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**ENCOD post - Educate not lie #1**

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With the New Year 2026, ENCOD  
wants to share this regular open  
newsletter - Food for thought,  
that we name:

**“ENCOD post - Educate not lie”.**

Food for thought



**ENCOD**

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By **Encod Post**, february, 4th 2026

We wish you the best 2026 you can have.

This year is of very big challenges for ENCOD, ten years after the [UNGASS on drugs](#) which occurred one month after [Joep Oomen deceased on March 18th](#), while the day before, the [Cannabis Social Club model was presented at the UN in Vienna](#).

Ten years later, countries like Malta and Germany have legalized such clubs, even if these often overlook a key element of Joep's vision:

By prohibiting on-site consumption, these laws strip the clubs of their essential "social" function which is providing a safe, shared space for consumption, an essential part of Harm Reduction. A decade after his passing, Joep's dedication and vision remain an inspiration to drug reform activists worldwide, as you'll read it [in the Minutes of our last Général Assembly in Eindhoven](#), Encod stands firm in its commitment to promote just and effective drug policies rooted in human rights, public health and social equity.

## What lies ahead

A whole series of celebrations lies ahead of us. In addition to the 50th anniversary of the Franco-Dutch paradox in the global war on drugs, the particular paradox between two founding members of the EU impressively underscores the empirical evidence for successful, pragmatic strategies as opposed to failed, rigid policies. We are aiming to tour Europe with an exhibition and would like to present it in various cities and countries. *Please let us know if you're interested in participating in this important initiative.*

### Drugs and Driving:

ENCOD has established a dedicated working group on cannabis and driving, involving representatives from several EU countries. The group's main objective is to address the challenges related to current detection levels and testing practices across Europe. There is a need to reassess existing thresholds, as many drivers face penalties such as losing their licenses due to detection windows that can extend up to three days after consumption, an [approach widely viewed as disproportionate and unfair](#). This also applies to [cannabis patients](#).

The group will collaborate to propose fairer, evidence-based standards that better reflect actual impairment rather than mere presence of cannabis in the system. We're aiming to organize a European Conference in September 2026, focusing on the topic of cannabis and driving. The event will bring together experts, policymakers, and stakeholders from across Europe to discuss the implications of cannabis use on road safety, legal frameworks, and scientific research related to impairment and testing.

*Please let us know if you're interested in participating in this important initiative.*

## European Network of Cultural Organisations on Drugs

Encod among the Cannabis Embassy are willing to work hard to change the narrative about cannabis from “hard prohibition” to “cannabis as a solution”.

In Barcelona, during the last MONDIACULT (world's largest conference on cultural policy), a delegation of cannabis activists met official delegates to raise our argument about the sociocultural aspect regarding the consideration of cannabis as an Intangible cultural heritage of humanity. This is a call to all the driving forces from different countries to do the Intangible Cultural Heritage (ICH) process, an open consultation process, to the social movement and all cultural organisations related to cannabis. *Please contact us if you are interested in joining this initiative.*

## Among other projects

- Cannabis Fair Trade from Morocco: The idea is to create a project to export cannabis in a fair trade relationship from Morocco to the Netherlands.
- Consumption Site in Vienna/Smokers' Club: The idea is to create a place where CBD consumers could consume CBD, a smoker's social club, where ENCOD could also have a place to be.
- EU NGO “Grow your rights”: Creating a European NGO for defending the rights of people prosecuted for cannabis offences. (In relation with the The Last prisoner project lead by Steve De Angelo : <https://stevedeangelo.com/last-prisoner-project/>)

# Global Drug Policy overview

## Legal regulation in the Czech Republic

The year begins with very good news from the Czech Republic, which is introducing a legal framework for cannabis. The Czech reform follows similar legislation to that passed in Germany in 2024, although the two countries differ in several respects. Authorities have described the current phase as focused on personal cultivation rather than shared or commercial use, explaining that allowing home cultivation could reduce demand for unregulated or synthetic cannabinoid products. This innovative framework aims to reduce legal uncertainty while easing pressure on courts, prisons, and police. The new law marks a significant change in Czech drug policy, which has previously relied on a combination of decriminalization thresholds and discretionary prosecution.

**Czechia (2026):** Minimum age 21; up to 3 plants at home; up to 100 g at home, 25 g in public; cannabis clubs not yet legal, no retail sales.

**Germany (2024):** Minimum age 18; up to 3 plants at home; up to 50 g at home, 25g in public; non-profit cannabis clubs legal, no retail.

**Luxembourg (2023):** Minimum age 18; up to 4 plants per household; home possession legal; 3 g in public; no sales, private use only.

**Malta (2021):** Minimum age 18; up to 4 plants per household; up to 50 g at home, 7g in public; non-profit cannabis social clubs legal (limited to 500 members); no sales

**Netherlands:** Minimum age 18; home cultivation illegal (limited pilots underway); small amounts decriminalized; public possession decriminalized; retail tolerated in coffeeshops. Ongoing supply chain experimentation in ten Cities.

**Spain:** Personal cultivation decriminalized; cannabis social clubs exist in some regions; public possession and sale are technically illegal.

## NPS and other threats

We must be aware that prohibitionists never run out of new conceptual threats. After the complete failure of the “war on drugs” at the end of the 20th century, “narco-terrorism” is now emerging as a brand-new linguistic element for the 21st century, serving law enforcement agencies (and their financial support). [As commented by Pierre-Arnaud Chouvy](#), “*It's easy to denounce a threat that doesn't exist, even more so when most people won't test the concept of the threat itself. Ultimately, denouncing so-called narco-terrorism is a scare tactic and an ideal smokescreen*”.

This neologism can conceal many things, from the events in Venezuela with the kidnapping of the head of state to the new concerns raised by some NPS, especially opiate-based drugs, but also cathinones, cannabinoid mimetics with hundreds of molecular formulas.

Behind “drug terrorism” lies a new kind of music played with [weapons of mass destruction \(WMD\) to stir up fear](#). But, [as Steve Rolles noted in his blog](#), “*Designating fentanyl as a WMD has nothing to do with drug control - and won't work as a form of drug control even if it did. In a similar fashion to the recent designation of some drug cartels/organised crime groups as 'terrorist organisations', this latest move is more than just drug war machismo. It's a very deliberate strategy to justify punitive domestic policing and overseas military interventions by triggering access to emergency, anti-terror and wartime powers. It's a way of consolidating executive power*”.

## Coca leaf

Last December, during the 68th CND reconvened session, WHO presented 48th ECDD recommendations on coca leaf. With no surprise for ENCOD, as [we clearly stated](#) in our contribution to the ECDD review information meeting, [WHO has no other recommendation](#) than to keep Coca leaf in the schedule 1 of the Single convention on narcotic drugs.

As we declared in our statement to the information session of the 48th ECDD “However, it is imperative to recognise that under the Convention’s current structure, an effective descheduling of the coca leaf from Schedule I is **legally and institutionally impossible** without a formal amendment to the treaty itself.

The coca leaf (*Erythroxylon Lam.*) holds deep cultural, medicinal, and nutritional importance for Indigenous and Andean communities. Nevertheless, since 1961 it has been treated under international law as equivalent to its extracted alkaloid, cocaine. This conflation is not incidental: coca, together with opium and cannabis, forms one of the three botanical pillars upon which the Convention’s classification system is built.”

Then, as for Cannabis five years ago which still remains in schedule 1, there is no possibility to change the scope of the plants that are at the core of the whole drug control system. Again, for Coca leaf as well as for cannabis, we can always argue that this international framework is inherited from the colonial grip on resources, only for the benefit of the pharmaceutical industry, but we must think out of the box of a long misunderstanding of the real purpose of the UN conventions on drugs.

[Thanks to this very interesting essay published by FAAAT edition](#), the same analysis can be conducted on coca bush and coca leaves. What should be loudly supported is that the international drug control conventions contain a dichotomy of “**medical purposes**” **vs** “**non-medical purposes**” in the text of the [1961 Single Convention \(C61\)](#).

“health and welfare of [hu]mankind.”

**create a legal landscape where State Parties can legally regulate the production and use of Coca leaves products** for non-medical use, under Article 2(9).

Article 2(9) offers each sovereign member state bound to the Single Convention, a **legal ground to legalize coca leaves “de lege lata”** (or **lex lata**: without the need for a change in the law as it is currently) under fairly precise establishing provisions.

There are only two obligations, also compliance mechanisms:

1. *According to the preamble (object and purpose) and Art. 2(9)(a), Art. 38 (prevent abuse of coca leaves) and Art. 27(2) (additional provisions relating to the coca leaves):*  
⇒ Any government, as a member state, can decide to adopt dispositions that **ensure that non-medical Coca leaves products are safe and minimally harmful, and reduce the burden of substance use disorders** (SUD/abuse) or to otherwise undermine public health and welfare –by any mean that is appropriate, in good faith (it can be denaturation, but it can also be other means of harm reduction)
2. *According to Article 2(9)(b) and Article 20(1)(b):*  
⇒ All governments, as a member state, [if it has decided to exempt coca under art 2(9), must] **send annually the amount of non-medical coca leaves in the legal industry, to the INCB via Form C Part II.B.**

In addition, the government, as a member state would need to maintain a separation between medical purposes (healthcare, pharmaceutical and research sectors) and the non-medical coca

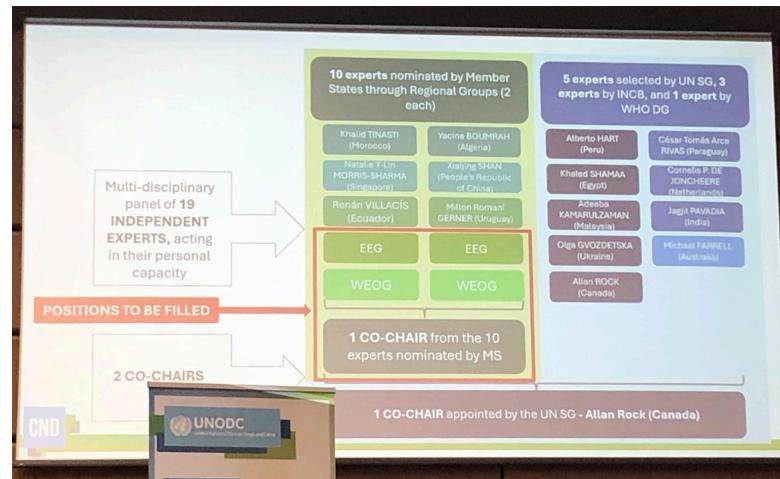
leaves industry (adult use and industrial coca leaves sectors), in order to comply with Article 4(c) and 27(1) & (2).

In practice, this **does not affect the performance of other treaty provisions under the C61 and does not affect other Parties** (except w.r.t the specificities of EU internal market). The interpretation is not binding on the States having disagreed to it.

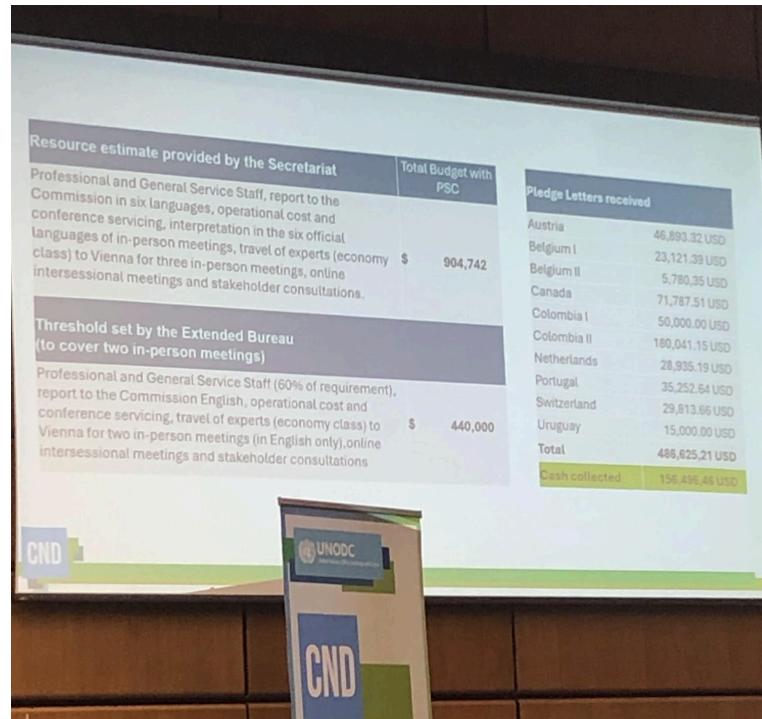
## New expert group to be appointed

Last march, [a resolution held by the Colombian delegation was adopted at the 68th CND](#). It calls for an independent expert group to be appointed, under the auspices of the UN Secretary General, to scrutinise the global drug control system and make recommendations for its more effective implementation.

The panel will be composed of 19 members: ten selected by the CND and its regional groups, five appointed by the UN Secretary-General, three by the International Narcotics Control Board (INCB), and one by the World Health Organization (WHO). An update on the progress made in establishing the panel will be presented at its sixty-ninth session in 2026 and a discussion of the panel's recommendations will occur at its seventieth session in 2027; with a view to contributing to the review to be conducted by the Commission in 2029.



At the reconvened 68th session, last December, part of the panel was presented, but four seats remain to be filled. This situation will certainly lead to delays and could hamper the work of this independent expert group.



Another major hurdle will be ensuring the review is funded as member states will need to provide extrabudgetary resources. As the threshold set by the EBM has been met, the panel will be established, but to date, a little more than half has been pledged.

Such an independent expert group to be convened within the UN

system has actually been a [long standing strategic goal for many, as ENCOD, in the reform movement](#) that dates back to before the 2016 UN General Assembly Special Session on Drugs.

Will this expert group conclude that it is necessary to create a new global framework for the international drug control system, based on 21st-century scientific knowledge and the lessons learned from the past mistakes?

## CND68th and its reconvened session

Regarding the CND68th and reconvened session last December, votes are clearly pulling apart US and Argentina.

In favor: Argentina, United States

Not in favor: Bangladesh, Austria, Australia, Algeria, Indonesia, Guatemala, France, Finland, Colombia, China, Canada, Brazil, Armenia, Hungary, Ghana, Dominican Republic, Chile, Belgium, United Kingdom, Thailand, South Africa, Republic of KoreA, Nigeria, Morocco, Mexico, Japan, Italy, Cote D'Ivoire, Switzerland, Spain, Slovenia, Singapore, Russian Federation, Portugal, Poland, Peru, Kingdom of Netherlands, Malta, Lithuania, Kenya, India, Uruguay.

Abstentions: no abstentions.

**Summary – Reconvened 68th Session of the CND (5 Dec 2025): more info on <https://cndblog.org>**

- The session opened with the adoption of the consolidated budget for 2026-2027 following informal consultations and approval by silence procedure (Vienna consensus).
- The Commission then moved to endorse the FinGov Bureau for 2026, with nominations from regional groups: Mexico for Chair, Morocco for Vice Chair, and Iran for another Vice Chair position.
- The United States objected to Iran's nomination, arguing it was incompatible with service on a UNODC body, and called for a vote rather than automatic endorsement.

The United States opposed the nomination of the second secretary of Iran's permanent mission to serve as Vice Chair of FinGov and has called for a vote on the candidacy. The U.S. argued that Iran's involvement, through the Islamic Revolutionary Guard Corps and the Quds Force—designated terrorist organizations—in terrorism and narcotics trafficking is incompatible with service on any UNODC body. Granting Iran a leadership role would, in the U.S. view, legitimize destabilizing behavior and undermine the integrity of FinGov. The United States therefore urged Commission members not to support the Iranian candidate and requested that this position be reflected in the meeting report.

Iran argued that there is a long-established procedure under which regional groups decide their own nominations, and that it is inappropriate for delegations from other regions to challenge those decisions. Iran warned that allowing such interference would set a dangerous precedent, undermine established practice, and weaken the authority and credibility of the Commission's rules. Emphasizing adherence to the rule of law rather than arbitrary decision-making, Iran

urged members to reject any challenge to the regional nomination process and, if a secret ballot was held, to vote in favor of the Iranian candidate.

- After procedural discussion, the chair confirmed the first two nominations by acclamation, and the Commission held a secret ballot on the Iranian nominee.

- In the secret ballot, the Iranian candidate was elected Vice Chair of FinGov with the required majority of votes.

Total number: 44. Invalid: 1. Valid: 21. Abstentions: 22. Members present and voting: 21. Majority required was 11. Results: Iran received 21 votes. The candidate obtained necessary majority and elected as vice chair of FinGov.

- The session then discussed follow-up to the 2019 Ministerial Declaration commitments, including national responses to drug consumption, harm reduction strategies, and alternative development, with contributions noted from Thailand (intend to table a resolution at the 69th session, building on existing guiding principles), Morocco (respond to the challenges of drug consumption and drug use, integrating prevention, treatment and harm reduction into their national mental health plans), and Peru (need for more inclusive alternative development: present in the form of a conference room paper as well as in a resolution for adoption by members at the CND 69th, including the proposal for additional guiding principles).

- OHCHR: Human rights issues related to drug policy were highlighted, including concern over the use of the death penalty for drug offences, with calls for moratoria and abolition in line with international law.

- The provisional agenda for the 69th CND session was adopted, including dates (9–13 March 2026, pre-session 7 March), and objections by the U.S. and Argentina urge deletion of the words “including follow-up to and review and implementation of the 2030 Agenda for Sustainable Development“.

- Under “Other Business,” several delegations debated the issue of unilateral coercive measures (sanctions), prompted by the **commemoration on December 4th of the UN International Day Against Unilateral Coercive Measures.**

Venezuela, Russia, Iran, China, Cuba, and others argued that unilateral coercive measures violate international law, the UN Charter, international humanitarian law, and the right to development. They described such measures as instruments of economic warfare that harm civilian populations, restrict access to food, medicine, finance, and technology, undermine development, and disproportionately affect developing countries. These delegations called for the immediate and unconditional lifting of all unilateral coercive measures and urged states not to recognize or implement them, emphasizing multilateralism, international cooperation, and adherence to General Assembly mandates.

In contrast, the United States, Canada, Australia, the United Kingdom, and France rejected the characterization of autonomous sanctions as illegal. They argued that sanctions can be lawful, legitimate, targeted, and necessary foreign policy tools to address serious threats such as terrorism, human rights violations, corruption, proliferation of weapons of mass destruction, and threats to international peace and security. These delegations stressed that sanctions are not punitive, include safeguards and humanitarian exemptions, allow for legal review, and aim to

change behavior. France and others also expressed concern that the CND was not the appropriate forum for this debate and warned against conflating unlawful measures with sanctions that are consistent with international law and the UN Charter.

Overall, the exchange highlighted a deep divide among Member States over the legality, legitimacy, humanitarian impact, and appropriate forum for discussing unilateral sanctions within the UN system.

- The Chair's initiative on a policy-to-practice compendium of national experiences was introduced, and the report of the session was adopted.
- Finally, the 69th session chair and bureau were introduced, with Andranik Hovhannisyan, Armenia's Permanent Representative nominated and approved as Chair.

### Under the Trumputinism hammer

Within its borders, the Trump administration is continuing its mutation to a neofascist-authoritarian shift. On January 6, the Senate confirmed Sara A. Carter Bailey as the new "drug czar," the colloquial title for the director of the Office of National Drug Control Policy (ONDCP), by a vote of 52-48. The former Fox News contributor was nominated by President Donald Trump in March 2025 and is the first woman to lead the ONDCP. [\*\*She will likely use the position to amplify fentanyl misinformation and conspiracy theories targeting immigrants.\*\*](#) "Under [Trump's] leadership, we will reassert our fundamental right to live healthy lives", Carter stated following her confirmation. "We will hold accountable the narco-terrorists who infringe upon this right, participating in the deliberate poisoning of tens of thousands of Americans each year. They will no longer kill our families, friends, neighbors, and even children with impunity. At the same time, I will ensure that every parent, family member, and child has the resources they need to prevent and combat addiction. I will stand with our brave law enforcement officials, and with every family who has lost a loved one to drug overdose".

At the UN level, the Trump administration is opposing all resolutions recalling UN wording about "Gender issues" and all mentions of "implementing the 2030 Agenda for Sustainable Development". The United States objects each time they read a reference to the "2030 Agenda and the Sustainable Development Goals", citing principled concerns with that framework. Each time the US requests that this position be reflected in the meeting notes and calls for a vote on this amendment. Generally, Argentina follows the same argument and fully supports the U.S. proposal, emphasizing that the 2030 Agenda is non-binding, that states retain sovereignty over its implementation.

### Last but not least, weakening the UN

White House decision titled "[Withdrawing the United States from International Organizations, Conventions, and Treaties that Are Contrary to the Interests of the United States](#)" Presidential Memorandum, 7 January 2026: The President directed a broad review of all international intergovernmental organizations, conventions, and treaties to identify those deemed contrary to U.S. interests. Based on that review, the United States will withdraw from 66 international bodies, treaties, and conventions—including both non-UN organizations and numerous United

Nations entities—by ending U.S. participation and funding to the extent permitted by law. The list includes major treaties and organizations such as the UN Framework Convention on Climate Change (UNFCCC), the Intergovernmental Panel on Climate Change (IPCC), and a range of environmental, development, and governance bodies. All executive departments and agencies are directed to take immediate steps to implement these withdrawals.

The memorandum reflects a policy of prioritizing U.S. national interests and reducing engagement with institutions viewed as advancing global agendas that conflict with those interests.

- Critics and international officials have described the move as a significant retreat from global cooperation, especially on climate, environment, development, and human rights issues.
- There are also legal questions about whether the President can unilaterally exit certain treaties that were ratified with Senate approval, such as the UNFCCC.

## Next places to meet

19 February 2026

<https://cannabis-europa.com/>

9 - 13th March 2026

[https://www.unodc.org/unodc/en/commissions/CND/session/69\\_Session\\_2026/Main.html](https://www.unodc.org/unodc/en/commissions/CND/session/69_Session_2026/Main.html)

13-15 April 2026

<https://internationalcbc.com/berlin/>

17-19 April 2026

<https://spannabis.es/bilbao/en/home/>

24-26 April 2026

<https://konopex.cz/en/>