve drug policies which are truly comprehensive, effective and enduring, the barriers preventing women from accessing healthcare and treatment facilities must be removed and the specific needs of women must be addressed.

This is not presently the case: although women represent one third of global drug users, they constitute only one fifth of drug treatment recipients. Women are increasingly being arrested for drug-related crimes and are being affected by a disproportionate increase in drug overdoses. Therefore, the Board's Annual Report aims to remind policymakers of the importance of protecting the rights of women who use drugs or have committed drug-related offences, and the rights of their families.

The Chapter concludes by making recommendations to Governments as to how to develop more gender-conscious drug policies. It emphasizes that "*one-size-fits-all*" drug policies are not adequate. Prevention programs targeted specifically at women at risk - like prisoners, pregnant women, people living with HIV/AIDS and sex workers - are imperative to

drug policies which protect and improve the health and wellbeing of women. Such policies must be informed by gender disaggregated data and should pay specific attention to the stigma associated with drug abuse, particularly among women. They must help them to access prevention and treatment programs while ensuring their safety and privacy in the facilities. Better-informed policies and a more efficient allocation of sorely-needed resources are vital for the success of such programs.

Functioning of the international drug control system

The Annual Report, particularly Chapter II, describes the functioning of the international drug control system, which is designed to monitor the licit trade in order to ensure the availability of narcotics and psychotropics for medical purposes. In this context, the Board reviewed the drug control situation in different countries. In 2016 the Board reviewed in particular the status of overall treaty compliance in: Australia, Colombia, Denmark, Mauritania, Spain, the United States and Uruguay.

Additionally, the Report offers a brief synopsis of the 13 country missions carried out since last year's report. These missions are essential to the work of the Board. It is indispensable that our dialogue with the Governments and the recommendations made to them remain confidential – as requested by the conventions.

Afghanistan

The Board's review of the situation in Afghanistan is also presented in Chapter II of the report. INCB is continuing its intensive consultations with the Government of Afghanistan pursuant to article 14 of the 1961 Single Convention. I visited Afghanistan last May as part of these consultations, with a view to strengthening implementation of the conventions in the country, including by seeking cooperative international action through the provision of technical and financial assistance from the international community.

The Board has repeatedly expressed concern about the overall situation in Afghanistan, which may continue to have a grave impact on the drug control situation in the country and beyond. We therefore call upon partner Governments and the international community to continue and sustain their support for counter-narcotics efforts in Afghanistan, in the spirit of the common and shared responsibility. I have said and I will repeat here again: If general and sustainable development, security and stability are to be achieved in Afghanistan, action to counter the drug problem cannot be removed from the equation.

Special topics

The report addresses some 'special topics' of particular importance in the year in review. For 2016 these consisted of:

- State responses to drug-related offences
- Regulation of the use of cannabis for non-medical purposes
- Importance of accurate and timely reporting; and
- Using modern technology to monitor international trade in scheduled substances.

State responses to drug-related offences

The special topic on State responses to drug-related offences emphasizes - as the Board has reiterated on numerous occasions - the fundamental principles underpinning the three international drug control treaties, namely: the principle of a balanced approach, the principle of proportionality, and respect for human rights. No obligation stems from the conventions to imprison people who commit minor drug-related offences. However, in many States, policies to address drug-related offences have continued to be rooted primarily in punitive criminal justice responses, prosecution and incarceration. Consequently, alternative measures such as education, treatment, rehabilitation and social reintegration remain under-utilized.

The determination of sanctions applicable to drug-related offences remains the prerogative of States Parties to the conventions. Nevertheless, the Board continues to encourage States that retain capital punishment to consider the abolition of the **death penalty** for drug-related offences, in view of the relevant international conventions and protocols.

As publicly stated by the Board over the past year, INCB also reiterates its categorical condemnation of the **extrajudicial targeting** of people suspected of illicit drug-related activity. Such action is not only a breach of the drug control conventions, but also constitutes a serious breach of human rights, and is an affront to the most basic standards of human dignity. INCB calls upon all Governments concerned to immediately halt such actions and to investigate any person suspected of involvement in any such extrajudicial action.

Regulation of the use of cannabis for non-medical purposes

In the special topic on the *regulation of the use of cannabis for non-medical purposes*, the Board reiterates that the Parties to the 1961 Convention have assumed the obligation to limit exclusively to medical and scientific purposes the production, manufacture, distribution, use and possession of drugs. To this rule no exception is possible.

The Board has maintained a dialogue with the States that have adopted or are considering measures which would allow the non-medical use of cannabis and the creation of a regulated market for the distribution and sale of cannabis products for non-medical use. However, the Board reaffirms the incompatibility of such measures with the legal obligations incumbent upon States parties to the 1961 Convention. We call upon those Governments to pursue their political objectives by putting in place measures and policies which remain in the ambit of the conventions.

In the Report, the Board reminds Governments that, in view of the public health risks associated with the abuse of cannabis, the drug has been subjected to the highest levels of control under the treaties, through its inclusion in Schedules I and IV of the 1961 Convention. It is now up to State parties to determine how to respond to the developments in those countries which disregard the treaties by permitting and regulating the non-medical use of drugs.

Importance of accurate and timely reporting

The Annual Report emphasizes the importance of accurate and timely reporting to the Board by Member States to ensure the effectiveness and efficiency of the international drug control system. Regrettably many Governments fail to comply with this treaty obligation.

Focusing on narcotic drugs, the Board urges parties to provide accurate estimates of their annual requirements and statistics on the stocks held by manufacturers and wholesalers. Information on stocks is indispensable for monitoring the balance between supply and demand.

In addition to the obligation to report on psychotropic substances and pursuant to related resolutions of the ECOSOC and the CND, Governments are strongly encouraged to report data on the consumption of psychotropic substances for medical and scientific purposes. Accurate reporting would help to ensure their availability for the treatment of a large variety of medical conditions, including mental health conditions, and would improve access to them worldwide.

The importance of the work of competent national authorities cannot be overstated: they are at the front line of their countries' efforts to facilitate licit trade and to prevent the diversion of controlled substances into illicit channels. As such it is imperative that Governments provide for the training of staff, as this would have a direct impact on access and availability and would best contribute to fulfilling reporting obligations. In 2016, INCB Learning provided training to competent national authorities in East Africa and in South and

East Asia and the Pacific. With your support, we hope to expand this training to other regions.

Using modern technology to monitor international trade in scheduled substances

To assist Member States in their monitoring of international trade in scheduled substances, over the last ten years INCB has launched four tailored online communication systems. Our special topic on “*new tools for old purposes*” explains each of the four systems, as they all focus on a different aspect of drug control, facilitating a quick, secure and direct exchange of information among Governments.

PEN Online (Pre-export Notification Online) is used in the licit precursor trade to send pre-export notifications to chemical-importing countries. PEN Online helps to verify the legitimacy of individual cross-border transactions of precursor chemicals and to identify suspicious shipments before they reach their destination and end up in illicit drug manufacture.

The Precursors Incident Communication System (PICS) facilitates the exchange of information on chemical-related incidents, such as seizures of precursor chemicals and the dismantling of clandestine laboratories, providing leads for authorities to initiate investigations into illicit activities within and across borders.

The Project **Ion Incident Communication System (IONICS)** provides a platform for the exchange of operationally relevant information on new psychoactive substances which, although not under international control, pose a growing public health risk.

The **International Import and Export Authorization System (I2ES)** supports the secure exchange of import and export authorizations for the licit international trade in narcotic drugs and psychotropic substances. It provides a safeguard against excess of imports or exports. I2ES is an essential tool that all Governments should use to expedite international trade in those substances and prevent their diversion, to enhance access to medicines containing controlled substances, and to improve their treaty compliance efforts. The long-term sustainability of these systems depends upon the ongoing support of Member States.

Regional developments

Chapter III of the Annual Report presents a region-by-region analysis of the world drug situation. You have the report; I will not go into detail on this here.

In the context of the analysis of the world drug situation and the review of treaty compliance, INCB has noticed that a growing number of Governments continued to establish so-called “drug consumption rooms”. The Board has reiterated that for the operation of such “drug consumption rooms” to be consistent with the conventions, a number of conditions must be met: The ultimate objective of these facilities must be to effectively reduce the adverse consequences of drug abuse- They must not condone or encourage drug trafficking. They must refer patients to treatment, rehabilitation and social reintegration services and they cannot be a substitute for demand reduction programmes, particularly prevention and treatment.

As for the description of the drug situation in various regions, we are very grateful to those Governments that have already provided us with feedback. INCB takes your comments to heart. We will carefully review them, consult with you and take your comments into account in future reports. Thus, I encourage all Governments to provide the Board with information on drug control developments in your countries on an ongoing basis, so that we may consider it in order to reflect appropriately in our Annual Reports.

International cooperation in precursor control

The Board’s Precursors report, on the implementation of article 12 of the 1988 Convention, emphasizes the importance of enhanced information-sharing, multilateral

operational cooperation, domestic law enforcement, and the use of existing tools and cooperation mechanisms, in order to identify, disrupt and dismantle organized criminal groups involved in the diversion of precursors.

The precursors report presents an analysis of recent trends and challenges, such as the continued diversification in illicit drug manufacture and the great variety of non-scheduled substances used to circumvent existing controls. The report records the ways in which Member States have extended their commitment to include pre-precursors, substitute and alternative precursors and chemicals used in the illicit manufacture of drugs. These practices, along with voluntary partnerships and cooperation with relevant industries, are essential to address new challenges.

The third international conference on “Precursor Chemicals and New Psychoactive Substances (NPS)”, organized last month by the International Narcotics Control Board (INCB) and the United Nations Office on Drugs and Crime (UNODC), in Bangkok, provided an important means of taking stock of the achievements made. It was also an opportunity to discuss the challenges ahead at the national, regional and international levels. I am confident that the practical measures contained in the outcome document of this important event will contribute to preventing the diversion of precursor chemicals as well as addressing the use and related consequences of NPS.

INCB recommendations

I will now come back to the content of the Board’s Annual Report, the final chapter of which contains recommendations made to Governments, the United Nations and other relevant international and national organisations.

I already mentioned the Board’s recommendation towards the development, implementation and funding of gender-sensitive drug policies.

I also mentioned earlier the special topic on “**State responses to drug related offences**”, a subtopic of which is “Proportionality and alternatives to conviction and imprisonment”, a matter I personally **hold dear to my heart**. Disproportionate responses to drug-related offences undermine the aims of the conventions and can also have a negative impact on the compliance with the rule of law. As I mention in my foreword to the INCB Annual Report, public safety and security are critical objectives for any Government, yet the pursuit of them must not be at the expense of the inherent dignity of the individual. The principle of proportionality must continue to act as a guiding principle in drug-related matters

Regarding the **availability of controlled substances for medical and scientific purposes**, INCB urges all Governments to fully implement the operational recommendations contained in the outcome document of UNGASS 2016. I also remind you of the recommendations contained in the [supplement to the Board’s annual report for 2015](#). The Board stands ready to continue to support Governments in their efforts to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, in coordination with relevant international, regional and national organizations. The Board again calls upon the international community to provide support to countries in need of assistance.

Due to time constraints my address to you today on the findings as presented in the Board’s Annual Reports is necessarily incomplete. I urge you to carefully review all of the Board’s recommendations as contained within our reports, and as you return to your capitals over the coming days, urge you to champion these recommendations and ensure that they are taken into account in the development and implementation of your national drug control policies.

In closing, as the international drug control community moves forward to the 2019 review of the 2009 Political Declaration and Plan of Action and the outcome document of UNGASS 2016, I urge all Governments to step up their efforts to implement these instruments and the provisions of the conventions. The Board stands ready to assist you and

provide advice on treaty implementation, with a view to meeting the health and welfare aims of the international drug control system.

However, the Board counts on your support and cooperation, on an ongoing basis in meeting reporting obligations and in accepting INCB missions, but also in ensuring that the Board is adequately resourced to fulfil its treaty-based mandate. I urge you to participate in the mechanisms offered by the Board, such as INCB Learning, I2ES, PEN Online, PICS and IONICS. I would like to put on record our (INCB's) appreciation for the support a number of your Governments have provided to enable INCB to develop and implement these initiatives. I would like to urge those Governments to continue supporting our work, and invite other Governments to join them in enabling INCB to continue and expand this work. Also, as I mentioned during the opening ceremony on Monday, I also urge you, through your representations at United Nations Headquarters, to ensure that the Board's regular budget resources are set at a level that permits the Board to meet the evolving treaty implementation challenges.

I would like to thank you for your attention and invite you to attend our discussion on State responses to drug-related offenses and the need for proportionality taking place today from 1:10 to 2:00 in Conference Room M3.

Thank you.