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The International Narcotics Control Board Strains its Limited Credibility

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The International Narcotics Control Board (INCB) issued its Annual Report this week. The INCB, a body of independent experts based at the UN, ostensibly issues the document to provide a yearly update on the functioning of the international drug control system. In practice, however, the reports are used as a mechanism to criticise states that deviate from repressive and supply-oriented international drug policies.

This year, the self-described ‘guardian’ of the [international drug control treaties has many targets](#). The concerns of its members run from predictable (Denmark) to trifling (Bolivia). However, in the context of international drug control, this report is more odious than it might first appear. Its omissions are as striking as its statements. The words ‘harm reduction’ are mentioned only once and some of the worst excesses of drug policy are completely

overlooked.

Ignoring Human Rights Standards:

In the field of human rights the Board’s comments and actions are so shockingly out of line with international norms that it calls into question its credibility – [if not its competence](#). For example, during the INCB’s visit to Saudi Arabia, the government actually [beheaded a man named Bashir Khamis Ahmad](#), for a drug offence. However, this did not receive any comment from the INCB at the time nor any mention in the annual report. One might forgive such an oversight in countries where executions are held in secret. But capital punishment is quite transparent in Saudi Arabia. Executions are widely reported in the local and even international media. In fact, [the official government press agency announces them](#). Moreover, such killings are frequent. Bashir Khamis Ahmad was the [second drug offender to be beheaded that month](#) – the other being [a man named Hayat Sayed Lal Sayed](#).

Saudi Arabia’s approach to drugs, meanwhile, is not limited to beheadings but also includes flogging, a punishment widely condemned as torture, or at the very least, cruel inhuman or degrading. [Harm Reduction International reported](#) that in 2001, three people were sentenced to 1,500 lashes each for drug offences. Ignoring these human rights abuses, the Board praised Saudi Arabia and [recognised the](#) ‘commitment of the Government of Saudi Arabia to comply with its obligations under the three international drug control conventions to which it is a party and commends the country’s government agencies involved in drug control for their commitment and efforts in the fight against drug abuse and drug trafficking.’

This is not an isolated case. In 2003, [the INCB commended Thailand](#) after an extrajudicial killing spree in which 2,500 people were gunned down. At the time, the INCB remarked that the action had decreased amphetamine use in the country and commended the government for investigating the incidents, despite protests from [human rights NGOs](#) and even UN officials that the government was blocking all independent investigations.

The [INCB’s indifference to international standards](#) has long been visible. Last year, [the Board wrote](#) that it ‘welcomes the steps taken in Viet Nam to improve the treatment and rehabilitation of drug abusers’ and in the same paragraph ‘encourages the Government to reinforce and support existing facilities.’ Such encouragement came after the [UN Special Rapporteur on the Right to Health raised serious human rights concerns](#) about Viet Nam’s drug treatment and detention centres and after [twelve UN agencies called on such centres to be shut down](#). Time and again, the INCB has simply turned a blind eye to international standards, human rights, science and even basic decency.

Bolivia and the Coca Leaf:

Despite overlooking the aforementioned violations of established international norms, it was an infinitesimal adjustment to Bolivia’s international drug control obligations that raised the Board’s ire. In mid-2011, [Bolivia withdrew from the Single Convention on Narcotic Drugs](#) in order to reenter with a very minor reservation to the requirement that ‘coca leaf chewing must be abolished’. Bolivia argued this obligation was in direct conflict with the Universal Declaration on the Rights of Indigenous

Peoples, which was adopted in 2007, that reflects a global commitment to respect cultural traditions and medicinal practices of all indigenous populations.

While the section of the annual report appears to have been written before Bolivia was re-admitted, the Board chose to criticize the action as undermining international law. [It wrote Bolivia's move was](#), 'contrary to the fundamental object and spirit of the 1961 Convention.' This was despite Bolivia following the procedures prescribed by the drug control treaties. Moreover, Bolivia's reservation and reentry to the international agreement was accepted by the international community months ago. [Only 15 of the 193 Member States of the UN General Assembly objected to Bolivia's reentry.](#)

Denmark and Harm Reduction:

Elsewhere in the annual report, evidence-based health services were once again criticised by the Board. The INCB singled out Denmark for introducing 'drug consumption rooms' – thereby augmenting its [long and indefensible history](#) of criticising interventions proven to reduce overdose and the transmission of blood borne viruses and bacterial infections like HIV. For example, In the past, members of the INCB have denounced methadone maintenance therapy as tantamount to illegal drug use – even though methadone is on the World Health Organization's list of essential medicines.

As was documented in the recent LSE IDEAS report, '[Governing the Global Drug Wars](#)', 'These views are in direct conflict both with the unanimous Declaration of Commitment on HIV/AIDS of the UN General Assembly in 2001 and with position papers of WHO, UNAIDS and UNODC recommending opiate maintenance therapy as a central element of HIV prevention.' [As the LSE report stated](#), 'The INCB's unconstrained praise of repressive practices only fuels the strong temptation that countries face to use "drug war" approaches to justify measures that may be disproportionately harsh.'

Overhauling Oversight:

Amidst the INCB's praise for some the world's worst human rights offenders, it must be asked: at what point does approval amount to collusion? It is easy to dismiss the INCB's report as the ramblings of a relatively obscure international body. After all, this toothless watchdog's writings do not dictate national action. Rather, its opinions serve only as a justification or excuse for what governments are keen to do anyway.

But one need only look at the abhorrent practices this report excuses to understand why it is so disturbing. Harm Reduction International estimates there are as many as 1,000 people executed for drug offences every year and that there are hundreds of thousands of new (and entirely preventable) HIV and HCV infections through injecting drug use.

Arbitrary detention, denial of health services, unlawful executions for drugs are not isolated incidents. In many places they are widespread, and frequently enshrined in law. If the INCB's only comments on these clear human rights violations are words of praise – then its credibility and competence are severely compromised.

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