

2 December 2021

United Nations Secretary-General, António Guterres  
United Nations Headquarters,  
NY 10017, New York, United States of America

Copy to: United Nations Office on Drugs and Crime Executive Director, Ghada Fathi Waly,  
Vienna International Centre, Wagramer Straße 5,  
Vienna 1400, Austria.

**Open letter: need for transparency and accountability in the INCB,  
particularly in relation to the “INCB Cannabis Control Initiative.”**

Your Excellency, Secretary-General António Guterres,

We write to express our concerns with the ongoing development by the International Narcotics Control Board (INCB) of Guidelines related to medical cannabis.

Between 2016 and 2020, a complex multi-stakeholder process unfolded: it resulted in an agreement by Member States to amend the scheduling of “cannabis” and “cannabis resin” within the Single Convention on Narcotic Drugs, 1961, **exactly one year ago today**. Scientists, affected populations and non-State actors were able to participate and inform the process all along.

Conversely, since 2020, INCB has been developing Guidelines in complete opacity, raising concerns about the legitimacy and scope of the process, a fuzzy mandate, and risks of conflicts of interest.<sup>1</sup> While not binding, **these Guidelines will impact and shape trade and production of a traditional, herbal medicine and a plant indigenous to many regions of the world**. It will directly impact the lives of many of us.

Our organizations strive for global health, human rights, and sustainability. While recognizing the important role that INCB plays in helping governments ensure access to and availability of controlled medicines for all patients in need, we believe INCB should not shape alone – without us – the economic, social, environmental, and cultural future of our communities.

The INCB has made many questionable statements on “medical cannabis” that science subsequently invalidated.<sup>2</sup> The trust in a functioning international legal order that the 2 December 2020 vote affirmed is being threatened by INCB’s isolated initiative.

There has been such a noticeable lack of transparency and accountability, coupled with the controversial positions taken by the INCB, that many have expressed concerns.

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<sup>1</sup> [Civil society contributions on INCB’s Cannabis Initiative can be consulted on the webpage “INCB monitor”](#)

<sup>2</sup> e.g.: [INCB \(2009\)](#) has been referring to the long-debunked “gateway theory” ([National Academy of Medicine, 1999, pp.6-7,98-101](#); [Narang et al. 2008](#); [Degenhardt et al 2010](#); [NYTimes, 2017](#); [DPA, 2017](#); [NIDA, 2020](#)). [INCB \(2019, pp.2,109\)](#) encourages governments to limit access only to single-compound medicines, and stated that “Attempts to market and promote the medical use of cannabis products as “herbal medicines” are inconsistent with the classification of cannabis” (p.3). This is contrary to the treaties (which recognize herbal cannabis medicines, including in indigenous medicine systems, see [UN, 1973, p.111](#)) and opposing WHO ([1994; 1996, pp.178-184; 2013](#))’s general guidelines, the Declaration of Alma-Ata ([WHO, 1996, p.179](#)), as well as its cannabis-specific evidence-based assessment ([WHO, 2019, pp.34-41](#)) recognizing the legitimacy of herbal cannabis and resin. Fully outside of its mandate, and without any methodology, [INCB \(2019, p.4\)](#) cherry-picks information to support assertions such as “patients may confuse the acute euphoric effects of cannabinoids for longer-term medicinal effectiveness,” adopts *sui generis* frames of reference for therapeutic applications it considers valid, with little scientific justification (INCB, 2019, pp.), and overall adopts an approach that does not seem to recognize that all formulations of cannabis and cannabinoid medicines “[continue] to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure [their] availability for such purposes” ([1961 Convention, Preamble, p.23](#)). Detailed criticism of INCB’s positions on cannabis: [Wolfe, 2013](#); [GDPO & TNI, 2014](#); [IDPC, 2019](#); [Riboulet-Zemouli & Krawitz, 2021](#).

It is important to note that the INCB President pledged to organize consultations with civil society stakeholders during the Commission on Narcotic Drugs meeting in March 2021. We are still waiting to see this commitment upheld, those principles you promoted in 2020 that “together we must create more robust systems for accountability, transparency and integrity without delay” and that “a vibrant civic space and open access to information are essential.”<sup>3</sup> We write to emphasize the importance of the following:

- **The draft Guidelines should be made public.** This drafting process should follow the practice of other treaty bodies administered by the United Nations secretariat<sup>4</sup>. While confidentiality is vital in INCB’s communication with Member States, such a general and global-reaching piece of work has no good reason to be kept secret.
- INCB’s meetings are comprehensively confidential; no minutes are circulated; in fact scholars found that the INCB is more secretive than the UN Security-Council.<sup>5</sup> As the INCB reconvenes for its 133rd meeting in February 2022, measures should be taken to **ensure a transparent process** informed by civil society, in line with Sustainable Development Goal 16.
- All **interested parties**, including clinicians, patients, farmers, researchers and regulatory experts in line with Goal 17 should have the opportunity to **contribute to the development and improvement of these Guidelines**.
- In your position of Secretary-General you should ensure the Guidelines do not prevent States from discharging their potential **obligations beyond drug control**: related to **source material** (in particular with regards to instruments such as the Plant Treaty or Nagoya Protocol) **labour conditions** (relevant ILO Conventions), **human rights**,<sup>6</sup> and **sustainable development**.

These Guidelines are of vital importance to millions of medical cannabis patients, doctors, traditional healers, farmers, producers, and pharmaceutical manufacturers around the world. It is critical that this be a transparent and inclusive process.

As organizations that routinely engage with domestic and international regulations relating to cannabis for medical purposes we hope you can look into our requests for transparency and inclusive participation in the Guidelines development process and we are ready and willing to work constructively with the United Nations Secretariat, including INCB Secretariat, to meet this aim and ensure that no one is left behind.

Respectfully,

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<sup>3</sup> [Guterres, A. \(2020\) \*Statement on corruption in the context of COVID-19\*](#)

<sup>4</sup> INCB staff is *de facto* part of the United Nations Secretariat.

[Barrett, D. \(2011\) \*‘Unique in International Relations’?\*](#)

See also: [Voluntary contribution to INCB on transparency and accountability, 2 December 2021](#)

<sup>5</sup> [Csete, J. \(2012\) “Overhauling Oversight: Human Rights at the INCB”, \*LSE ideas\* SR014.](#)

<sup>6</sup> [UNDP \(2018\) \*International Guidelines on Human Rights and Drug Policy\*.](#)

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