

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](mailto:secretariat@incb.org) Internet Address: <http://www.incb.org/>

*Check against delivery*

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

**Fifty-ninth session of the Commission on Narcotic Drugs**

**Agenda Item 9: Special segment  
Preparations for the special session of the General Assembly  
on the world drug problem to be held in 2016**

**14 March 2016**

Mr. Chair, Excellencies, ladies and gentlemen,

It is an honour to address you in my capacity as President of the International Narcotics Control Board (INCB) during this special segment of the Commission on Narcotic Drugs, as you take the final steps towards the special session of the General Assembly on the world drug problem (UNGASS), to be held in just a few weeks' time.

You have an important task ahead. As the CND is the body mandated by States parties to consider all matters pertaining to the aims of the three drug control conventions, your guidance and input to the special session is of great significance.

UNGASS and the preparatory process are important as a means of taking stock of the accomplishments and the gaps in drug control, and of exchanging best practices in addressing the world's drug problem. The special session will contribute to laying the ground for the best way forward in drug policy.

The INCB wants to contribute to a differentiated assessment of the drug control system in light of its mandate and its experience. We understand that our role is:

- To clarify and highlight the 'approaches' and principles of the conventions and the Political Declarations
- To identify shortcomings in the implementation of the drug control system
- And to make concrete recommendations based upon the conventions and experience.

**INCB's assessment of the implementation of the Political Declaration is ambivalent:**

The current drug control system has undoubtedly achieved remarkable success in several areas: For example:

- Thanks to the control of the licit international trade in scheduled substances, diversions from licit trade to the illicit market have been significantly reduced.
- Moreover, in the last two decades, enormous efforts have been made in many countries to establish programmes for prevention, treatment and the reduction of the negative consequences of drug abuse.
- And international cooperation in drug related-matters has been considerably improved.

Nevertheless, we must note that some of the targets of the Political Declaration 2009 have not been met:

- The availability of controlled substances for medical and scientific purposes is still not satisfactory around the world. About three-quarters of the global population does not have access to proper pain relief treatment.
- Globally, the illicit demand and supply of drugs has not been significantly reduced and new psychoactive substances have emerged and are still emerging.
- Some of the fundamental principles of the conventions and the Political declarations have not been adequately implemented.

**Let me highlight some of these fundamental principles:**

The States parties' concern for the **health and welfare of mankind** is elemental to the international drug control system. It is expressed at the outset in the preambles to all three international drug control treaties as the ultimate goal of drug control. The INCB focused upon this topic in the thematic chapter of its recently-launched Annual Report 2015. In this context, we emphasize the necessity to put health and welfare at the centre of drug policy, and to apply a balanced approach to treaty implementation, with full respect for human rights and through evidence-based policies and practices. This is our main message in view of the upcoming special session of the General Assembly.

When monitoring the compliance of State parties with the treaties, the INCB found that, in many countries of the world, drug control policies relied primarily on criminal justice approaches and incarceration while drug demand reduction measures based on prevention, treatment, rehabilitation and social integration were often neglected. The result was an unbalanced drug policy, implemented at significant social and economic costs, and whose narrow scope was ill-suited to address the complex and multifaceted nature of the drug control problem.

Fortunately, drug control policy and practice at the national and global levels have been evolving during the last years to consider drug dependency as the public health issue and to apply a more health oriented approach. The Board welcomes this development and reiterates that it is entirely consistent with 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.

Let me recall some other fundamental principles the drug control system is based on:

- The principle of a comprehensive, balanced and integrated approach,
- The principle of common and shared responsibility, and
- The respect for human rights.

The INCB has described most of these principles in detail in the thematic chapters of its Annual Reports in the last years. Each of these chapters - including their recommendations - is a valuable contribution to the global debate on the best way forward in drug policy.

### **Legalisation:**

Recent years have seen **legislative developments** that permit the non-medical use of controlled substances, notably cannabis. The Board is concerned about these developments because they are not in compliance with the treaties that require that cannabis should be used exclusively for medical or scientific purposes. These legislations challenge not only the international consensus expressed in the conventions, but also international cooperation and the principle of shared responsibility upon which the international drug control system and international rule of law are founded.

You, the State Parties - who are the "owners" of the international treaties - must find a response to that challenge.

### **Flexibility:**

In this context, some proponents of these new legislations pretend that the **flexibility of the conventions** allows such regulations. In fact, the debate on flexibility is at the core of the general debate on future drug policy because it regards the possibilities and the limitations of the conventions.

Undoubtedly, there exists flexibility in the conventions - but not in each and every respect.

The conventions require to limit the use of drugs exclusively to medical and scientific purposes. Non-medical use has to be prohibited and considered as unlawful behaviour. There is **no flexibility** in the conventions for allowing and regulating any kind of non-medical use.

On the other hand, there is flexibility regarding the response of the State to unlawful behaviour. It is true that States have an obligation to establish certain behaviours as punishable offences. But this obligation is subject to the constitutional principles of the State and to the **principle of proportionality**. The conventions request that "serious offences shall be liable to adequate punishment particularly by imprisonment". That means that minor offences must not necessarily be punished by harsh criminal sanctions. There is no obligation stemming from the conventions to incarcerate drug users having committed minor offences. Thus, the conventions provide for flexibility in the determination of appropriate sanctions, including non-punitive or non-custodial measures, namely regarding the legal consequences for the possession of drugs for personal use. The INCB drew specific attention to the principle of proportionality in the thematic chapter of its Annual Report 2007.

In addition, the three conventions encourage State parties to provide, either as an **alternative** to conviction and punishment or in addition to conviction, that offenders undergo measures of treatment, education, after-care, rehabilitation and social reintegration. The INCB notes that the possibility of providing for alternatives to punishment could be used far more than it is currently the case.

### **"New" approaches:**

Member States' Governments and civil society are taking the opportunity of UNGASS 2016 to discuss possible 'new approaches' to the world drug problem.

INCB is convinced that the current drug control framework does not need to be discarded in order to adopt 'new approaches'. In fact, we don't need really '**new**' approaches in drug policy. Quite to the contrary, we need to better implement the approaches of the existing drug control treaties and Political Declarations that require a balanced, comprehensive and integrated approach where health and welfare is at the core of drug control policy, where human rights are promoted and the principle of proportionality is applied.

**Availability:**

We must vigorously tackle the continued uneven level of access to narcotic drugs and psychotropic substances for medical purposes. Our new **Report on Availability** highlights the obstacles and proposes action to revert the situation. Action rests with you, the Member States, and INCB wants to assist you with its recommendations.

**New challenges:**

The special session also provides an opportunity for the international community to further develop innovative measures to tackle new challenges, such as the growing public health threat posed by **new psychoactive substances** or the widespread emergence of non-scheduled substitute chemicals used in the illicit manufacture of drugs.

When it comes to **precursor control**, we need to pay greater attention to both the domestic movement and end-uses of chemicals as well as the continued emergence and diversity of so called “designer precursors.” Greater and systematic communication exchange on NPS and precursor chemicals will be critical, including finding new ways to monitor trade and develop partnerships with industry.

In closing, I urge you to capture the opportunity provided by UNGASS to renew your commitment to shared responsibility in addressing the world drug problem and to reaffirm the principles embodied in the conventions, namely to protect and enhance the health and welfare of mankind.

The INCB is convinced that the best way forward is the full and balanced implementation of the three drug control treaties, with full respect for human rights and consideration of local socio-economic and socio-cultural conditions. Success depends upon the political will and ability of States to implement evidence-based policies and practices in line with the conventions.

In accordance with our mandate, the Board will continue to engage with States with a view to ensuring that the drug control policies they adopt will benefit the health and welfare of humanity.

Thank you.