

Statement in support of the Bolivian announcement to ask for the un-scheduling of the coca leaf from the list controlled substances of the 1961 UN Single Convention.

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Agenda Item III Countering drugs supply
(i) areas requiring further action

NGO Contribution

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The resolution of ambiguities regarding the coca leaf

Since 1952 until 1988, the drug control system has criminalized the coca leaf. The 2007 Annual Report of the International Narcotics Control Board is by far the most aggressive since the 1961 Single Convention, which proclaimed the elimination of traditional use in 25 years. The 1988 Convention re-acknowledged this ancestral practice.

As a result of the 2006 INCB report (that gave clear signals regarding the Board's concerns over Bolivia's national policy towards the coca leaf) the Bolivian government extended an invitation to the Board to visit the country in order to enlighten them on their new strategy on drugs control and coca leaf policies. The 2006 report had expressed concerns that these policies *"could serve as a precedent and may send the wrong message to the public if it is allowed to stand"*.^[1] Bolivian governments have protested against this for decades.

Although the Board's visit was interpreted as generally positive on the Bolivian side, the 2007 INCB report shows no signs of an increased sensitivity towards the Bolivian claim on the rights of their indigenous population, and the general public, to consume the coca leaf in a traditional manner by chewing the leaf, and even goes as far as to consider drinking coca tea, as *"not in line with the provisions of the 1961 Convention"*.^[2] The Board considers Bolivia, Peru and a few other countries^[3] to allow such practises to be in breach with their treaty obligations, and insists, *"each party to the Convention should establish as a criminal offence, when committed intentionally, the possession and purchase of coca leaf for personal consumption"*.^[4]

The fact that this would involve prosecuting several million people does not seem to be proportional to the claimed crime, particularly since most consumers use the coca leaf for beneficial health purposes, and coca tea drinking a well-recognized practise to counter altitude sickness.

The absurd call by the Board contradicts their own forward to the report that talks about *"respect for national sovereignty, for the various constitutional and other fundamental principles of domestic law - practice, judgements and procedures - and for the rich diversity of peoples, cultures, customs and values"*.^[5]

Although the 1961 Convention established that *"Coca leaf chewing must be abolished within*

twenty-five years from the coming into force of this Convention," [6] when this temporary rule came to its end, the then democratically elected governments of Bolivia and Peru managed to have part of the damage done reverted in the 1988 Convention, by having a partial recognition included, stating "The measures adopted shall respect fundamental human rights and shall take due account of traditional licit use, where there is historic evidence of such use". [7]

In this years report, the Board denies the validity of this article, or any reservation made by parties, since it does not "*absolve a party of its rights and obligations under the other international drug control treaties*". [8]

The INCB makes its worst mistake to refer to the coca leaf with the false assumption that harm is inflicted upon people's health when consuming the coca leaf, when referring to "*the role it plays in the progression of drug dependence*". [9] This claim bears no scientific or medical evidence, and is exclusively based on a long forgotten and obsolete study done in 1950 in which racial prejudice and questionable methodologies were used. [10]

The approach adopted in the report towards this complex and sensitive issue demonstrates a surprising ignorance and insensitivity not suitable for a UN body, particularly following their visit to Bolivia, and after the recent adoption of the Declaration of the Rights of Indigenous Peoples. For this reason, we support the announcement of Bolivia to ask for the un-scheduling of the coca leaf from the list controlled substances of the 1961 Convention.