

*Check against delivery*

**Statement by Ms. Jagjit Pavadia,  
President of the International Narcotics Control Board**

**Commission on Narcotic Drugs  
Thematic discussions 2022**

**Implementation of all our international drug policy commitments, following-up to the  
2019 ministerial declaration:**

***“Responses not in conformity with the three international drug control conventions  
and not in conformity with applicable international human rights obligations pose a  
challenge to the implementation of joint commitments based on the principle of  
common and shared responsibility”***

**Afternoon session, 21 September 2022**

Mr. Chair, Excellencies, ladies and gentlemen,

The international community has repeatedly reaffirmed its commitment to the implementation of the three international drug control conventions, enshrined within which is a flexibility that can be adapted and tailored to national requirements allowing for measured approaches to address the complex issues that are emerging based on the principle of joint and shared responsibility.

In certain areas however, actions taken are not in conformity with the provisions of the conventions. The most important being: the use of controlled substances for non-medical and non-scientific purposes.

The Conventions provide for ensuring uninterrupted manufacture of and trade in licit narcotic drugs and psychotropic substances; preventing drug use and providing treatment and rehabilitation to people with drug use disorders; and introducing measures to prevent trade in and diversion of materials and equipment for illicit drug manufacture. There are also reporting requirements to the Board, which assist the Board in ensuring a balance between supply and demand.

The Board has recalled on many occasions that the legalization and commercialization of controlled drugs for non-medical and non-scientific purposes in a small number of countries is at odds with the legal obligations of State Parties to the international drug control conventions.

This legalization of non-medical use of drugs carries a significant threat of reducing the perceptions of risk of drug use particularly among young people

The Board by its mandate is bound to remind those States of the commitments to which they have agreed by ratifying the drug control conventions, an obligation owed not to the Board but to their co-signatories of the parties to the Conventions. Moreover, the Board continues to consider that the legalization of drugs for non-medical purposes gravely undermines the consensus the conventions represent among State Parties. This impacts the rules-based international order which is based on the oldest principle of international law “pacta sunt servanda”. As such, all treaties are binding on all parties and their requirements are to be executed in good faith. It also underlines that the joint commitments based on the principle of common and shared responsibility be implemented to meet the objectives of the conventions.

According to this fundamental principle of international public law, State Parties to a treaty must respect their legal obligations and any deviation undermines the objectives of the Conventions.

The Board is closely examining developments of the trend towards legalization of cannabis for non-medical use. There will be a thematic chapter on this matter in the INCB Annual Report for 2022.

The Board is committed to continuing its dialogue with States in order to foster the full implementation of the treaties and to encourage the adoption of legal and policy measures to safeguard the health and welfare of humanity in the spirit of common and shared responsibility.

I draw attention to Article 14 of the 1961 Convention, Article 19 of the 1971 Convention and Article 22 of the 1988 Convention, on the measures by the Board to ensure execution of the provisions of the conventions. The substantive articles empower the Board to look into any case of deviation of any provision and enter into an extensive confidential dialogue with the concerned member state. If the Board has objective reasons to believe, after due consideration of all facts of the case, the Board can refer the issue to the Parties, Council and the CND for discussion.

What the Board does is engage with States to seek solutions to the evolving challenges posed by the dynamic nature of the world drug problem, through dialogue and awareness-raising and outreach measures. It also brings the attention of State Parties to the conventions to particular challenges for which their intervention may be required.

There is a widespread consensus for some of these challenges, such as the need to ensure availability of controlled substances for medical purposes, while preventing non-medical use as well as excessive accumulation of stocks, which could lead to diversion, the need to strengthen prevention, treatment and rehabilitation initiatives and the unqualified respect for human rights and the implementation of Article 13 of the 1988 Convention which requires Parties to take measures to prevent trade in and diversion of materials and equipment for illicit drug manufacture.

For other challenges, in particular the legalization of controlled substances for non-medical purposes, the situation is more complex and poses what the Board considers a threat to the consensus embodied in the conventions and reaffirmed in the UNGASS outcome document.

The Board's mandate is set forth in the drug control conventions. The Board nonetheless impresses upon State Parties the urgency of the matter at hand as the number of States considering legalization of controlled substances grows. Only a small number of States have actually taken concrete steps to legalize non-medical use but these actions strike at the foundation of the agreement of the more than 180 countries that are signatories to the three drug control conventions and objectives of safeguarding the health and welfare of humankind.

Ultimately, the Board will continue to support State Parties in any deliberations on these complex matters, and the way forward can only be determined by the State Parties to the conventions.

Thank you for your attention.