

2 December 2021

International Narcotics Control Board President, Jagjit Pavadia,
Copy to: International Narcotics Control Board Secretary, Mark Colhoun,
Vienna International Centre, Wagramer Straße 5,
Vienna 1400, Austria.

Voluntary contribution to INCB on transparency and accountability

Your Excellency President Pavadia,

Dear Mr. Secretary Colhoun,

We congratulate you for your nomination as respectively [President](#) and [Secretary](#) of the International Narcotics Control Board (INCB). Both of you are vested, in your respective capacities, with the important task of accompanying the Board's transition into the 21st Century. This inevitably means **increased transparency and accountability** of the institution: Board and Secretariat.

Although an independent treaty body, INCB is administered by the United Nations (UN): located within the UN compound in Austria, INCB's staff are paid by the UN, have @un.org e-mail addresses, and in all aspects are considered UN personnel.

Consequently, notwithstanding the independence of Board Members, UN personnel discharging INCB Secretariat work should be wholly bound by the rules and procedures valid for all of their UN colleagues. This includes transparency, accountability, respect for all parties (Member States and non-State actors) and [due diligence with respect to a series of standards](#), including human rights, and with respect to the work of other international organizations.

Scholars have long pointed out the [uniqueness of the INCB in international relations](#). While the INCB is independent and to a large extent has the ability to determine its own practices, in an evolving world, the INCB cannot continue to hold on to processes, arrangements and working methods almost unchanged from those of its predecessor, the Permanent Central Opium Board established in 1925.

As civil society stakeholders, we want to help the INCB meet the challenges of our world. This is why we have compiled proposals inspired by successful working methods of the broader UN family. Our suggestions are summed up in six recommendations:

1. [Disclose minutes, background documentation, communications from non-State actors, lists of participants, conflicts of interests, and rules of procedures of the Board;](#)
2. [Opt-in to an online documentation access and archival system\(s\) in coordination with the UN Office of Information and Communications Technology, UN Library in Vienna, or other relevant bodies;](#)
3. [Extend the civil society consultations to all areas of work of the Board;](#)
4. [Call for and collect written contributions from non-State actors;](#)
5. [Allow accredited non-State actors \(with ECOSOC-status or establishing an internal mechanism\) to participate as observers in non-confidential Board meeting agenda item discussions;](#)
6. [Scale-up "country visits" taking inspiration in the human rights treaty bodies Annual Review Mechanism.](#)

We hope these proposals will be of interest to you and look forward to engaging in constructive discussions.

Respectfully,

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| 1. Concile mondial de congrès diplomatiques des aumôniers pour la paix universelle des droits humains et juridiques (International) | 3. ENCOD vzw (International) |
| 2. Drug Science (International) | 4. Ethiopia Africa Black International Congress Church of Salvation (International) |
| | 5. European Industrial Hemp Association (International) |

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6. **FAAAT think & do tank** (International)
 7. **ICEERS Foundation** (International)
 8. **International Association for Cannabinoid Medicines, IACM** (International)
 9. **International Drug Policy Consortium, IDPC** (International)
 10. **Law Enforcement Action Partnership, LEAP** (International)
 11. **Society of Cannabis Clinicians** (International)
 12. **Students for Sensible Drug Policy, SSDP** (International)
 13. **Transform Drug Policy Foundation** (International)
 14. **Transnational Institute, TNI** (International)
 15. **Youth RISE** (International)
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16. **ACEID** (Costa Rica)
 17. **Addiction Research Center - Alternative Georgia** (Georgia)
 18. **Afristar Foundation** (South Africa)
 19. **AGRFR, Association guyanaise de réduction des risques** (French Guiana)
 20. **Agrupación de cultivadores de cannabis del Uruguay, ACCA** (Uruguay)
 21. **akzept e.V. Bundesverband für akzeptierenden Drogenarbeit und humane Drogenpolitik** (Germany)
 22. **Americans for Safe Access** (USA)
 23. **Arbeitsgemeinschaft Cannabis als Medizin, ACM** (Germany)
 24. **ARGE CANNA e.V.** (Austria & Germany)
 25. **Asociación Civil Acción Cannábica** (Argentina)
 26. **Asociación Civil Ciencia Sativa** (Argentina)
 27. **Asociación de Cannabis Medicinal, ACMED** (Argentina)
 28. **Asociación Gallega del Cáñamo** (Spain)
 29. **Asociación Mexicana de Medicina Cannabinoide, AC** (Mexico)
 30. **Association des Chanvriers de Nouvelle Calédonie** (New Caledonia)
 31. **Association of Patient Advocates** (USA)
 32. **Association Principes Actifs** (France)
 33. **Associazione Luca Coscioni** (Italy)
 34. **ASUD, Auto-support et Réduction des risques parmi les usagers de drogues** (France)
 35. **Berkeley Patients Group** (USA)
 36. **Beyond Green** (UK)
 37. **Big Sur Farmers Association** (USA)
 38. **California NORML** (USA)
 39. **Canapa Caffè associazione culturale** (Italy)
 40. **Cannabis Consumers Coalition** (USA)
 41. **Cannabis Social Club Bolzano/Bozen** (Italy)
 42. **Cannabis de Esperanza / Cannabis gotas de esperanza** (Peru)
 43. **Cannabis Development Council South Africa** (South Africa)
 44. **Cannabis For Children International** (USA)
 45. **Cannabis Industry Council** (UK)
 46. **Cannabis sans frontières** (France)
 47. **Cannabis Trade Association, CTA** (UK)
 48. **Cannagenethics Foundation** (Netherlands)
 49. **Cannamedica Luxembourg ASBL** (Luxemburg)
 50. **Cannasense Campaign** (USA)
 51. **Cáñamo Industrial Ecuador** (Ecuador)
 52. **Cañuelas Cultiva** (Argentina)
 53. **CAPA Cannabis Patientenverein e.V** (Germany)
 54. **Caribbean Collective for Justice** (Trinidad and Tobago)
 55. **Catalan Network of People who Use Drugs, CATNPUD** (Spain)
 56. **Centro de Convivência É de Lei** (Brazil)
 57. **Centro de Estudios del Cannabis de Perú** (Peru)
 58. **COLEC** (Tunisia)
 59. **Collectif d'Information et de Recherche Cannabique, CIRC** (France)
 60. **Collectif Urgence Toxida** (Mauritius)
 61. **Comitato pazienti cannabis medica** (Italy)
 62. **Comitato Referendum Cannabis Legale** (Italy)
 63. **Confederación de federaciones y asociaciones cannábicas, ConFAC** (Spain)
 64. **Conseil des Organisations de Lutte Contre l'Abus de Drogues, CONAD-CI** (Côte d'Ivoire)
 65. **Corporación Acción Técnica Social, ATS** (Colombia)
 66. **Corporación Sapiencia** (Colombia)
 67. **Corporación Viso Mutop** (Colombia)
 68. **Corporación Ciudadanía y Justicia** (Chile)
 69. **Council for Federal Cannabis Regulation** (USA)
 70. **Cultivadores Cannabicos** (Argentina)
 71. **Cultivemos Argentina** (Argentina)
 72. **CzechHemp** (Czech republic)
 73. **Decriminalize Nature Tucson** (USA)
 74. **Decriminalize VA** (USA)
 75. **DRCNet Foundation / StoptheDrugWar.org** (USA)
 76. **Drugs Peace Institute** (Netherlands)
 77. **Drug Policy Australia limited** (Australia)
 78. **Drug Policy Network South East Europe** (Serbia)
 79. **Elementa DDHH** (Colombia & Mexico)
 80. **Elternkreis Wien** (Austria)
 81. **Ethio-Africa Diaspora Union Millennium Council** (Jamaica)
 82. **EUmans** (Italy)
 83. **Fedito Bxl** (Belgium)
 84. **Fields of Green for ALL, NPC** (South Africa)
 85. **Finnish Cannabis Association / Suomen kannabisyhdistys ry** (Finland)
 86. **Forum Droghe** (Italy)
 87. **Foundation of Cannabis Unified Standards** (USA)
 88. **Freedom Grow Forever** (USA)
 89. **Front de Libération du Cannabis** (Tunisia)
 90. **Fundación Ciencias para la Cannabis** (Chile)
 91. **Fundación Latinoamérica Reforma** (Chile)
 92. **Fundación Renovatio** (Spain)
 93. **Ganja Growers and Producers Association** (Jamaica)
 94. **Gli amici di nonna canapa** (Italy)
 95. **Global Eye** (Netherlands)
 96. **Green World for medical and legal informing** (Croatia)
 97. **Green Zone** (Japan)
 98. **Grupo de Mujeres de la Argentina Foro de VIH Mujeres y Familia** (Argentina)

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99. **Hanf Als Nutzpflanze Fördern, H.A.N.F. e.V.** (Germany)
 100. **Hanf Institut** (Austria)
 101. **Hanfparade, Jakis e.V.** (Germany)
 102. **Harm Reduction Australia** (Australia)
 103. **Himalayan Hemp Society** (India)
 104. **HOPS - Healthy Options Project Skopje** (North Macedonia)
 105. **Hungarian Medical Cannabis Association** (Hungary)
 106. **Institut Polynésien du Cannabis** (French Polynesia)
 107. **Instituto RIA, AC** (México)
 108. **Intercambios Asociación Civil** (Argentina)
 109. **Intercambios Puerto Rico** (Puerto Rico)
 110. **Jamaica Licensed Cannabis Association** (Jamaica)
 111. **KOPAC, Patients association for cannabis treatment** (Czech republic)
 112. **Korea Medical Cannabis Organization** (Republic of Korea)
 113. **Kyarki Foundation Trust** (India)
 114. **Latvian Hemp Union** (Latvia)
 115. **Law Enforcement Action Partnership Europe, LEAP Europe** (France)
 116. **Le Club Confluence** (France)
 117. **Legalizace.cz** (Czech Republic)
 118. **Louisiana Veterans for Medical Cannabis** (USA)
 119. **Malaysia Hempstech Industrial Research Association, MHIRA** (Malaysia)
 120. **MAMAKA, Mothers for Cannabis** (Greece)
 121. **Mambo Social Club** (Belgium)
 122. **Marijuana Policy Project** (USA)
 123. **MAST Human** (Thailand)
 124. **Medical Cannabis Awareness NZ, Inc.** (Aotearoa/New Zealand)
 125. **Medical Cannabis Party** (Philippines)
 126. **Meglio Legale** (Italy)
 127. **México Unido Contra la Delincuencia, MUCD** (Mexico)
 128. **Moms Stop The Harm** (USA)
 129. **Mongolian Hemp Association** (Mongolia)
 130. **Multi-Dimensional Cannabis Research Centre, Kathmandu University** (Nepal)
 131. **Cannabis and Hemp Association of Namibia** (Namibia)
 132. **New Zealand Medicinal Cannabis Council** (Aotearoa/New Zealand)
 133. **NORML France** (France)
 134. **NORML New Zealand, Inc.** (Aotearoa/New Zealand)
 135. **NZ Drug Foundation** (Aotearoa/New Zealand)
 136. **NZ Hemp Industries Association Inc.** (Aotearoa/New Zealand)
 137. **Oaksterdam University** (USA)
 138. **Observatorio Europeo del Consumo y Cultivo de Cannabis, OECCC** (Spain)
 139. **Out of the Closet Cannabis Club** (Canada)
 140. **Patient-Led Engagement for Access CIC** (UK)
 141. **Patienten Groep Medicinaal Cannabis Gebruikers, PGMCG** (Netherlands)
 142. **Patients of Cannabinoid Therapy** (Japan)
 143. **Patients Out of Time** (USA)
 144. **Peace Movement** (Aotearoa/New Zealand)
 145. **People Against Prisons Aotearoa** (Aotearoa/New Zealand)
 146. **Philippine Cannabis Legal Resource Center** (Philippines)
 147. **Proyecto Cáñamo** (Argentina)
 148. **Queensland Council for Civil Liberties** (Australia)
 149. **Red de especialistas en Endocannabinología y cannabis Medicinal** (Ecuador)
 150. **ReLeaf Malta** (Malta)
 151. **Release** (UK)
 152. **RESET - Política de Drogas y Derechos Humanos** (Argentina)
 153. **Rights Reporter Foundation** (Hungary)
 154. **RUCAM, Red de Usuarios de Cannabis Medicinal** (Uruguay)
 155. **Rumah Cemara** (Indonesia)
 156. **Schildower Kreis e.V.** (Germany)
 157. **Science for Democracy** (Italy)
 158. **Selbsthilfenetzwerk Cannabis als Medizin, SCM** (Germany)
 159. **Sensible Philippines** (Philippines)
 160. **Social Drug Policy Initiative** (Poland)
 161. **Società della Ragione** (Italy)
 162. **Sociedad Clínica de Endocannabinología, SCE** (Spain)
 163. **Sociedade Brasileira de Estudos da Cannabis sativa, SBEC** (Brazil)
 164. **Substance Use and Policy Analysis** (Aotearoa/New Zealand)
 165. **Syndicat Polynésien du Chanvre** (French Polynesia)
 166. **Tahiti Herb Culture** (French Polynesia)
 167. **Tolweed club cannabico** (Argentina)
 168. **The Cannabis Trades Association, CTA** (UK)
 169. **Together for Responsible Use and Cannabis Education, TRUCE** (USA)
 170. **Treatment Action Group, TAG** (USA)
 171. **Unión de Pacientes por la Regulación del Cannabis, UPRC** (Spain)
 172. **UK Law Enforcement Action Partnership, LEAP** (UK)
 173. **Umzimvubu Farmers Support Network, NPC** (South Africa)
 174. **Veterans Ending The Stigma** (USA)
 175. **Veterans for Medical Cannabis Access** (USA)
 176. **Veterans Initiative 22** (USA)
 177. **Virginians Against Drug Violence** (USA)
 178. **VOC, Verbond Opheffing Cannabisverbod, Union for the abolition of cannabis prohibition** (Netherlands)
 179. **Washington Office on Latin America, WOLA** (USA)
 180. **Why not hemp? / Prečo nie konope? n.f** (Slovakia)
 181. **Zimbabwe Civil Liberties and Drug Network** (Zimbabwe)

“In recent decades the United Nations has opened its procedures significantly to civil society participation. Virtually all major United Nations events and summits accommodate NGO forums of various kinds, and many invite NGO participation in the form of speaking slots to accredited delegates, permission to distribute publications, and space for NGO networking. [...] **Even the UN Security Council, historically one of the UN’s most secretive bodies, has opened up its proceedings.** There is an officially established NGO Working Group that relates to the Security Council and is involved in regular meetings and briefings [...] In spite of such observations, the **INCB remains perhaps the most closed and least transparent of any entity supported by the United Nations.** There are no minutes or public reports on the deliberations of the INCB. The INCB’s proceedings are closed not only to NGOs but also to member states. [...] INCB officials have repeatedly cited security concerns and the need for confidentiality associated with sensitive drug control measures. Can it be impossible, however, for the INCB to engage with civil society if the Security Council can do so with the delicate and potentially explosive issues that it considers?”

Joanne Csete, 2012

“**Civil society**, when apprised of the treaty body procedures and given the opportunity to participate via videoconferencing and webcasts, **has proven to be an invaluable partner not only for the treaty bodies but also for States**, even when their role is to critically assess States’ policies and legislations.”

UN High Commissioner for Human Rights Navanethem Pillay, 2012

“Together, we must create more robust systems for **accountability, transparency and integrity** without delay. [...] A vibrant civic space and **open access to information** are essential”

UN Secretary-General António Guterres, 2020

There are 10 human rights related treaty bodies. Each of them display comprehensive information about their regular sessions (while keeping confidential some sensitive documentation): working documents, summary meeting records, and sessional series [are given their own symbol and made publicly available](#). The public can also access organizational information (rules of procedure, working methods, calendar of sessions with all documentation, conclusions, decisions, oral and substantive statements). In addition, access is usually available to sections titled “Participation in the work of the Committee” or “Information for Civil Society” with specific information for participants, special accreditation procedures for affected populations, etc.

The UN High Commissioner for Human Rights has dedicated a [page for Civil Society on its website](#) which references various key documents that could help inform INCB’s transparency efforts.¹

Other treaty bodies include, for example, the International Union for the Protection of New Plant Varieties (UPOV), which was [criticized for years for its lack of transparency](#). Its [reforms in the 2010s](#) made available a broad range of documentation² and instated an observer registration system for civil society stakeholders.

¹ Of relevance to the discussion are: [Strengthening the United Nations human rights treaty body system](#), [A handbook for Civil Society](#), as well as the [Chair of the Human Rights treaty bodies’ meeting conclusions from 2019](#).

² [Organigram](#), [Terms of Reference, resolutions and decisions framing its activity](#), [List of Secretariat officers](#), [Position on Key Issues](#), [List of Observers](#), [Information documents](#) equivalent to INCB’s “/W.” documents, [comprehensive list of upcoming events](#) with [tentative dates up to 2 years ahead](#), [meeting documents by type of meeting](#), and a documentation [research toolbar](#)

Treaty body	Established	HQ	Minutes from Members' and Secretariat's Meetings	Secretariat staff, organigram, rules of procedure & working methods	Civil Society-specific information	Disclosure of observers & stakeholders involved	Disclosure of contributions received	Communications with Member States
CAT (Committee Against Torture)	1987	Geneva	-Concluding observations and summary records of meetings, by session and by country/issue - Summary in Annual Report	- Secretariat contact details - Organigram - Rules of procedure - Working methods - Committee-specific factsheet on procedures	- Updated info page for Civil Society - Accreditation page - 44 pages Civil Society handbook chapter + Practical Guide for Civil Society in 29 languages	-Yes, Lists of participants issued, e.g.: 68th session	-Yes, e.g.: 68th session	-In-session communications only, e.g.: 68th session
CCPR (Human Rights Committee)	1977	Geneva	<i>idem</i>	<i>idem</i>	<i>Idem</i> CAT + Framework of engagement for Civil Society	-Yes, Lists of participants issued, e.g.: 125th session	<i>idem</i>	<i>idem</i>
CEDAW (Committee on the Elimination of Discrimination Against Women)	1982	Geneva	<i>idem</i>	<i>idem</i>	<i>idem</i> CAT	<i>idem</i>	<i>Idem</i> + Calls for Comments on Drafts	<i>idem</i>
CERD (Committee on the Elimination of Racial Discrimination)	1970	Geneva	<i>idem</i>	<i>idem</i>	<i>Idem</i> CAT + Special 60 pages booklet on Civil Society involvement	<i>idem</i>	<i>idem</i>	<i>idem</i>
CESCR (Committee on Economic, Social and Cultural Rights)	1985	Geneva	<i>idem</i>	<i>idem</i>	<i>idem</i> CAT	<i>idem</i>	<i>idem</i>	<i>idem</i>
SCBD (Secretariat of the Convention on Biological Diversity)	1992	Montreal	- Comprehensive quarterly reports on Sec.'s activities - Minutes and comprehensive documentation, including programmes of work and cross-cutting issues	- Organigram - Secretary info - List of former Sec. - Secretariat staff info - Role & mandate	NGO-specific portal with a NGO newsletter , rules of engagement , overview of how to get involved , and information resources .	<i>idem</i>	- Comprehensive disclosure of statements received (example) - Case study portal	<i>idem</i>
UPOV (Union pour la Protection des Obtentions Végétales)	1968	Geneva	- Session documents by type of meeting - Background information documents	- List of Secretariat officers - Organigram, Terms of Reference, & decisions framing activity	- Rules on observer status - Key issues - Legislation database	- List of Observers - Lists of Participants at meetings (example)	Not available	<i>idem</i>
INCB (International Narcotics Control Board)	1968	Vienna	Only partial narrative accounts in Annual Reports	Short Secretary biography	Not available	Not available	Not available	Not available

I. Transparent documentation

The INCB, except for specific substantial matters directly relating to the Convention (*i.e.*, consultations and communications between INCB and Member States) is bound by all the general transparency and disclosure requirements valid for the UNODC and other UN entities.

[ECOSOC Resolution 1991/48](#) provides for INCB's organizational arrangements. It only states that "confidential material in documents and records of the INCB in the possession of [UNODC]" are protected from unauthorized disclosure (paragraph 10). As early as [2010, Hallam \(pp. 4–5\)](#) explained that:

"the Board justifies this secrecy by reference to its 'independent' nature and the rules of confidentiality legally established under the treaties. Yet, the only mention of confidentiality relates specifically to actions the Board initiates under article 14 of the Single Convention, article 19 of the 1971 Convention and article 12 of the 1988 Convention, and those rules are meant to protect the countries concerned rather than the Board. The fact that the INCB has applied these rules to the entirety of its conduct is a purely procedural issue and is not related to its mandate as laid out in the conventions."

Even procedurally, paragraph 8 of [E/RES/1991/48](#) suggests that these confidential communications only refer to communications undertaken "directly with Governments and other entities pursuant to the relevant provisions of the Conventions." **The fact that the INCB has applied full confidentiality to the entirety of its work, since its formation in 1968, is therefore neither mandated under the treaties, nor a direct procedural requirement. It is a choice.**

Currently, only an extremely concise agenda of INCB meetings is available publicly, as well as a vague narrative account of meetings in the annual reports. This is insufficient from our perspective. The procedures and working methods of other intergovernmental treaty bodies *de facto* administered by UN agencies similarly to INCB suggest that commonly disclosed documentation, which the Board should make available, includes:

- Minutes of the meetings (specific confidential sections can be redacted, when needed);
- The background documentation relied on during meetings (referenced in the agenda or minutes);
- A disclosure of the list of communications received from non-State actors;
- A list of participants, including invited speakers and guests;
- A disclosure of the declarations of conflicts of interest by participants, when relevant;
- The rules of procedure of the Board and its organizational structure.

INCB should opt-in to the harmonized online UN documentation repositories managed by the UN Office of Information and Communications Technology (*e.g.*, [documents.un.org](#), [undocs.org](#)) to facilitate worldwide access.

In times of distancing and "teleworking," such a filing of INCB documentation would facilitate the quintessential work of archival and conservation of the documentation of international organizations. Researchers struggle to access INCB archives. INCB could consider establishing a time limit after which documents would be automatically filed for historical archival, perhaps to the United Nations Library in Vienna.

To coherently establish such mechanisms INCB should consider implementing internal freedom of information and other disclosure policies. This could be done jointly with UNODC and inspired by other similar international organisations (human rights treaty bodies, Secretariat of the Convention on biological diversity, UPOV, etc.).

II. Participation

In recent years, INCB has innovated by undertaking some **consultation with Civil Society organizations**,³ providing input to the Board's thematic chapter published in INCB's Annual Report. This is a positive development and the mechanism could be extended to other relevant INCB workstreams, beyond the Annual Report's thematic chapter –for example the INCB Cannabis Control Initiative or other similar projects.

Additional open-ended and transparent protocols to **collect written inputs from non-State actors** (such as NGOs, the scientific community, affected populations, the private sector) should be established.

As other treaty bodies, INCB could establish an internal system of **accreditation or registry of interested non-State actors** to facilitate transparent participation in INCB consultations as well as **observation of INCB meetings**. Alternatively, INCB could rely on the already-existing list of organizations having been granted Consultative Status by the UN Economic and Social Council (ECOSOC). While parts of the meeting certainly deserve to remain closed to observers (*e.g.* discussions and communications with Member States' compliance and statistical returns), not all agenda items require confidentiality. In particular, discussions on the thematic chapter of the annual report should be open to observers.

INCB Board members routinely undertake “**country visits**.” This mechanism should be reshaped to allow for the collection of information from a variety of stakeholders, beyond competent national authorities. Inspiration could be found in the Annual Review Mechanisms of the Human Rights Treaty Bodies where civil society engagement has proven to help “[sharing assessments, raising awareness on \[treaty\] obligations and fostering a public debate around the recommendations issued by treaty bodies.](#)”

Recommandations:

7. **Disclose minutes, background documentation, communications from non-State actors, lists of participants, conflicts of interests, and rules of procedures of the Board;**
8. **Opt-in to an online documentation access and archival system(s) in coordination with the UN Office of Information and Communications Technology, UN Library in Vienna, or other relevant bodies;**
9. **Extend the civil society consultations to all areas of work of the Board;**
10. **Call for and collect written contributions from non-State actors;**
11. **Allow accredited non-State actors (with ECOSOC-status or establishing an internal mechanism) to participate as observers in non-confidential Board meeting agenda item discussions;**
12. **Scale-up “country visits” taking inspiration in the human rights treaty bodies Annual Review Mechanism.**

³ The consultations take the form of statements delivered by a selected number of NGO representatives chosen by a process internal to the Vienna NGO Committee on drugs (VNGOC), followed eventually by questions of Board members to the presenters. [Only one consultation related to cannabis was ever held, in 2018, with 10 NGOs.](#)