



Press Release
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The UN International Narcotics Control Board Releases 2011 Annual Report

Accuses Bolivia of Threatening Integrity of the Global Drug Control System by Reserving the Right to Use Coca Leaf

The UN's International Narcotics Control Board (INCB), which monitors implementation of the global drug treaties, has trained its fire on Bolivia, this time accusing the country of threatening the integrity of the entire international drug control regime by defending traditional uses of the coca leaf.

Transnational Institute (TNI) and Washington Office on Latin America (WOLA) consider the INCB's latest salvo against Bolivia to be further evidence of the Board's stubborn combination of incompetence and overreach. The INCB's harsh response to Bolivia begs the question of why the Board is so afraid. **"Why does the Board consider the international drug Conventions to be so fragile?"** asked WOLA Senior Associate John Walsh. **"How do one country's legitimate efforts to reconcile its treaty obligations with its own constitutional requirements represent an existential threat to the entire system in the eyes of the INCB?"**

Effective January 1, 2012, Bolivia denounced the 1961 Single Convention on Narcotic Drugs and is now seeking to re-join the Convention with a reservation upholding uses of coca leaf in its natural state within Bolivian territory. All other parties to the Convention have twelve months to consider Bolivia's reservation. Unless one-third of the parties object (meaning 62 or more countries), Bolivia's reservation "shall be deemed to be permitted."

Bolivia took the step of leaving the Convention and re-acceding with a reservation only after a U.S.-led coalition in 2011 blocked Bolivia from amending the Convention's Article 49, which obliges parties to abolish coca leaf chewing within 25 years. The Single Convention's ban on traditional uses of coca is in flat contradiction to Bolivia's new Constitution, adopted in 2009, which obliges the Bolivian State to "protect native and ancestral coca as cultural patrimony" and says that coca "in its natural state it is not a narcotic. Its revaluing, production, commercialization, and industrialization shall be regulated by law." Having failed to amend the Convention as it had hoped, Bolivia decided to leave the treaty and re-accede with a reservation.

In the preface to the INCB's report for 2011, Board President Hamid Ghodse regrets Bolivia's "unprecedented step" and calls it "contrary to the fundamental object and spirit of the Convention." Mr. Ghodse even contends that "the integrity of the international drug control system would be undermined and the achievements of the past 100 years in drug control would be compromised" if denunciation and re-accession with reservations were to become a mechanism used by other State parties.

The INCB has come down heavily on Bolivia for its defence of traditional uses of the coca leaf before. In July 2011 the Board used similar language to criticize Bolivia. In its new report, the INCB expresses willingness to continue a dialogue to assist Bolivia to resolve its problems in a respectful manner. But the Board's definition of "dialogue" is peculiarly one-sided. **"The INCB operates under a completely misplaced and self-inflated sense of infallibility that they apparently believe absolves them of any responsibility to base their inquisitorial judgements on rational arguments,"** according to Martin Jelsma, coordinator of TNI's Drugs & Democracy programme.

In considering the procedures Bolivia has opted to follow, the Board would do well to refer to the official Commentary on the 1961 Single Convention, which states explicitly (p. 476) that: "By operation of article 50, paragraph 3, a Party may reserve the right to permit the non-medical uses as provided in article 49, paragraph 1, of the drugs mentioned therein, but also non-medical uses of other drugs, without being subject to the time limits and restrictions provided for in article 49."

"The INCB response is another clear sign that the UN drug control regime is under strain and that the cracks in the so-called 'Vienna consensus' are approaching a breaking point," according to TNI's Jelsma. **"It is a sign that its principal guardian, the INCB, is in distress and no longer capable of responding to challenges in a rational manner."**

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Resources:

Please refer to the INCB's website for a copy of the report:

<http://www.incb.org/>

[*Bolivia's legal reconciliation with the UN Single Convention on Narcotic Drugs*](#),
IDPC Advocacy Note, July 2011

Treaty guardians in distress, The inquisitorial nature of the INCB response to Bolivia, TNI weblog <http://www.undrugcontrol.info/en/weblog/item/2626-treaty-guardians-in-distress>