

# **COMMISSION ON NARCOTIC DRUGS**

## **REPORT ON THE TENTH SPECIAL SESSION**

(8-19 February 1988)

**ECONOMIC AND SOCIAL COUNCIL**

**OFFICIAL RECORDS, 1988**

**SUPPLEMENT No. 3**



**UNITED NATIONS**

**E/1988/13**  
**E/CN.7/1988/14**

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**NOTE**

**Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.**

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## CHAPTER I

### MATTERS REQUIRING ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

#### A. Draft resolutions

1. At its tenth special session, the Commission on Narcotic Drugs recommended to the Economic and Social Council the adoption of the following draft resolutions:

#### I

#### Preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances 1/

##### The Economic and Social Council

Recalling General Assembly resolution 39/141 of 14 December 1984, in which the Commission on Narcotic Drugs was requested to initiate, as a matter of priority, the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances,

Further recalling General Assembly resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980, 36/132 of 14 December 1982, 37/198 of 18 December 1982, 38/93 and 38/122 of 16 December 1983, 39/143 of 14 December 1984, 40/120, 40/121 and 40/122 of 13 December 1985, 41/125, 41/126 and 41/127 of 4 December 1986 and other relevant provisions,

Recalling also that the Commission, pursuant to resolution 1 (S-IX) of 14 February 1986, considered an initial draft convention, which included 14 articles, and received the comments of Governments thereon at its thirty-second session in February 1987,

Considering that, as provided for in Economic and Social Council resolution 1987/27 of 26 May 1987, an open-ended intergovernmental expert group met twice in 1987 to review the working document consolidating the draft convention and, wherever possible, reach agreement on the articles of the convention and prepared revised working documents,

Further considering that the General Assembly, in its resolution 42/111 of 7 December 1987, requested the Secretary-General to consider convening a further intergovernmental expert group meeting for a period of two weeks immediately prior to the tenth special session of the Commission on Narcotic Drugs to continue revision of the working paper on the draft convention and also requested the Commission to consider and, if possible, approve the draft convention at its tenth special session and to prepare recommendations on measures to be taken with a view to concluding the preparation of the convention, including the possibility of convening a plenipotentiary conference in 1988 for its adoption,

Recalling the Declaration adopted by the International Conference on Drug Abuse and Illicit Trafficking in June 1987 at Vienna, in which the Conference called for the urgent but careful preparation and finalization of the draft convention against illicit trafficking in narcotic drugs and psychotropic substances to ensure its entry into force at the earliest possible date, 2/

Having received the report of the Commission on Narcotic Drugs on its tenth special session,

Bearing in mind the Quito Declaration against Traffic in Narcotic Drugs of 11 August 1984, 3/ the New York Declaration against Drug Trafficking and the Illicit Use of Drugs of 1 October 1984 4/ and the Lima Declaration of 29 July 1985 5/, in which profound alarm was expressed at the seriousness of the problem,

1. Expresses its appreciation to the Secretary-General for the excellent preparation of the working documents on the draft convention which have been circulated to States for consideration at the intergovernmental expert group meetings, as requested by the Economic and Social Council in its resolution 1987/27 of 27 May 1987;

2. Also expresses its thanks to States that have submitted their comments on the working documents on the draft convention or proposals for textual changes thereto;

3. Further expresses its thanks to the intergovernmental expert group for the work accomplished during its meetings of 29 June-10 July 1987, 5-16 October 1987 and 25 January-5 February 1988; 6/

4. Reminds States of the importance and urgency of proceeding with the work on the preparation of the draft convention in the most expeditious manner, so that it may be effective and widely acceptable and enter into force at the earliest possible time;

5. Takes note of the report of the Commission on Narcotic Drugs on its tenth special session, which, inter alia, contains in annex II texts of draft articles for the proposed convention;

6. Requests the Secretary-General to transmit by 15 March 1988 for consideration the relevant parts of this report of the Commission, with any relevant annexes and such background documentation as considered pertinent, to all States, the specialized agencies, the International Narcotics Control Board and the International Criminal Police Organization and other interested intergovernmental organizations;

7. Decides to convene, in accordance with article 62, paragraph 4, of the Charter of the United Nations and within the provisions of General Assembly resolution 366(IV) of 3 December 1949, a conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances;



8. Further decides to convene, within available resources, a review group for the conference to meet for a period of up to two weeks, preferably at Vienna, no later than mid-June 1988 and using the rules of procedure of the functional commissions of the Economic and Social Council mutatis mutandis;

9. Instructs the review group:

(a) To review the draft texts of articles 1 to 6 referred to it by the Commission on Narcotic Drugs with a view to submitting them to the plenipotentiary conference. In addition, the group may review the remaining articles and related draft texts with a view to making those changes that may be necessary to achieve overall consistency of the draft text of the convention to be submitted to the plenipotentiary conference;

(b) To consider organizational matters relating to the conference and the draft provisional rules of procedure to be prepared by the Secretary-General;

10. Further requests the Secretary-General:

(a) To call such a conference to be held in 1988 but no sooner than four months after the meeting of the review group;

(b) To invite to the conference and the review group:

(i) All States;

(ii) Specialized agencies and intergovernmental organizations interested in the matter, with the same rights they have at sessions of the Economic and Social Council;

(iii) The International Narcotics Control Board, with the same rights it has at sessions of the Economic and Social Council;

(c) To transmit immediately following the meeting of the review group the draft text of the convention and related documents to all States and other interested Parties;

(d) To prepare provisional rules of procedure for the conference;

(e) To provide summary records for the conference and its committees.

II

International Conference on Drug Abuse and Illicit Trafficking 7/

The Economic and Social Council,

Welcoming the successful conclusion of the International Conference on Drug Abuse and Illicit Trafficking, in particular the adoption of the Declaration and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, 8/

Affirming its commitment to the Declaration of the Conference as an expression of the political will of nations to combat the drug menace,

Noting that in the Declaration of the Conference the Secretary-General was requested to propose in the context of the United Nations programme and budget and within available resources how the priority attached to the field of drug abuse could best be carried out, 9/

Further noting that, in the Declaration of the Conference, the Commission on Narcotic Drugs was requested to examine the most suitable modalities for following up those activities, as appropriate, at the international level,

Urging Governments to take early action to conclude a new convention against illicit traffic in narcotic drugs and psychotropic substances, to which the General Assembly and the Conference have attached high priority,

Recognizing the important contributions of the United Nations drug control bodies and their distinct mandates and responsibilities, and welcoming the Secretary-General's efforts to increase co-ordination of drug-control related activities following the Conference,

Recalling that the General Assembly, in its resolution 42/112 of 7 December 1987, inter alia requested the Commission on Narcotic Drugs, as the principal United Nations policy-making body on drug control, to identify suitable measures for follow-up to the International Conference and, in that context, to give appropriate consideration to the report of the Secretary-General on the Conference,

1. Urges Governments and organizations to adhere to the principles contained in the Declaration of the Conference, and to utilize the recommendations of the Comprehensive Multidisciplinary Outline of Future Activities in guiding the development of national and regional strategies, particularly the use of bilateral regional and international co-operative arrangements;
2. Welcomes the prompt action taken by the Secretary-General to identify suggestions for activities to build upon the achievements of the Conference;
3. Urges those Member States which have not yet done so to adhere to the Single Convention on Narcotic Drugs, 1954, as amended by the 1972 Protocol, 10/ and the Convention on Psychotropic Substances of 1971; 11/

4. Urges Governments, as a priority goal in the follow-up of the Conference, to provide additional resources to the United Nations Fund for Drug Abuse Control in order to enable it to strengthen its co-operation with the developing countries in their efforts to implement drug control programmes;

5. Invites intergovernmental, regional and international non-governmental organizations which are referred to in the particular targets contained in the Comprehensive Multidisciplinary Outline adopted at the International Conference to provide to future sessions of the Commission information on activities undertaken in pursuit of those targets;

6. Requests the Secretary-General to review the submission of written reports on drug matters in the United Nations and to report thereon to the Commission;

7. Requests the Secretary-General to review, within available resources, current information systems in the drug control units and to develop an information strategy, with its financial implications, for approval by the Commission on Narcotic Drugs at its thirty-third regular session, with a view to systematizing and integrating information on the basis of national, regional and international input into a computerized data base, within existing United Nations structures, so as to facilitate the linkage, retrieval and dissemination of information on all aspects of narcotic drugs, psychotropic substances and the chemicals used in their illicit processing and manufacturing;

8. Invites the Secretary-General to support, within available resources, activities of relevant non-governmental organizations in the drive against drug abuse and to co-ordinate their activities with those of the appropriate United Nations agencies;

9. Urges the Secretary-General to ensure the continuation of inter-agency co-operation and his reporting on it, with a view to implementing and reporting on activities related to the targets contained in the Comprehensive Multidisciplinary Outline and to ensure that the Inter-agency Meeting on Co-ordination in Matters of International Drug Abuse Control considers how relevant targets identified in the Comprehensive Multidisciplinary Outline can be included by each such specialized agency in its regular programme and budget;

10. Invites the regional meetings of heads of national law enforcement agencies to take the Comprehensive Multidisciplinary Outline into account in their discussions with a view to enhancing regional co-operation to combat illicit drug trafficking;

11. Recommends that the Secretary-General should convene a second inter-regional meeting of heads of national law enforcement agencies at an appropriate time following the adoption of the convention against illicit traffic in narcotic drugs and psychotropic substances, with a view to promoting further co-operation in the implementation of the convention;

12. Recommends that in developing their activities to follow-up the guiding principles contained in the Declaration and the targets of the Comprehensive Multidisciplinary Outline of the International Conference, the United

Nations drug control bodies, agencies and intergovernmental organizations should give particular emphasis over the coming year to the activities identified in the annex to the present resolution;

13. Decides to keep under regular review the action taken with respect to the Declaration and Comprehensive Multidisciplinary Outline adopted by the International Conference.

#### Annex

##### INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING

#### 1. Prevention and reduction of demand:

(a) The Division of Narcotic Drugs, in collaboration with other United Nations drug control bodies and the World Health Organization (WHO), should initiate activities to help Governments to improve data collection, to establish valid, reliable and practical procedures which national authorities may adopt and to undertake other system-building activities identified in targets 1 and 2;

(b) The United Nations Educational, Scientific and Cultural Organization (UNESCO), in collaboration with WHO and other appropriate United Nations bodies, should solicit, compile and analyse information on proven effective educational and public information methodologies for the prevention of drug abuse and disseminate this material to States on request;

(c) The International Labour Organisation (ILO) should supply resource kits for the promotion and implementation of programmes to reduce drug abuse in the workplace, and monitor their effectiveness;

(d) Non-governmental organizations with special expertise in the field of drugs should collaborate with Governments and relevant United Nations bodies to ensure that effective education/prevention activities are identified and widely disseminated.

#### 2. Control of supply:

(a) The International Narcotics Control Board (INCB), in collaboration with WHO and other knowledgeable entities, should provide countries, on request, with assistance in improving their capacity for monitoring the manufacture, importation, dispensing and distribution of substances under international control;

(b) WHO, in collaboration with the Division of Narcotic Drugs and INCB, should assist national drug regulatory authorities in the development and strengthening of their pharmaceutical administrations and control laboratories in order to be able to control pharmaceutical preparations containing narcotic drugs and psychotropic substances;

(c) WHO, in collaboration with United Nations drug control bodies, non-governmental organizations and others involved in the rational use of pharmaceutical preparations containing narcotic drugs and psychotropic substances should assist national educational authorities to develop training materials and to conduct training courses to ensure that medical practitioners and other health personnel are well-trained in the rational use and prescription of narcotic drugs and psychotropic substances;

(d) The Customs Co-operation Council (CCC) should continue to develop as a high priority an internationally recognized customs nomenclature for selected precursors, specified chemicals and equipment;

(e) The Division of Narcotic Drugs, in collaboration with development assistance bodies and other bodies with relevant experience and in consultation and agreement with the Governments concerned, should support survey and crop monitoring efforts as a regular aspect of their collaboration, using such technologies as high-resolution satellite imagery and aerial photography;

(f) The United Nations Fund for Drug Abuse Control should continue to encourage contributions and develop master plans for narcotics control, including the eradication of illicit crops and, where appropriate, the substitution of those crops applying integrated rural development programmes;

(g) The Division of Narcotic Drugs should convene an expert group to make recommendations on the eradication of illicit plants using methods that are safe to the environment and to humans and that preserve and protect the environment;

(h) International financing institutions should contribute more extensively to integrated rural development in support of the eradication of illicit plantings and crop substitution programmes;

(i) The Food and Agriculture Organization of the United Nations (FAO), in collaboration with the United Nations Fund for Drug Abuse Control and other United Nations bodies, should develop a methodology for improved approaches to integrated rural development, illicit crop eradication and crop substitution.

3. Suppression of illicit trafficking:

(a) The Division of Narcotic Drugs, in co-operation with the International Criminal Police Organization (ICPO/Interpol), CCC and other United Nations drug control bodies, should continue to organize appropriate training courses for law enforcement personnel, which would include making the most effective use of available information sources;

(b) The Division of Narcotic Drugs, in collaboration with WHO, should continue to give high priority to its programme of scientific and technical assistance to Member States with limited resources, including the establishment and strengthening of national laboratory services, the

expansion of its training programme by involving qualified national laboratories, the development of recommended methods of testing and the provision of pure reference standards as well as scientific and technical information;

(c) Interpol and CCC should co-ordinate the dissemination of information on profiles and methods of operation adopted by drug trafficking organizations;

(d) The International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the World Tourism Organization (WTO), the International Air Transport Association (IATA) and the International Chamber of Shipping should, if they have not already done so, consider and set standards, in co-operation with CCC, designed to improve the control of movements of passengers and goods, with a view to curbing illicit traffic in drugs;

(e) The Universal Postal Union (UPU) should study how to prevent the use of the international mails for drug trafficking and make recommendations for action to combat this problem;

(f) The United Nations Fund for Drug Abuse Control and regional and bilateral programmes should assist countries that request such assistance in equipping and strengthening their law enforcement authorities.

#### 4. Treatment and rehabilitation

(a) WHO, in collaboration with other United Nations agencies, non-governmental and other relevant bodies, should, on request, provide Governments with the basic information they need in order to develop clear policies for treatment and rehabilitation programmes appropriate to their national needs;

(b) WHO, the Division of Narcotic Drugs and other knowledgeable international bodies (including non-governmental organizations) should solicit, compile, analyse and disseminate information on proven effective treatment modalities and techniques; this compilation should identify appropriate evaluation methodologies that could be easily adapted for national use;

(c) WHO, in collaboration with knowledgeable international bodies (including non-governmental organizations) should solicit, compile, analyse and disseminate material that has been found effective in the training of personnel who treat and help rehabilitate former drug addicts;

(d) ILO should prepare and publish guidelines for schemes to reintegrate former addicts in occupational activities or vocational training;

(e) WHO should continue to explore with Governments and report on the development of:

- (i) Preventive and health education programmes as a means of interrupting the transmission of HIV through intravenous drug abuse;
- (ii) Appropriate treatment and counselling for drug misusers who are HIV positive or who have developed AIDS.

### III

#### Supply of and demand for opiates for medical and scientific purposes 12/

##### The Economic and Social Council,

Recalling its resolutions 1979/8 of 9 May 1979, 1980/20 of 30 April 1980, 1981/8 of 6 May 1981, 1982/12 of 30 April 1982, 1983/3 of 24 May 1983, 1984/21 of 24 May 1984, 1985/16 of 28 May 1985, 1986/9 of 21 May 1986 and 1987/31 of 26 May 1987,

Re-emphasizing the central role of the Single Convention on Narcotic Drugs, 1961, 10/ in the control of the production of and trade in opiates,

Reaffirming the fundamental need for international co-operation and solidarity in all activities relating to the control of narcotic drugs,

Bearing in mind that the maintenance of a world-wide balance between the licit supply of and the legitimate demand for opiates for medical and scientific purposes constitutes an important aspect of the international strategy and policy on drug abuse control,

Concerned that large stocks of opiate raw materials held by traditional supplier countries continue to impose heavy financial and other burdens on them,

Having considered the section of the Report of the International Narcotics Control Board for 1987 on the demand for and supply of opiates for medical and scientific purposes, including the observation that world demand and production have been in approximate balance and that, over the next several years, the demand for opiates will remain at the present level, 13/

1. Urges all Governments to seriously consider ways of resolving the problem of excess stocks in order to bring about an expeditious improvement over the current situation;

2. Requests the International Narcotics Control Board to review available information on the problem and to enter into a dialogue with interested Governments and parties in order to develop a practical and effective solution, which may include the involvement of international development assistance organizations;

3. Requests the Secretary-General to transmit the present resolution to all Governments and appropriate international agencies for consideration and implementation.

IV

Co-ordination at the African regional level<sup>14/</sup>

The Economic and Social Council,

Having examined the Report of the International Narcotics Control Board for 1987, <sup>15/</sup> and specifically its paragraphs 125 to 139 dealing with the situation in respect of drug abuse and illicit trafficking in Africa,

Concerned at the fact that several States of the region are not yet Parties to the international conventions on narcotic drugs and psychotropic substances,

Also concerned at the increasing incidence of drug abuse and illicit trafficking in the African region,

Considering that there is a need to strengthen the preventive arrangements and control machinery at the national and regional levels,

1. Calls upon those States of the region that have not yet done so to accede to the existing international conventions on narcotic drugs and psychotropic substances;

2. Requests the Secretary-General to establish, within the limits of the resources available and within the structure of the Economic Commission for Africa, a focal point to be responsible for co-ordinating and promoting measures to combat drug misuse and abuse and illicit traffic in drugs within the entire African region;

3. Urges the States of the African region that have not yet done so to establish national agencies with responsibility for co-ordinating actions to combat drug misuse and abuse and illicit traffic in drugs, in accordance with article 35 of the Single Convention on Narcotic Drugs, 1961, <sup>10/</sup> and article 21 of the Convention on Psychotropic Substances of 1971; <sup>11/</sup>

4. Also requests the Secretary-General to report to the Commission on Narcotic Drugs at its next session on the measures taken to implement the present resolution.



Reduction of illicit supply of drugs 16/

The Economic and Social Council,

Recognizing that drug law enforcement training is a critical instrument for the fight against illicit drug trafficking and in the promotion of international co-operation and co-ordination,

Emphasizing the need for internationalized and modernized drug law enforcement training,

Recalling and reaffirming resolutions 5 (XXXII) and 6 (XXXII) of the Commission on Narcotic Drugs on drug law enforcement training, 17/

1. Reaffirms the recommendations of the Heads of National Law Enforcement Agencies, Africa, relevant to drug law enforcement; 18/

2. Requests the Division of Narcotic Drugs, in co-operation with the International Criminal Police Organization and the Customs Co-operation Council, other interested agencies and organizations and Member States, to establish, as a matter of high priority, a long-term international drug law enforcement training strategy, aiming at, inter alia, an improvement of appropriate training techniques, tools and material;

3. Also requests the Division of Narcotic Drugs to establish an annual plan and a regular scheduling for drug law enforcement training programmes and activities, and to co-ordinate this with interested intergovernmental organizations and national agencies, in different regions, and encourage Governments, especially those of transit States and developing countries, to take adequate advantage of these programmes and activities;

4. Urges Member States to make increasingly more funds available to the United Nations Fund for Drug Abuse Control in order to support drug law enforcement training programmes and activities.

Strengthening of co-ordination and co-operation  
between Governments 16/

The Economic and Social Council,

Considering that the implementation of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, 10/ and the Convention on Psychotropic Substances of 1971 11/ forms the basis for national and international drug control,

Aware that the adherence of as many States as possible to the existing international conventions is essential to achieve regional and global co-operation and co-ordination in the reduction of illicit demand and suppression of illicit traffic, in improving training, administrative practices and the gathering of relevant data, and in the adoption of joint activities in these fields,

1. Urges all States that have not already done so to accede to the existing international drug control treaties;

2. Also urges parties to those treaties to implement the provisions thereof;

3. Invites Governments to establish, at the national level, appropriate mechanisms to ensure adequate co-ordination of activities and co-operation between national agencies engaged in drug abuse prevention, treatment and rehabilitation, the control of supply of illicit drugs and the suppression of illicit trafficking;

4. Recommends that, at the regional level, where they have not already done so, Governments should seek to establish an organizational structure with a view to stimulating common activities, training seminars and workshops, to be held at regular intervals, where appropriate, in:

(a) Research and surveys with a view to assessing the nature and extent of drug abuse;

(b) Training in law enforcement, and the improvement of administrative practices relevant to drug control;

(c) The introduction of programmes concerning the prevention of drug abuse at the national and regional level, having due regard to the prevailing socio-cultural and socio-economic conditions;

(d) The exchange of experiences and mutual consultation concerning innovative policies, measures, or experiments relevant to the reduction of supply and demand;

(e) Making use of any expert knowledge and other resources in the region, and soliciting expertise from other regions, where appropriate;

5. Recommends that the following subjects may be usefully further considered by Governments and international organizations, as appropriate, to ensure their application in practice:

(a) Studies of patterns of illicit consumption, with a view to bringing about greater awareness and information sharing and to provide policy guidance on effective counter-measures;

(b) The development of public education programmes, including kits, publications, and audio-visual equipment, designed to reduce demand for illicit drugs of abuse in specific target groups, and with a view to making the general population aware of the hazards of drug abuse;

(c) Programmes in prevention, law enforcement and administrative practices required by the Conventions, including the production and dissemination of manuals and other training material, where appropriate, and programme evaluation;

(d) The detection and identification of narcotic drugs and psychotropic substances and their origin as well as precursors and essential chemicals which could be diverted to illicit use, and the provision of equipment for these purposes;

(e) The constitution of ad hoc groups to co-ordinate, on a multilateral basis and at the police level, strategies aiming at the identification and immobilization of drug trafficking organizations;

(f) A methodology for the collection and analysis of data on the illicit traffic;

(g) The establishment of mechanisms for the speedy and secure exchange of information between drug law enforcement authorities at the local level, nationally and across common borders, including the provision of appropriate communications equipment where needed;

(h) The improvement of co-ordination, among all agencies and organizations concerned, with reference to the scope, content and scheduling of seminars and other training programmes in order to enhance their effectiveness;

6. Requests the specialized agencies, organizations and programmes of the United Nations system, and in particular the United Nations Division of Narcotic Drugs, the United Nations Fund for Drug Abuse Control, as well as the International Criminal Police Organization and the Customs Co-operation Council, to support efforts and initiatives by Governments as indicated in the preceding paragraphs, whenever possible;

7. Requests the Secretary-General to transmit the text of the present resolution to all Governments and relevant specialized agencies and inter-governmental organizations for consideration and implementation, as appropriate.

## VII

### Enlargement of the membership of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East 19/

#### The Economic and Social Council,

Recalling its resolution 1776 (LIV) of 18 May 1973, by which it authorized the establishment of a Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East,

Taking note of the report of the Sub-Commission on its twenty-third session, particularly paragraph 8 thereof, 20/

Noting the interest expressed during the tenth special session of the Commission on Narcotic Drugs by three States from the geographic area of the Sub-Commission in participating actively in the deliberations of the Sub-Commission,

Welcoming all forms of international co-operation at the regional level tending to reinforce co-ordination of the fight against the illicit traffic in narcotic drugs and psychotropic substances,

1. Decides that the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East shall continue to meet annually at a capital of the region, whenever possible, and at the United Nations Office at Vienna prior to regular or special sessions of the Commission on Narcotic Drugs;

2. Welcomes and authorizes the enlargement of the membership of the Sub-Commission;

3. Endorses the membership of Egypt, India and the Hashemite Kingdom of Jordan in the Sub-Commission;

4. Requests the Secretary-General, at his discretion, to invite States outside the region which request observer status and which are actively involved in countering the illicit drug traffic in, through or from the region to send observers to the meetings, on the understanding that any expenses incurred by their attendance shall be borne by the States concerned.

## VIII

### Regional meetings of Heads of National Drug Law Enforcement Agencies (HONLEA): Africa, Latin America and the Caribbean, Asia and the Pacific 21/

#### The Economic and Social Council,

Recalling its resolution 1845 (LVI) of 15 May 1974 in which it requested the Secretary-General to convene regular meetings of the heads of national drug law enforcement agencies, Asia and the Pacific, 22/ its resolution 1985/11 of 28 May 1985 in which it requested the Secretary-General to convene regular meetings of the heads of national drug law enforcement agencies, Africa, 23/ and its resolution 1987/34 of 26 May 1987 in which it invited Governments of Latin America and the Caribbean to participate in a regional meeting with a view to establishing the meeting of heads of national drug law enforcement agencies, Latin America and the Caribbean, 24/

Recalling also that the General Assembly, in its resolution 37/198 of 18 December 1982, requested the Secretary-General to explore the feasibility of establishing on a continuing basis, co-ordination mechanisms for drug law enforcement in regions where those did not exist,

Noting that these regional meetings have been granted the status of subsidiary organs of the Commission on Narcotic Drugs, to which they report,

Bearing in mind that three regional meetings of Heads of National Drug Law Enforcement Agencies were successfully convened in 1987,

Recognizing the valuable contribution which these meetings have made, and can continue to make, to international co-operation and co-ordination, on a regional and interregional basis, in the field of drug law enforcement and other areas of international drug control,

1. Confirms in the light of the terminology used at the first Interregional Meeting of Heads of National Drug Law Enforcement Agencies (Interregional HONLEA), convened at Vienna from 28 July to 1 August 1986, that the title of all the three regional meetings should in future be standardized as "Heads of National Drug Law Enforcement Agencies (HONLEA)", followed by an indication of the region;

2. Requests the Secretary-General to adopt the necessary measures and to provide, within available resources, the financial resources required and, if necessary, to seek additional extrabudgetary resources for the holding of these three regional meetings:

(a) In 1988, at the capitals of those States in the respective regions that may wish to act as host or at the headquarters of the regional economic commission;

(b) In future years, on an annual basis, excluding years in which an interregional meeting of Heads of National Drug Law Enforcement Agencies is held, under the same conditions as those already established for the holding of these meetings;

3. Also requests the Secretary-General, at his discretion, to invite States outside the region which request observer status and which are actively involved in countering the illicit drug traffic in, through or from the region to send observers to the meetings, on the understanding that any expenses incurred by their attendance shall be borne by the States concerned;

4. Requests the Commission on Narcotic Drugs to establish a separate agenda item for its regular and special sessions entitled "Development and promotion of more effective action against illicit drug trafficking through regional co-operation in drug law enforcement", under which it would consider reports or recommendations of meetings of Heads of National Drug Law Enforcement Agencies and the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East and take appropriate action.

IX

Improved measures for demand reduction 25/

The Economic and Social Council,

Recalling that the General Assembly, in its resolution 42/112 of 7 December 1987, welcomed the successful conclusion of the International Conference on Drug Abuse and Illicit Trafficking and, in particular, the adoption of the Declaration and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, 8/

Concerned about the growing abuse of drugs in most parts of the world,

Recognizing that measures of prevention, public awareness, treatment, rehabilitation and social reintegration are essential factors in curbing drug abuse,

Aware that existing strategies for the reduction of the illicit demand for narcotic drugs and psychotropic substances and conventional methods for the evaluation of preventive and treatment measures have not always been effective due to the complexity of the causes involved in the phenomenon,

1. Urges all Governments to provide, through their national policies, the best possible conditions for the healthy development of and a meaningful life for all young people, as well as to facilitate their social reintegration into the community, thereby militating against the social and economic circumstances which foster abuse of narcotic drugs and psychotropic substances;
2. Recommends that scientific research into the factors which might promote or prevent drug dependence should be strengthened and that the principles, methodologies and results of such research should be made available to all States;
3. Appeals to all Governments to develop and implement a comprehensive national strategy for prevention and public awareness, which takes into account and is designed to meet the particular situation and needs of the target groups and provides for long-term and continuous measures;
4. Further appeals to all Governments to create a national network of counselling and treatment services capable of advising risk groups and of assisting misusers with appropriate treatment, rehabilitation and social reintegration aimed at reducing the harms associated with drug abuse and leading to a drug-free life;
5. Calls on all Governments, recognizing the importance of community commitment to demand reduction programmes, to engage non-governmental organizations as partners in the development and implementation of prevention strategies and the creation of counselling and treatment services;
6. Requests that Governments should take, as part of their national strategies, suitable measures in their campaigns against drug abuse to reduce excessive and inappropriate use of medicinal products containing narcotic

drugs and psychotropic substances, including such measures as special education and training of medical, pharmaceutical and paramedical personnel on all aspects of the abuse problem and the rational use of such drugs;

7. Calls upon the Governments of countries facing problems of drug abuse to take, when appropriate, the necessary measures to reduce significantly the illicit demand for narcotic drugs and psychotropic substances;

8. Requests the Secretary-General to invite all Governments, in accordance with the Declaration of the International Conference on Drug Abuse and Illicit Trafficking and the Comprehensive Multidisciplinary Outline for Future Activities in Drug Abuse Control, to implement the present resolution.

B. Other matters requiring action by the  
Economic and Social Council

2. At its 995th and 996th meetings, on 9 February 1988, the Commission discussed the report of the International Narcotics Control Board for 1987\* and decided to recommend to the Council the adoption of draft decision I. At its 1012th meeting, on 19 February 1988, the Commission discussed the duration and provisional agenda of the thirty-third session of the Commission on Narcotic Drugs\*\* and decided to submit draft decision II to the Council for adoption. At its 1013th meeting, on 19 February 1988, the Commission adopted by consensus the report on its tenth special session and decided to submit draft resolution III to the Council for adoption.

I

Report of the International Narcotics Control Board

At its ... plenary meeting, on ... 1988, the Economic and Social Council took note of the report of the International Narcotics Control Board for 1987.

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\*The Council's attention is drawn to the Commission's comments, contained in chapter V of the present report.

\*\*The provisional agenda was adopted by the Economic and Social Council in its decision 1987/123 of 26 May 1987.

## II

### Duration and provisional agenda of the thirty-third session of the Commission on Narcotic Drugs 26/

At its ... meeting, on ... 1988, the Economic and Social Council, in the light of discussions at the tenth special session of the Commission on Narcotic Drugs and in view of the probable adoption by the end of 1988 of a new convention against illicit traffic in narcotic drugs and psychotropic substances and the resulting need for the Commission to examine measures to be envisaged prior to the entry into force of the new convention, decided that;

(a) The Commission on Narcotic Drugs shall extend the duration of its thirty-third regular session to 10 working days and the calendar of conferences for 1989 shall be amended to reflect that change;

(b) The provisional agenda of the thirty-third session will be amended to include a new agenda item entitled "Development and promotion of more effective action against illicit drug trafficking through regional co-operation in drug law enforcement".

## III

### Report of the Commission on Narcotic Drugs

At its ... plenary meeting, on ... 1988, the Economic and Social Council took note of the report of the Commission on Narcotic Drugs on its tenth special session.



## CHAPTER II

### PREPARATION OF A DRAFT CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

3. At its 997th, 998th, 999th, 1000th, 1001st and 1002nd meetings, on 10, 11 and 12 February 1988, the Commission considered agenda item 3. Pursuant to Economic and Social Council resolution 1987/27 of 26 May 1987, the Commission had before it the following documents: (a) a working document, which consolidated the first draft of the new convention prepared by the Division of Narcotic Drugs, the comments received from Governments and those made by States that had participated in the thirty-second session of the Commission as well as a draft of article 1 on definitions proposed by the informal working group which met during the thirty-second session of the Commission; it document also included a first draft of preambular provisions, implementation articles and final clauses (DND/DCIT/WP.1 and Add.1); (b) the report of the first and second sessions (29 June-10 July and 5-16 October 1987) of the open-ended intergovernmental expert group convened pursuant to Council resolution 1987/27 of 26 May 1987 and the revised draft text of the articles that the Expert Group completed at those sessions (E/CN.7/1988/2 (Part II)); and (c) a summary of comments received from Governments on the Expert Group's revised draft texts (E/CN.7/1988/2 (Part III) and Add.1 and 2). The Commission also had before it the report of the third session (25 January-5 February 1988) of the Expert Group convened pursuant to General Assembly resolution 42/111 of 7 December 1987, and the revised draft text of those remaining articles and parts of articles which the Expert Group had completed (E/CN.7/1988/2 (Part IV)). A background note prepared by the Secretariat concerning progress achieved in the preparation of the new convention (E/CN.7/1988/2 (Part I)) was also available to the Commission.

4. The Commission was informed of General Assembly resolution 42/111 entitled "Preparation of a draft resolution against illicit traffic in narcotic drugs and psychotropic substances" in which the Commission, through the Economic and Social Council, was requested "to consider and, if possible, approve, at its tenth special session, the draft convention against illicit traffic in narcotic drugs and psychotropic substances, and to prepare recommendations on the next measures to be taken with a view to concluding the preparation of the Convention, including the possibility of convening a Plenipotentiary Conference in 1988 for its adoption".

5. The Commission was subsequently informed that, at its organizational session, the Economic and Social Council, in its decision 1988/102 of 5 February 1988, had requested the Commission to proceed along the lines set forth in General Assembly resolution 42/111.

#### A. Revised draft text

6. At the beginning of its consideration of the agenda item, the Commission heard a special statement by the representative of Colombia and Minister of Justice. He paid special tribute to the many eminent personalities and officers from Colombia who had fallen in the combat against illicit trafficking in narcotic drugs. No country had made more sacrifices than

Colombia in international drug control. The greatest volume of seizures of cannabis and cocaine had been recorded in Colombia. Strong legislation had been enacted for the control of narcotic drugs, and the organs of State security had been restructured to make them more operational in the fight against the illicit traffic. His country's efforts would not bear fruit, however, without the concerted support of the international community. For that reason, he felt that it was imperative to insist on the urgency of convening a plenipotentiary conference for the adoption of the draft convention against illicit traffic in narcotic drugs and psychotropic substances.

7. The Commission heard a report from the First Vice-Chairman of the open-ended intergovernmental expert group on the results of the third session of the Expert Group (25 January to 5 February).

8. With regard to article 3, he indicated that the Expert Group considered that the original draft proposed by the Secretariat went into excessive detail and that a different structure was required to improve its clarity. The experts took as a basis for their consideration of the article the original draft, redrafted texts of the article as a whole or of specific provisions of the original draft as proposed by several representatives and draft proposals reflecting informal consultations at the second session on the disposition of property forfeited in the territory of other parties.

9. The article as reformulated by the Expert Group was structured in three parts: paragraphs 1-3 dealt with measures of confiscation and other related matters by a Party at the national level; paragraphs 4-6 dealt with cases of confiscation and other related matters, implemented by one Party, upon the request of another Party in the context of international co-operation; and paragraphs 7-9 had a general scope applicable to all cases of confiscation and related matters. The First Vice-Chairman of the Expert Group pointed out that paragraph 4 concerning confiscation at the request of another Party was in square brackets as there had been no agreement as to its structure and content, owing to the innovative nature of the scheme envisaged, or as to whether the implementation of the provisions should be made subject to domestic law or bilateral or multilateral agreements. Reference to article 5 concerning mutual legal assistance was placed in square brackets as the Expert Group had not yet completed its examination of the article.

10. A flexible approach had been adopted in drafting the provisions of article 3, which dealt with what was considered to constitute a complex legal problem with multi-facet implications in sensitive areas. Thus, while the provisions of the article made the adoption of measures for confiscation mandatory, such measures were to be defined and implemented in conformity with and under the conditions established by the domestic law of each Party.

11. It was indicated that the provisions of paragraph 5 concerning the disposition of proceeds or property forfeited in the territory of other Parties was extensively discussed at both the second and third sessions of the Expert Group Meeting. In the provisions, adopted as a result of a compromise which took into account the various comments and proposals made in the course of the discussion, it was recognized that Parties might give special consideration to concluding agreements on contributing the value of such

proceeds and property, or a substantial part thereof, to intergovernmental bodies specializing in the fight against the illicit traffic and on sharing such proceeds or property with other Parties. As the confiscation of proceeds or property constituted a novel normative scheme, paragraph 8 was adopted in order to protect the rights of bona fide third Parties. It was the understanding of the Expert Group that terms such as confiscation, instrumentalities, proceeds and property would have to be defined in article 1.

12. As regards article 4, the Expert Group clearly asserted the position that the objective was not to establish an extradition treaty between States in a specific area or create a special normative scheme for the extradition of drug offences but to make extradition mandatory for all the grave offences covered in article 2, paragraph 1, on the basis of existing schemes and standards set by bilateral and multilateral treaties and national legislation. Those considerations were covered in paragraphs 2-5.

13. Paragraph 6 was left in square brackets as there was no agreement as to its substantive content, particularly with respect to whether extradition for drug offences could be refused on the grounds that it constituted a political offence. It was suggested that the paragraph should be considered in the context of article 2; there was no agreement as to whether it should be included in that article or as a new penultimate paragraph in article 2. Paragraphs 9 and 12 introduced two new forms of co-operation in matters related to extradition, namely: the enforcement of a sentence or the remainder thereof that had been imposed under the law of the requesting Party if extradition, sought for purposes of enforcing a sentence, was refused; and the transfer of persons sentenced to imprisonment for offences to which the article applied.

14. The Expert Group reached no agreement on the substantive content and structure of article 5. In particular there was no agreement as to the scope and definition of mutual judicial assistance; it was not clear whether the modalities of international co-operation envisaged in article 3 for the purpose of confiscation fell in the ambit of article 5 or whether assistance under the article should be restricted in scope and of a purely legal nature. The Expert Group did not complete its consideration of article 5 as contained in the original draft proposed by the Secretariat.

15. Due to time constraints the Expert Group was unable to continue and complete its consideration of articles 1 and 5, the draft preambular provisions, the implementation articles and the final clauses.

#### General debate

16. All representatives and observers speaking on agenda item 3 expressed satisfaction with the progress made in the preparation of the draft convention against illicit traffic in narcotic drugs and psychotropic substances and, in particular, with the work accomplished by the open-ended intergovernmental Expert Group. The Division of Narcotic Drugs was commended for the documentation and assistance it had provided to the Expert Group during the review of the original draft.

17. Most of the representatives and observers who took the floor renewed the strong and continued support of their Governments and organizations on the necessity of forging a new international instrument to attack, directly and forcefully, the illicit traffic in narcotic drugs and psychotropic substances and stressed the urgency of moving forward speedily, in consonance with the collective political will reflected in the Declaration of the International Conference on Drug Abuse and Illicit Trafficking, in bringing the drafting of the convention to a rapid and effective conclusion.

18. Several representatives stressed the need for adherence to the two existing Conventions by as many States as possible.

19. Several representatives and observers considered that the draft articles adopted by the Expert Group constituted a well-structured and balanced text which dealt appropriately with the subject matter, complemented the existing drug control treaties and accommodated the divergent legal, constitutional, social and economic systems. It was felt that, while the Expert Group had not been able to deal with all matters with the same thoroughness and had been unable to deal with some of them, the draft it had adopted was sufficiently complete to permit the Commission to plan for the final stages leading to the adoption of the new convention. It was proposed that the Commission should establish at its present session a realistic time-frame for the speedy conclusion of a comprehensive and effective instrument which would attract widespread support. In that connection, several speakers proposed that the specific draft articles on which consensus had not been reached in the Expert Group should be further discussed in a review group, so as to reach agreement as to their substantive content and formulation prior to the plenipotentiary conference. Several representatives suggested that the Commission should recommend to the Economic and Social Council the convening of a plenipotentiary conference, during the current calendar year, which would consider the overall provisions and settle matters pertaining to the general political implications of the new convention that fell outside the purview of legal expertise.

20. Several representatives and observers emphasized that while striving to achieve a convention that would be generally acceptable to as large a number of States as possible, the mandatory nature of its provisions should not be weakened to the lowest common denominator with the result that they would merely reflect provisions that already existed in national legislation. It was emphasized that the convention should be forward-looking, seeking out new approaches and strategies that would improve the legal framework requisite for the fight against the illicit traffic. It was considered that, in dealing with illicit drug trafficking, States should be prepared to depart from the hitherto sacrosanct rules and procedures that in practice provided legal immunities for traffickers and safe havens for their illicit gains. Some representatives expressed reservations on what they considered to be a tendency to weaken the mandatory character of some of the provisions contained in the original draft; any further dilution of some important provisions could jeopardize the intent and objectives of the convention.

21. Several other representatives and observers recalled that the Expert Group had worked in a spirit of compromise in drafting an effective convention that would be acceptable to the broadest number of States and enter into force

as expeditiously as possible. While recognizing the necessity of having a comprehensive and effective instrument and not losing the momentum emanating from the International Conference on Drug Abuse and Illicit Trafficking and the work completed by the Expert Group, it was emphasized that in view of the complex and innovative nature of the provisions to be included in the new instrument, which raised questions of principle and practical issues, it was essential to proceed with care and in a flexible manner, so as to achieve the desirable objective. The importance of reaching consensus on its provisions was emphasized; mention was made by one representative in that connection of the 1953 Protocol, which had not received international recognition owing to the lack of consensus in the final stages of its adoption.

22. Several representatives and observers considered that it was necessary for Governments to be given sufficient time to study and comment on the results of the Expert Group's work and any amendments and suggestions made by the Commission at its current session. With regard to the time-frame necessary to finalize the new convention, it was emphasized that there should be a sufficient period of time between a meeting of a review group that would finalize the new draft convention and the plenipotentiary conference, in order to provide Governments an opportunity to study the draft instrument and consider the necessary steps to be taken for its adoption. The representative of the Federal Republic of Germany, on behalf of the member States of the European Community, made a statement supporting the draft resolution in E/CN.7/1988/L.18\* on the preparation of the new draft convention, stressing the importance of the legal quality and practicability of the future convention, and supporting the proposal to hold a review group meeting and the plenipotentiary conference in 1988.

23. One representative suggested that poppy straw, which was subject to abuse and was, *inter alia*, a raw material for morphine and heroin, should be covered by the international control system and included within the definition of "controlled substances" in article 1 of the new convention.

24. With regard to article 2, one representative considered that the limitation clause in subparagraph 1(b) should be deleted in order to make it mandatory for Parties to consider the offences listed therein as grave offences under their national legislation. That amendment was considered necessary as the subparagraph also covered materials, equipment and chemicals used in the illicit production which warranted mandatory and strict control measures.

25. Several speakers stressed the importance they attached to article 3; the freezing and confiscation of the gains from the illicit traffic would greatly contribute to countering the economic power of drug traffickers.

26. Several speakers considered that article 4 concerning extradition of drug traffickers was a key element in the fight against the illicit traffic.

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\*For the text of the draft resolution as adopted by the Commission, see chapter I, section A, draft resolution I. For the financial implications, see annex III.A.

It was stressed that the provisions of the new instrument should complement and strengthen the related provisions of existing treaties by making extradition mandatory for all the grave offences covered by the convention. With regard to the divergent views concerning the extradition of nationals, it was pointed out that the discretion of sovereign States regarding extradition of their nationals should be preserved on the understanding that, where extradition was refused, a State should submit its case to its competent authorities for the purpose of prosecution.

27. One representative proposed that the exchange of information between Parties envisaged in article 6, subparagraph 1(a), should also cover commercial and economic offences. That amendment would, in his view, bring the provisions of the subparagraph in line with those of article 2, subparagraph 3(c), as redrafted by the Expert Group.

28. One representative expressed his reservation to the formulation "beyond the external limits of the territorial sea" as contained in the revised draft of article 12, paragraph 3, as it might imply that third States had been attributed certain rights in the area between 12 and 200 miles (Exclusive Economic Zone) not contemplated in the United Nations Convention on the Law of the Sea. <sup>27/</sup> The formulation "and is on the high seas as defined in Part VII of the United Nations Convention on the Law of the Sea", as contained in the original draft proposed by the Secretariat, should be retained.

29. Some representatives proposed the inclusion in the draft convention of a suitable provision stipulating that financial and technical assistance should be furnished to transit States to alleviate the impact of the illicit traffic passing through their territories, which often gave rise to problems of drug abuse.

30. One observer expressed the view that the scope of application of the new convention should cover only grave offences and not those of a minor nature. The new convention, in his view, should not supersede the principle embodied in the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, that Parties may adopt alternative approaches for the treatment of offenders, particularly when the offences were of a minor nature.

31. One representative expressed the view that the provisions of the draft convention should avoid possible adverse effects on the licit activities of the chemical and pharmaceutical industries.

32. Several speakers, making reference to the recommendation in paragraph 228 of the report of the International Conference on Drug Abuse and Illicit Trafficking, in which the Conference called on States to introduce appropriate provisions into their national law in line with measures envisaged in the new convention, pending its entry into force, pointed to the specific provisions in their national legislation that had already been adopted in line with the provisions of the draft convention. Some other speakers indicated that their penal codes were being currently reviewed to that effect.

Discussion of the preliminary draft Convention, article by article

33. The Commission began consideration of the draft articles of the new convention, starting with those articles on which a large measure of agreement had been reached in the Expert Group, i.e. articles 7-14.

Articles 10, 13 and 14

34. There was general agreement that articles 10, 13 and 14 did not warrant any further discussion and should be forwarded as drafted by the Expert Group to the plenipotentiary conference for further consideration.

Article 7

35. In connection with article 7 dealing with controlled delivery, one representative proposed that the words "national legal systems" in paragraph 1 should be replaced by the words "domestic law". Another representative expressed the view that the last clause of paragraph 1 should be amended to indicate that controlled delivery should lead not only to the identification of persons but also to the places implicated in that traffic.

36. One representative proposed that paragraph 2 should be amended to include the possibility for Parties to enter into financial arrangements in effecting controlled delivery. Two representatives objected to that proposal, as controlled deliveries were normally conducted on the basis of direct co-operation between law enforcement agencies without the need for formal financial arrangements. It was stressed that it was imperative for procedures governing controlled deliveries to remain flexible so as to permit speedy and informal arrangements as dictated by operational circumstances.

37. One representative proposed that paragraph 2 should be amended to the effect that decisions to use controlled delivery should be made on a case-by-case basis and may, when necessary, take into consideration agreements on the terms for sharing the expenses arising out of such operations and arrangements concerning the exercise of jurisdiction by the Parties concerned.

38. The Commission decided to forward the article as drafted to the plenipotentiary conference for further consideration.

Article 8

39. Several speakers expressed their concern with the provisions of article 8, which in their view contained too many mandatory provisions. Some representatives pointed to the discrepancy between the provisions of paragraph 1 and those of paragraph 9; whereas paragraph 1 envisaged a discretionary mechanism for the implementation of the provisions of the article, the measures set out in paragraph 9 were of a mandatory nature. On the other hand, the view was expressed that the provisions of the two paragraphs applied to different situations: paragraph 1 was concerned with the prevention of diversion of substances in List A and List B at the domestic level, while the provisions of paragraph 9 were applicable to international trade.

40. It was suggested that the words "as may be necessary" should be added at the end of the first sentence of paragraph 9 in order to specify that establishing a new monitoring system should not be made mandatory, as the systems already in existence in particular countries might be adequate. One representative proposed that the term "suspicious transactions" in subparagraph 9(a) should be replaced by the words "illicit trafficking".

41. One representative suggested that the words "close co-operation" in the second sentence of subparagraph 9(a) should be amended to read "close and voluntary co-operation" and the last phrase beginning with the words "who shall inform" should be replaced by the phrase "Parties shall endeavour to ensure that manufacturers, importers, exporters, wholesalers and retailers inform the competent national authorities of the Parties of suspicious orders and transactions", in order to specify that the measures envisaged should be of a voluntary rather than a mandatory nature.

42. One representative considered that in order not to limit the provision of subparagraph 9(b) to seizure, the words "or application of any other appropriate measure" should be inserted after the words "seizure of".

43. One representative expressed the view that the mandatory provisions of subparagraph 9(d), which were applicable to substances that had wide industrial use, would constitute a burdensome workload of a clerical nature without any guarantee that their implementation would contribute to an effective control of the substances and prevent diversion. It was accordingly proposed that the words "require that imports and exports be properly labelled and documented" in the first sentence should be amended to read "ensure, to the extent possible, that imports and exports be properly documented and not mislabelled". It was further suggested that the provisions of the paragraph should be applicable only to the substances in List A.

44. One representative reiterated the reservation of his Government concerning the detailed and mandatory nature of the provisions of paragraph 9.

45. It was considered that the provisions of subparagraph 10(a) would not prevent the diversion of substances in List A for use in the illicit traffic, while its mandatory nature would constitute a heavy burden for Parties. It was proposed that the subparagraph should be amended to the effect that Parties shall, as may be necessary, co-operate to furnish information to each other, on a case-by-case basis. It was also suggested that acceptable criteria for placing substances in List A and List B should be clearly specified in the new convention; special consideration should be given to substances in List B that had wide industrial use.

46. One representative expressed the view that the general obligation imposed by subparagraph 10(a) presupposed action on the part of new administrative services or an increase in the staff of existing services, neither of which could be envisaged for budgetary reasons. The scope of its provisions should therefore be restricted and the phrase "in the event of suspected diversion of the use of the substance" should be accordingly inserted after the words "shall ensure". It was also proposed that subparagraph 10(a)(i) should be amended by inserting the words "if known" at the end of the subparagraph in order to take into consideration problems of export and import procedures, particularly where transit might occur.



47. One representative reiterated the objection of his Government to the proposed inclusion of poppy straw in List A, as it would be more appropriate to regulate poppy straw, should that be considered desirable, by seeking to amend the Single Convention on Narcotic Drugs. One representative explained that his intent was not to include poppy straw in List A or List B but that it should be mentioned in the definition of "controlled substances" in article 1.

48. One representative proposed the deletion of subparagraph 10(b), as that provision would be superfluous should article VI of the draft implementation articles, concerning the application of stricter measures than those required by the convention, be adopted for inclusion in the convention.

49. Several speakers considered that the article should be further examined by pharmaceutical, customs and public health experts before it was forwarded for final consideration to the plenipotentiary conference. It was pointed out by several other speakers that the redrafting of article 8 had indeed been undertaken by pharmaceutical experts and that the actual draft was a delicately balanced compromise text adopted by the Expert Group, which should not be subjected to further consideration by pharmaceutical experts.

50. The Commission decided that the article as drafted should be forwarded to the plenipotentiary conference, where the acceptability of its content could be determined and its formulation finalized.

#### Article 9

51. One representative proposed the deletion of article 9. Another representative expressed concern regarding the sketchy structure of the article and considered that a more detailed provision along the lines of article 8 would be desirable.

52. The Commission agreed to submit the article as drafted to the plenipotentiary conference.

#### Article 10 (see paragraph 34, above).

#### Article 11

53. With regard to article 11, one representative suggested that it should provide that Parties should consider establishing a regime of administrative, as opposed to criminal, sanctions to be applicable to commercial carriers so as to emphasize their responsibility and provide an incentive for their active participation in preventing the use of their conveyances in illicit drug trafficking. The regime of sanctions would also constitute a means of responding to situations where carriers failed to exercise reasonable precautions or acquiesce in the use of their means of conveyance for illicit drug trafficking. Such sanctions should be established in accordance with the domestic legal systems of the Parties and take into consideration the degree of culpability or involvement of the commercial carrier. In that connection, reference was made to target 24 of the Comprehensive Multidisciplinary Outline adopted at the International Conference on Drug Abuse and Illicit Trafficking to the effect that legislation could be enacted "whereby firms whose employees

are found to be in possession of large quantities of drugs acquired unlawfully in the course of their business would themselves be liable to penalties if proved to have been negligent in their management and to criminal penalties if their negligence rose to the level of recklessness".<sup>28/</sup> One representative stated that the matter would be brought up at the plenipotentiary conference. Another representative drew attention to the need to recognize that sanctions should only be applied in accordance with internationally agreed principles, particularly those set out in Standard 4.36 of annex 9 of the Chicago Convention, 1944.

54. One observer indicated that the definition of "carrier" should encompass both commercial carriers, whether scheduled or unscheduled, as well as general aviation, as the latter accounted for the most significant volume of drug seizures. In order to avoid placing liability on the carrier for the unintentional transport of illicit consignments or holding the carrier responsible if passengers concealed narcotic drugs or psychotropic substances in their luggage or if a shipper mailed a package or cargo, the contents of which were misrepresented to the carrier, it was proposed that the definition should also indicate that "knowledge" and "intent" were required to establish the carrier's liability. It was suggested that the provisions of article 11 should state that the carrier was not to be subject to any sanction unless negligence on his part had been established or where it had been proved that he was an accessory to drug trafficking.

55. The Commission decided to forward the draft article 11 to the plenipotentiary conference for further consideration.

#### Article 11 bis

56. One representative considered that the provisions of article 11 bis should not be mandatory and proposed that the words "shall require" in both paragraphs 1 and 2 should be replaced by the words "may ensure". Some representatives considered that the provisions of the article were already adequately covered by article 31 of the Single Convention and article 12 of the Convention on Psychotropic Substances of 1971. In that connection, one representative proposed that paragraph 2 should be deleted. Another representative considered that the substantive content of the article should be introduced in the existing Conventions by amending their related provisions and should not be incorporated as a separate article in the draft convention. Another representative expressed his reservations as, in his view, the provisions concerning labelling were too detailed. He considered that the obligation for Governments to spell out the actual composition of the consignments was tantamount to advertising their content and that such publicity could solicit curiosity and contribute to diversion. Moreover, those provisions for labelling went against the spirit of the Single Convention of 1961, which required that the outside wrapping of any consignment should not have any marking which would indicate that it contained narcotic drugs. <sup>29/</sup>

57. The Commission decided to forward draft article 11 bis to the plenipotentiary conference for consideration as to whether it warranted inclusion in the convention.

## Article 12

58. In the view of the need to improve the clarity of the provisions of paragraph 2 of article 12, one representative suggested that, following the words "illicit traffic", the remaining part of the paragraph should be amended to read as follows: "may request the assistance of other Parties in suppressing the use of the vessel for that purpose. The Parties so requested shall render such assistance within the means available to them."

59. Several speakers expressed their reservation with regard to paragraph 3 of article 12. One representative proposed that the first sentence of paragraph 3 should be amended to read: "Without prejudice to any rights conferred on the coastal States under the United Nations Convention on the Law of the Sea".

60. Another representative proposed that paragraph 3 should be amended by redrafting the first sentence to read "without prejudice to the rules and principles of international law" and by including the following additional paragraph 3 bis: "The provisions of the preceding paragraph shall not affect the rights which the coastal State may exercise, in conformity with international law, in the zone contiguous to its territorial sea." An alternative formulation proposed by the same representative would merge the additional paragraph 3 bis with the first clause of paragraph 3 to read as follows: "Without prejudice to the rights deriving from the rules and principles of international law, particularly in the zone contiguous to the territorial sea, a Party ..."

61. Several speakers expressed their reservations with regard to the phrase "beyond the external limits of the territorial sea", which the Expert Group had substituted for the phrase "and is on the high seas as defined in Part VII of the United Nations Convention on the Law of the Sea". It was argued that the adoption of that wording could imply that third States would be given certain rights in the area between 12 and 200 miles (Exclusive Economic Zone) which were not contemplated in the Convention on the Law of the Sea. The formulation contained in the original draft proposed by the Secretariat should accordingly be retained. One representative pointed out that the phraseology adopted by the Expert Group was identical to that used in the convention on the suppression of unlawful acts against the safety of maritime navigation, currently being elaborated by the International Maritime Organization, in relation to the jurisdiction of the coastal States beyond the territorial sea.

62. One representative indicated that his country, as a signatory of the Convention on the Law of the Sea, could only construe and implement the provisions of article 12 in a way compatible with its obligations under that instrument.

63. Several representatives proposed that a new paragraph should be inserted after paragraph 3 to guarantee compensation for vessels that were subjected to unjustified search measures. Such compensation should not be incumbent upon the flag State of the vessel that was subject to a search but upon the State effecting that search, as it was the latter that organized the search and determined its scope. Furthermore, the flag State, when granting its approval for a search, was dependent on the information provided by the State requesting a search.

64. Some representatives suggested that the provisions of the article should be amended so as to ensure that a search or seizure may be effected only by a ship and/or aircraft which was clearly marked and identifiable as being on government service and authorized to undertake such activities.

65. One representative considered that the introduction of the notion of "custody of the vessel" in paragraph 5 was not acceptable, as the concept could cover a legal situation not contemplated by the convention. It was therefore suggested that, in keeping with the situation envisaged in article 12, to simplify the provisions of paragraph 5 by inserting after the word "Party" the phrase "which has intercepted a vessel pursuant to paragraph 3" and inserting after the words "persons on board" the phrase "in accordance with treaties or with any prior agreement or arrangement reached with the flag State".

66. Several speakers expressed the view that the article provided a workable mechanism to facilitate international co-operation against illicit traffic on the high seas, took into account the need not to interfere with legitimate rights of passage and, through the clear requirement for the consent of the flag State prior to intervention, preserved the important principle of flag State responsibility. It was pointed out that the article reflected the compromise reached by the Expert Group and that, in spite of the difficulties facing some States, it merited consideration at the plenipotentiary level.

67. The Commission decided to forward draft article 12 to the plenipotentiary conference for appropriate consideration.

Article 13 (see paragraph 34, above)

Article 14 (see paragraph 34, above)

Articles 2, 3, 4, 5 and 6

68. In view of the fact that articles 2, 3, 4, 5 and 6 constituted a fully integrated set of closely interrelated provisions, the Commission decided to consider those articles as a whole as to their further review by either the review group or the plenipotentiary conference.

Article 2

69. Commenting on article 2, several speakers indicated that it had been subject to extensive in-depth discussion in the Expert Group and that it was sufficiently complete and well-balanced to be referred to the plenipotentiary conference.

70. One representative was of the view that the term "illicit traffic" in subparagraph 1(a) should not cover minor offences such as when small amounts of substances to be used for personal consumption were involved. Another representative proposed that subparagraph 1(a)(i) should be amended to read "illicit production and traffic". One observer considered that the definition of illicit traffic in article 1 of the original draft was too broad, especially as the use of the word "purchase" could be interpreted as applying to addicts. One representative was of the opinion that the conversion of the

nature, acquisition, disposition, movement or ownership of property, knowing that such property was derived from the illicit traffic, should not be penalized if a person became aware of that fact only after the bona fide acquisition of that property or if he had acquired that property from someone who himself had acquired it in good faith.

71. One representative reiterated his proposal for the deletion of the limitation clause in subparagraph 1(b) of the article in order to make it mandatory for Parties to consider the offences listed under that paragraph as grave offences under their national legislation.

72. One observer indicated that as the objective of article 2 was to criminalize the offences enumerated in paragraph 1 of that article, the measures concerning rehabilitation and treatment should be in addition to and not an alternative to conviction or punishment.

73. Two representatives and one observer proposed the inclusion of the following additional factual circumstances in paragraph 3: "wherever the offence has had serious repercussions on the health of the victim"; "facilitating or permitting the escape of drug traffickers"; and "recidivism".

74. Several representatives and observers expressed their reservations with the provisions of the proposed new penultimate paragraph of article 2, which the Expert Group had adopted at its third session but had left in square brackets as there was neither agreement as to its content and formulation nor agreement as to whether it should be included in article 2 or as paragraph 6 of article 4. Several representatives reiterated their objections to the inclusion of any provision that would violate the principle of non-extradition of nationals and the right of asylum or contradict any of the provisions of the European Convention on Extradition.

75. Several speakers proposed that article 2 should be forwarded to the review group on the understanding that the substantive content and formulation of the provisions of article 2, on which the Expert Group had reached agreement, should not be reconsidered.

76. The Commission decided to forward the text of article 2 to the review group on the understanding that it would have the limited mandate of reviewing the provisions of the new penultimate paragraph.

#### Article 2 bis

77. With regard to article 2 bis, several speakers considered that paragraph 1, which was adopted by the Expert Group at its second session, was a carefully structured text which took into account the divergent legal and constitutional positions of different States; in their view it should be submitted directly to the plenipotentiary conference for further consideration.

78. With respect to the revised draft of paragraph 2, agreed to on a provisional basis with respect to both structure and substance by the Expert Group at its third session, there was general agreement that the provision should be submitted to the review group for further review. One

representative argued that article 2 bis should be reviewed by the review group in its entirety, as further consideration of paragraph 2 could not be undertaken in isolation from the provisions of the other paragraphs on which agreement had been reached.

79. The Commission decided to submit the entire article 2 bis to the review group for further study.

### Article 3

80. Several speakers emphasized the importance of article 3, which constituted a strong and effective weapon against the illicit traffic. Several speakers indicated that their Governments were in the process of reviewing existing legislation along the lines of the provisions of article 3.

81. One representative proposed that the word "confiscation" should be replaced by the word "forfeiture" as, in the legislation of his country, forfeiture was the ultimate step which followed prosecution resulting in conviction, whereas confiscation was the step which followed seizure and was not indicative as to the final destination of the proceeds or property. It was indicated that the word "confiscation" was used in article 37 of the Single Convention, 1961, in a different context than the one envisaged in the draft convention.

82. One representative proposed that the word "offences" in subparagraph 1(a) should be replaced by the words "illicit traffic" and that the word "illicit" should be included before the words "narcotic drugs" in subparagraph 1(b).

83. One representative expressed concern with the scope and content of the provisions of paragraph 4 of article 3, which was in square brackets as no agreement had been reached on its content or formulation by the Expert Group at its third session. It was proposed that the provision should be amended to make mutual assistance for the execution of a confiscation order, at the request of another Party, of a discretionary nature and to leave the modalities of implementation to be regulated by bilateral or regional treaties.

84. One observer expressed his reservation to the provisions of subparagraphs 5(b)(i) and (ii) as, according to the legislation in his country, the proceeds confiscated were destined to be used in the fight against the illicit traffic and for drug abuse programmes.

85. One representative proposed the deletion of the word "property" in paragraph 6, as it referred to property in general, which included proceeds that had been transformed, converted or intermingled with other licit property. Another representative proposed that the words "to the extent that proceeds have been derived from an offence" should be inserted at the end of the first sentence of paragraph 6. It was also suggested that the provisions of the second sentence of the paragraph should not be of a mandatory nature and its implementation should be left to the discretion of each Party.

86. With regard to paragraph 7, the reversal of the onus of proof was considered to be problematic by one representative, especially as far as

mutual legal assistance was concerned. As to paragraph 8, he preferred the original version of the text, which spoke of "legitimate third parties" instead of "bona fide third parties".

87. In view of the importance of the article in the new convention, the Commission considered it advisable to refer its provisions to the review group for further consideration in order to obtain consensus on a final text.

#### Article 4

88. One representative emphasized that the provisions of article 4 should not be conceived or construed as creating a separate and special regime for the extradition of drug-related offences as such offences were not of a different nature than other serious crimes.

89. One representative expressed his reservation with regard to the provisions of paragraph 6 concerning the extradition of persons accused or convicted of offences which were politically motivated or of a political nature, as such provisions would be in contradiction with the domestic law of his country.

90. The Commission decided to submit article 4 to the review group for further review.

#### Article 5

91. One representative stressed the importance of the inclusion in the new instrument of an article of a mandatory nature dealing with mutual assistance. That was considered necessary to complement the package of measures contemplated in articles 3, 4, 6 and 7 and, in particular, to provide for effective international co-operation in the investigation and prosecution of the serious offences covered by the new convention. It was proposed that the article should make it obligatory for Parties to establish, in their national legislation, procedures and conditions to effect mutual assistance, it being understood that the granting or refusal of a particular request would be subject to domestic law, applicable treaties or other arrangements between Parties. Such measures of mutual assistance should not be construed as exhaustive or restricted to traditional measures; provision for the inclusion of other measures as they emerged should be envisaged.

92. One representative proposed that subparagraph 4(b) should be amended to indicate that the time involved in the transfer of a sentenced person should be included in the total period of detention and that the cost of the transfer should be borne by the requesting Party.

93. One representative expressed the view that the article should focus on mutual judicial assistance and not on other forms of co-operation or assistance, such as administrative assistance, which was already covered under article 6. One representative indicated that the measures of mutual assistance should be undertaken through diplomatic channels.

94. Two representatives stated their reservations with the provision on the establishment of a central authority for the purpose of implementing the

provisions of the article. One representative indicated, however, that his reservation could be waived if a federal clause was included in the final clauses to the convention.

95. Some representatives expressed their disappointment as to the way in which the Commission had approached its task regarding the article and considered that the proposals set out at the end of those paragraphs of the article which the Expert Group had reviewed had not been given sufficient attention. It was felt that clear guidelines were not being provided for the future consideration of article 5 and that a deferment of the decision regarding its substantive content to the review group was not a satisfactory solution.

96. In view of the lack of consensus on those parts of the article considered by the Expert Group at its third session and of the fact that the Group had not been able to finish consideration of paragraphs 10-13, the Commission decided that the article should be forwarded to the review group for in-depth consideration.

#### Article 6

97. With regard to paragraph 4, one observer, supported by one representative, suggested that the paragraph should include a provision to the effect that Parties should be encouraged to consider entering into bilateral or regional agreements or other arrangements to establish efficient co-ordination mechanisms between their competent national agencies and services to counter the illicit traffic in their specific regions.

98. The Commission decided that, owing to the relationship between the provisions of article 5 and those of article 6, the latter article (which had been adopted by consensus by the Expert Group) should be referred to the review group with the understanding that the article as such was not to be reconsidered.

#### Proposed additional article 6 bis

99. One representative, indicating that the provisions in paragraph 5 of article 6 were, in his view, not adequate to cover the concerns of transit States, informed the Commission of his intention to propose for its consideration a draft resolution, the intent of which was to introduce a new article 6 bis that would meet the concern of transit States. Following consideration of that proposal, the Commission decided to refer the following proposed draft text of article 6 bis to the review group and to request it to give favourable attention to the provisions contained therein:

#### "Article 6 bis

"1. Parties shall undertake, directly or through competent international or regional organizations, to assist and support transit States through a programme of technical co-operation and shall share appropriately the cost incurred by transit States, when requested, on drug interdiction activities.



"2. The Parties shall also undertake, directly or through competent international or regional organizations, to provide financial assistance to augment the enforcement resources and infrastructure needed for effective prevention of transit traffic."

Some representatives indicated that they reserved their position on the substantive content and formulation of the proposed article but considered that the decision as to whether the proposed article warranted inclusion in the convention should be left to the review group.

#### Article 1

100. The Commission agreed that article 1 should be considered after the review of the convention had been completed and that the review group should identify in the text of the convention the terms that should be defined in article 1.

101. One representative emphasized the importance of article 1 and stressed that, in order to avoid problems of interpretation, the terms as defined should be used consistently throughout the convention. While new terms to reflect the new scope of the convention were necessary, they should not contradict those used in the existing international drug control treaties.

102. One representative proposed that the term "controlled substances" should be included in article 1, as it could encompass other substances and drugs of abuse, such as poppy straw, that were not scheduled in the existing international drug control treaties. Several representatives objected to that proposal and pointed out that the terms "narcotic drugs" and "psychotropic substances", which were used in the text of the draft convention, should be those to be defined in article 1.

103. One representative, supported by several others, objected to specific reference being made to poppy straw in the new convention. It was indicated that the existing international drug control treaties were conceived for the control of narcotic drugs and psychotropic substances that had abuse potential, whereas the new convention dealt with substances that had no abuse potential *per se* but that were used for the illicit manufacture of narcotic drugs and psychotropic substances. Furthermore, it was considered that if poppy straw merited control, it would best be achieved by amending the Single Convention on Narcotic Drugs. In that connection, one representative recalled that the 1972 Protocol amending the Single Convention provided for the voluntary control of poppy straw.

104. With regard to the definition of "illicit traffic", one representative indicated that the same definition as used in the existing international drug control treaties should be retained in the new convention so as to avoid divergent interpretations. It was indicated that illicit traffic was already defined in the domestic legislation of Parties to the existing international drug control treaties on the basis of the definitions found in those instruments. One observer expressed the view that the definition of illicit traffic in article 1 of the original draft was too broad, as it encompassed all the offences listed in article 36 of the Single Convention. Another

representative pointed out that, given the specific scope of the new convention, illicit traffic should be defined in a strict and concise manner independent of the terms used in the existing treaties.

105. The Commission decided to refer article 1 to the review group.

106. One representative considered that the review group, and ultimately the plenipotentiary conference, should be guided by the principle that the convention should not merely reflect the status quo but rather provide to the international community and individual States the legal and jurisdictional schemes necessary to address the growing threat of illicit drug trafficking in the future.

#### Draft implementation measures

##### Article I

107. Article I, setting out the general obligations for Parties to give effect to and carry out the provisions of the convention, was considered superfluous. It was also considered to be in contradiction to some substantive articles in the draft convention such as article 12, paragraph 7, which provided for the implementation of the provisions of the article by the conclusion of agreements.

108. The Commission decided to delete article I. One representative expressed his reservation on the grounds that the new convention should not depart from the 1961 Convention and therefore should include a provision along the lines of article 4 of that Convention.

##### Article II

109. As regards the functions entrusted to the Commission on Narcotic Drugs under article II, it was suggested that, in accordance with the wording used in article 8, paragraph (c) of the Single Convention, it should be stated in the article that the Commission may make recommendations "for the implementation of the aims and provisions of this Convention". Article II, paragraph (a) was accordingly amended.

110. The Commission decided to forward the article as amended to the plenipotentiary conference.

##### Article III

111. The reporting procedure introduced in article III gave rise to a discussion on the desirable periodicity and content of reports to be furnished by Parties. The general trend was in favour of introducing a simpler and more flexible scheme. Several representatives considered that the annual reporting requirement, although it had precedents in the 1961 and 1971 Conventions, would impose an excessive burden on States that was not justified in the framework of the new convention.

112. Concerning the content of reports, one representative observed that in the case of federal States, the reporting of all laws and regulations promulgated to give effect to the convention would be unwieldy and proposed

that the text of subparagraph 1(a) should be redrafted in line with article 16, subparagraph 1(a) of the 1971 Convention, which limited the scope of the reports to "important changes in the laws and regulations". Regarding the method of reporting, one representative suggested that the new reporting obligation should be consolidated with existing reporting requirements under the previous Conventions.

113. The Commission agreed to delete in article III the specific mention of reports and to retain only the first phrase of paragraph 1 to the effect that Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions and paragraph 3 to the effect that Parties shall furnish the information referred to in paragraph 1 in such a manner and by such dates as the Commission may request.

114. The Commission decided to forward the article as amended to the plenipotentiary conference.

115. One representative expressed a reservation to the decision, observing that Parties to the convention against illicit traffic would not necessarily be Parties to the 1961 and 1971 Conventions. The same representative considered that comprehensive questionnaires should be established for the preparation of the reports, as in the framework of the 1961 and 1971 Conventions, and that such reports should be furnished every six months.

#### Article IV

116. Some speakers indicated that the provisions of paragraph (a) of article IV were not acceptable as it was up to each Party to organize itself domestically to implement the provisions of the convention. Some other speakers suggested that paragraphs (c), (d) and (e) should be incorporated in article 5.

117. One representative proposed the deletion of article IV as redundant since, pursuant to article 17 of the Single Convention and article 6 of the Convention on Psychotropic Substances, special administrations had already been established at the national level. Several other representatives considered that the provisions of the article should be brought in line with those of the existing drug control treaties.

118. The Commission agreed to delete paragraphs (b) to (e) and to retain only the first part of paragraph (a) to the effect that Parties shall make arrangements at the national level for the co-ordination of preventive, investigative and repressive action against the illicit traffic, in particular for ensuring effective co-operation under article 6.

119. The Commission decided to forward the article as amended to the plenipotentiary conference. One representative expressed his reservation with respect to the decision, pointing out that article IV should be retained as the amended version did not provide clear guidelines to States that would become Parties to the convention but were not Parties to the existing treaties. He indicated that he would propose at a later stage a new alternative draft article along the lines of article 35 of the Single Convention and article 21 of the Convention on Psychotropic Substances.

#### Article V

120. On the question of which body should be referred to under article V, there was general agreement that it would not be advisable to establish a new committee for the purpose. The Commission on Narcotic Drugs and the International Narcotics Control Board, which had efficiently discharged their functions under the existing Conventions, would be able to perform the tasks contemplated in article V. There was, however, no preference as to whether the Board or the Commission or both should be entrusted with the task of ensuring the execution of the provisions of the convention. It was pointed out that the composition and functions of the Board and/or the Commission would have to be reviewed and adjusted in order to cover the new scope and objectives of the convention. Additional resources would also have to be provided commensurate with the additional functions. Some speakers expressed doubts as to whether the measures for monitoring the implementation of the 1961 and 1971 Conventions would be adequate and applicable to the new convention, given the difference in substance and objectives.

121. The Commission agreed to delete reference to a special committee and decided to forward article V as thus amended to the plenipotentiary conference for further consideration.

#### Article VI

122. Some speakers were of the opinion that article VI was superfluous and should be deleted, as the adoption of stricter measures was in the purview of State sovereignty. One observer considered that the provisions of the article could also be interpreted as encouraging States to adopt stricter measures, which could give rise to unforeseeable and undesirable consequences. On the other hand, some speakers supported the retention of the article because of its bearing on the provisions of the convention. One representative stated that a provision similar to that in article VI was included in the 1971 Convention on Psychotropic Substances. In a spirit of compromise, one representative proposed a new formulation to the effect that no provision of the convention would be interpreted as preventing Parties from adopting stricter measures.

123. The Commission decided to forward article VI to the plenipotentiary conference for further consideration.

#### Draft final clauses

124. Several speakers proposed that the review of the draft final clauses, because of their technical and procedural nature, should be left to the review group or the plenipotentiary conference. The Commission agreed to that proposal but welcomed the opportunity for representatives and observers to make comments thereon.

125. With respect to articles I, II, III and IV, most speakers expressed their preference for variant B, which was simpler, more succinct and corresponded to the current practice in the Vienna Convention on the Law of Treaties. 30/ Two representatives favoured variant A, which in their opinion was more in conformity with the existing drug control treaties.

#### Article I

126. The Commission heard a statement from the observer of the Commission of the European Communities to the effect that the new convention should provide for the possibility of participation of the European Economic Community (EEC) in the convention, within the limits of its competence.

#### Article II

127. Several speakers expressed the opinion that only a limited number of accessions or ratifications, within the shortest time period, should be required for the convention to come into force. In that connection, it was suggested that the convention should enter into force on the thirtieth day after the date of the twentieth instrument of ratification or accession.

#### Article III

128. With regard to article III concerning territorial application, several speakers were of the view that variant A was outdated and that a more suitable formulation was required. One representative proposed the deletion of both variants which, in his view, no longer corresponded to modern treaty practice.

129. One representative proposed the inclusion of an article along the lines of article 28 of the Convention on Psychotropic Substances, so as to give non-metropolitan territories the possibility of implementing on their own the provisions of the treaty, particularly the range of enforcement measures contemplated therein. Such a provision would enable other contracting Parties to deal directly with the enforcement authorities of the territory in question rather than having to go through those of the Party itself. Two representatives expressed reservations regarding the proposal.

#### Article IV

130. The speakers who commented on article IV strongly favoured variant B. It was proposed that the clause in paragraph 1 of variant A reading "after the expiry of two years from the date of the coming into force of this Convention" should be inserted at the beginning of paragraph 1 of variant B.

#### Article V

131. One representative considered that the procedure for amending the convention, as proposed in article V, paragraph 2, was not satisfactory as it imposed too strict a deadline on Parties. Some speakers considered that the 18-month period indicated should be extended.

#### Article VI

132. There was general agreement that the question of reservations in article VI could be properly addressed only after the substantive articles had been finalized. Commenting on the article, several speakers suggested that it would be desirable for no reservations to be permitted, since due consideration had been given while drafting the new instrument to removing

obstacles that States might have regarding the implementation of its provisions. It was considered that reservations, if any, should be limited in number and confined to specific articles.

133. Several speakers expressed the view that the formulation of paragraph 3 was not acceptable, as the exceptional reservations that certain States would be authorized to make might be incompatible with the objectives of the convention. It was emphasized that, in conformity with the Vienna Convention on the Law of Treaties, reservations should not be incompatible with the objectives and raison d'être of the convention. In that connection, one observer proposed the inclusion of a sentence after paragraph 2 to the effect that a reservation shall not be considered incompatible if the provision of the convention to which the reservation applied contradicted the basic principles of existing international treaties.

#### Article VII

134. Several speakers considered that the provisions of article VII should be subject to a reservation. On the other hand, one representative expressed the view that the article should not be subject to any reservation and that compulsory recourse to the International Court of Justice should be provided for in the article.

#### Article VIII and proposed additional article

135. One representative proposed the deletion of article VIII.

136. It was suggested that an article should be added concerning the authentic text of the convention and the transmission of certified copies to States Parties.

#### Draft Preamble

137. Several speakers considered that the preamble should be simplified, made more concise and avoid repetition.

138. With regard to the first preambular paragraph, one representative proposed that the words "and use" should be inserted after the words "illicit production". One observer expressed reservation with respect to the word "demand", as demand should not, in his view, be given the same consideration as "traffic". With regard to the fourth preambular paragraph, one representative proposed that, should the paragraph be retained, the word "often" should be inserted before the word "penetrate". One observer considered that the fifth preambular paragraph should not only mention "drug traffickers" but also those involved in other activities related to trafficking. Two observers proposed that the eighth preambular paragraph should be amended so as to extend international co-operation to cover "land and air" in addition to the "sea". It was proposed that the ninth preambular paragraph should be amended to the effect that States would promote the maximum co-operation possible in eradicating drug trafficking.

139. One representative, referring to paragraphs 4 and 7 of the principles and objectives of the Inter-American Programme of Action Against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic Therein, 31/ stressed that it should be stipulated in the preamble that the measures envisaged in the convention must be consistent with human rights, respect the traditions and customs of national or regional groups and protect the environment. It should also indicate that international co-operation, whether bilateral or multilateral, should develop free of pressure of any kind.

140. One observer proposed the inclusion of a new preambular paragraph calling for Parties to maintain a balance between a system of sanctions and measures related to health care and social rehabilitation. Several speakers objected to that proposal, indicating that the preamble should reflect the objectives of the convention and that, in their view, the proposal fell outside its scope.

141. The Commission decided that the draft preamble, as contained in the original draft, should be forwarded to the plenipotentiary conference for further consideration.

**B. Measures to be taken to conclude the preparation  
of the convention**

142. At its 1010th meeting, on 18 February 1988, the Commission adopted by consensus a draft resolution entitled "Preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances" (E/CN.7/1988/L.18) co-sponsored by Argentina, Australia, Belgium, Bolivia, Canada, Colombia, Ecuador, Finland, France, Germany, Federal Republic of, Greece, Indonesia, Italy, Luxembourg, Madagascar, Malaysia, Netherlands, Nigeria, Peru, Portugal, Senegal, Spain, Switzerland, Turkey, United Kingdom, United States and Venezuela. (For the text of the draft resolution, see chapter I, section A, draft resolution I. For the financial implications see annex III.A.)

### CHAPTER III

#### ACTION TO GIVE EFFECT TO THE RELEVANT RECOMMENDATIONS OF THE INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING

143. At its 1004th, 1005th, 1006th and 1007th meetings on 15 and 16 February 1988, the Commission considered agenda item 4. It had before it the report of the International Conference on Drug Abuse and Illicit Trafficking (A/CONF.133/12); the report of the Secretary-General on the International Conference on Drug Abuse and Illicit Trafficking (A/42/594); notes by the Secretary-General on action to give effect to the relevant recommendations of the International Conference on Drug Abuse and Illicit Trafficking (E/CN.7/1988/4 and Corr.1 (English only), and Add.1, 2 and 3); keywords of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control (E/CN.7/1988/CRP.11); a letter dated 12 January 1988 to the Secretary-General by the Secretary-General of the European Parliament (E/CN.7/1988/CRP.15); the report of the September 1987 Ad Hoc Inter-Agency Meeting on Co-ordination in Matters of International Drug Abuse Control (ACC/1987/PG/12); and the compendium attached to the letter from the Vienna NGO Committee on Narcotic Drugs and Psychotropic Substances (E/CN.7/1988/NGO.1).

144. In an introductory statement, the Director-General of the United Nations Office at Vienna expressed the hope that the Commission would decide on practical steps to carry out the recommendations of the Conference. She emphasized that the suggestions in the report of the Secretary-General to the General Assembly on the Conference were not sacrosanct; what was needed was guidance from the Commission on practical steps to move forward. At the Inter-Agency Meeting on Co-ordination in Matters of International Drug Abuse Control, which she had chaired on Saturday, 13 February, representatives from 13 entities indicated that their organizations were already working actively in the field of drug control at various levels. There was general agreement that greater resources were required to discharge fully existing treaty obligations and additional tasks stemming from the Conference recommendations. Despite the current lack of resources, however, the consideration of all the activities within the mandates of each organization as well as specific targets cited in the Comprehensive Multidisciplinary Outline should continue.

145. The Director of the Division of Narcotic Drugs stressed that the mandate of the Division, in its capacity as secretariat of the Commission, covered all aspects of international drug control. Activities called for in the Outline that were addressed to the Commission or to the Division had already been incorporated into the work programme of the Division, which would do its best to carry them out to the fullest extent permitted by resources available.

146. All speakers reaffirmed the commitment of their Governments to take effective action at the national level to prevent drug abuse and reduce the illicit demand for narcotic drugs and psychotropic substances, control the supply of such drugs, suppress illicit trafficking and treat and rehabilitate drug abusers. The significance of the Declaration adopted by the Conference was widely underlined, as was the relevance of the suggested courses of action



embodied in the Outline, which were consistent with the provisions of the international drug control treaties already in force or in the process of completion for final adoption.

147. While stressing the importance of the control of supply and of law enforcement action to interdict illicit drug trafficking, many speakers advocated the need for the Commission to develop policy guidance in the area of the reduction of illicit demand for drugs and treatment and rehabilitation of drug abusers. It was widely felt that those areas should have a prominent place on the agenda of the Commission at its regular sessions.

148. It was pointed out that, while the Outline contained many important proposals for future activities, it was necessary for the Commission to select those having the highest priority and to decide on a time-frame for dealing with those activities. Several speakers indicated that the Commission should formulate a cost-effective programme of action with realistic and achievable objectives. In that connection, one observer suggested that a basic programme of action should include: (a) the provision of technical assistance to enable countries to carry out epidemiological surveys; (b) the reduction of drug abuse in the workplace; (c) the promotion of research aimed at reducing over-consumption of narcotic drugs and psychotropic substances under international control; (d) support to producer and transit countries to develop law enforcement activities; (e) a focus on the dramatic spread of the HIV infection among drug abusers; and (f) the enhancement of collaborative work with non-governmental organizations.

149. The need to set priorities at the national and regional levels was mentioned by many representatives, who gave an account of the national and regional strategies developed by their Governments to combat drug abuse and illicit drug trafficking. Many representatives and observers informed the Commission of programmes underway in their countries that were based on the principles adopted by the Conference or activities directly carried out as a result of the suggestions contained in the Outline. One representative stated that, as a matter of principle, efforts at the international level had to supplement, not replace, national efforts. First priority should be given to international action that would directly reinforce action at the national level. Action of an intermediary nature should be given a lower priority rating.

150. Some representatives and observers supported the suggestion made by the Chairman of the Commission in his opening statement that a monitoring body, composed of representatives to the Commission from all regional groups and covering various areas of expertise, should meet between sessions to ensure compliance with the policy of the Commission and monitor programmes approved by it.

151. With regard to the follow-up of the recommendations adopted by the Conference for action at the international level, and in particular within the United Nations system, it was suggested that the Commission should identify a list of activities to which it would assign the highest priority, respecting the balance as well as the multidisciplinary character of the Outline. Such a plan of priority action would be more likely to attract the resources required for the fight against drug abuse. Such a programme of action would also

assist the Secretary-General in formulating the programme budgets for the years 1988-1989 and 1990-1991. One representative regretted that the documents before the Commission identified only procedural possibilities rather than substantive proposals for follow-up activities; in the absence of such proposals from the Secretariat, his delegation would prepare a draft resolution which would enable the Commission to consider proposals for concrete priority activities to be undertaken by a wide range of United Nations and other international organizations. Many other representatives expressed strong support for those points and expressed appreciation for the representative's offer to draft an appropriate resolution.

152. Many representatives and observers suggested that increased focus should be placed on demand reduction and prevention programmes, with particular attention being given to strengthening resources at the community level, both professional and non-professional, to ensure that young people did not abuse drugs. It was emphasized that non-governmental organizations had an essential role to play in that regard. In that connection, the Chairpersons of the Vienna and New York NGO Committees reiterated the commitment of the non-governmental organizations to participate in the campaign against drug abuse, particularly in efforts that supported preventive activities.

153. The need to accurately assess the extent of drug misuse and abuse, as well as to organize comprehensive systems for the collection and evaluation of comparative data, was stressed by many representatives. Some speakers pointed out that the intensive and comprehensive surveillance of drug-related diseases, such as AIDS, in national and international drug abuse prevention programmes was required. One representative stated that, in order to reduce the spread of the HIV virus, it was essential to encourage individuals to seek treatment and to avoid the intravenous use of drugs. Relevant education and information should therefore be targeted at high-risk groups.

154. Many representatives and observers stressed the important role played by the International Narcotics Control Board, the Division of Narcotic Drugs and the World Health Organization (WHO) with regard to the control of supply. The importance of and the need for wider adherence to the 1961 Convention, as amended by the 1972 Protocol, and to the 1971 Convention was reaffirmed. It was widely stressed that increased contributions from Governments and from international financial institutions were required to enable the implementation of programmes and projects for integrated rural development activities, including crop eradication/substitution programmes.

155. With regard to the suppression of illicit drug trafficking, many speakers emphasized the importance of developing bilateral and other arrangements for mutual legal assistance which might include, as appropriate, extradition, tracing, freezing and forfeiture of assets, and other measures, as recommended in chapter III of the Outline and envisaged in the new convention against illicit traffic in narcotic drugs and psychotropic substances. Similarly, it was felt that the dissemination of information to national and international law enforcement bodies as well as the training of law enforcement officers was an important component of the fight against the illicit traffic.

156. A number of representatives stressed that the treatment, rehabilitation and social reintegration of drug-dependent persons were important factors in reducing the negative effects associated with drug abuse.

157. With respect to the various proposals made in the report of the Secretary-General on the International Conference on Drug Abuse and Illicit Trafficking (A/42/594), an overwhelming majority of the speakers felt that the appointment of a special rapporteur to advise the Commission on matters of policy concern and formulation was unnecessary, as that task could best be carried out by the existing drug control units, with advice by consultants, as required.

158. Concerning the request that intergovernmental, regional and non-governmental organizations should provide information on activities undertaken in pursuit of the 35 targets of the Outline on an annual basis and in a format compatible with other reports prepared by the United Nations, it was felt that, while not a priority item, the proposal might merit consideration at a future session of the Commission.

159. The Commission was not in a position at its tenth special session to review reporting procedures in the international drug control programme. One representative suggested that the matter could be dealt with at the thirty-third session of the Commission on the basis of an analysis of the current reporting procedures to be prepared by the secretariat. Other representatives, while considering that the suggestion was useful, stressed that it was not a priority matter. Others indicated that the current procedure for reporting was satisfactory and that the content of reports and documents was more important than their presentation.

160. Some representatives felt that the establishment at the United Nations Office at Vienna of a co-ordinated data system containing technical information provided from all sources and to be placed at the disposal of the United Nations system and Governments was a useful suggestion, as timely and convenient access to pertinent information was fundamental to the efforts of the international community to combat drug abuse and illicit trafficking. Many representatives expressed the belief that the existing United Nations drug control bodies should serve as the appropriate basis and location of a co-ordinated data system. One representative stated that the time had come for a review of existing drug control information systems with a view to developing, within existing United Nations structures, an information strategy. Others felt that it was an extremely ambitious undertaking, which could be very costly. One representative suggested that a feasibility study should be carried out before any decision was taken. Another representative, referring specifically to paragraphs 65 and 66 of the report of the Secretary-General, said that the establishment of the proposed co-ordinated data system would not comply with the proposal made by the representative of Pakistan at the Conference, as that representative had called for the establishment of an international drug abuse prevention resource centre in one of the developing countries facing serious problems of drug abuse and illicit trafficking.

161. Most speakers supported the suggestion that additional resources should be provided to the United Nations Fund for Drug Abuse Control to enable the Fund to assist Member States to carry out specific courses of action identified in the Outline at the national level .

162. Most speakers underlined the importance of inter-agency co-ordination and co-operation with respect to the implementation of the 35 targets of the Outline. With regard to the proposal contained in paragraph 59 of the report of the Secretary-General that support and advice to non-governmental organizations should be provided through consultant services, one representative noted that the paragraph referred mainly to activities in the field of prevention, treatment and rehabilitation. Since WHO had been making important efforts in that area, he suggested that the WHO should place before the Commission, at its next session, a paper containing a succinct description of documents and other materials that could be made available to Member States. That would contribute to avoiding duplication of efforts and to making better use of knowledge already gained in that area. The representative of WHO agreed with the suggestion.

163. One representative suggested that the Ad hoc Inter-Agency Meeting on Co-ordination in Matters of International Drug Abuse Control, convened twice a year by the Director-General in her capacity as co-ordinator of all United Nations drug control-related activities, was an appropriate framework for the system-wide co-ordination of the follow up to the recommendations of the Conference. He suggested that a senior officer of each of the three main organs responsible for control of drug abuse and illicit drug trafficking should be more specifically put in charge of substantive follow-up in respect of the provisions agreed upon by the Conference.

164. Most speakers felt that it was premature to request that the Secretary-General should be asked to review the suggested courses of action under each target of the Outline and to report to the General Assembly at its forty-third session, as more time was evidently required for such reports to be meaningful.

165. Noting that the General Assembly, in its resolution 42/112 of 7 December 1987, had decided to observe 26 June each year as the International Day against Drug Abuse and Illicit Trafficking, many speakers felt that emphasis should be placed on activities to be carried out at the national level. Public information campaigns and special prevention programmes could be launched to mark that day.

166. Most representatives, while noting with appreciation the offer of the Government of Bolivia to host a second international conference, indicated that it was premature to consider convening such a conference before the recommendations of the International Conference on Drug Abuse and Illicit Trafficking could be implemented over a sufficiently long period and their impact evaluated. The high cost of holding such a conference at a time when the resources available to the United Nations in the field of drug abuse control were being curtailed was also seen as a negative factor. Similar considerations were valid for the designation of an international year dedicated to the fight against drug abuse.

167. None of the representatives who took the floor favoured the establishment of a new unit to support the concerted system-wide follow up to the Conference. All representatives stressed that the existing drug control units were best equipped to carry out that activity. The need to strengthen the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board (INCB) to enable both entities to fulfil their present tasks as well as to carry out additional activities envisaged in the Outline was unanimously stressed. In that connection, most speakers reiterated their call for restoration of the resources available to those two units to their former level. 32/

168. At its 1011th meeting, on 18 February 1988, the Commission adopted by consensus a draft resolution entitled "International Conference on Drug Abuse and Illicit Trafficking" (E/CN.7/1988/L.14/Rev.1), co-sponsored by Bahamas, Canada, Côte d'Ivoire, Germany, Federal Republic of, Malaysia, Netherlands, Nigeria, Sweden, United Kingdom, United States and Yemen. (For the text of the resolution, see chapter I, section A, draft resolution II. For the financial implications, see annex III.B.)

## CHAPTER IV

### IMPLEMENTATION OF THE INTERNATIONAL TREATIES ON THE CONTROL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

169. At its 994th meeting, on 8 February 1988, the Commission considered agenda item 5, which related to: (a) the possible scheduling of five substances under the provisions of the Single Convention (E/CN.7/1988/5, paras.1-3); (b) the possible scheduling of a substance, and rescheduling of another, under the provisions of the Convention on Psychotropic Substances (E/CN.7/1988/5, paras.4-14); (c) the possible termination of the exemption of two preparations granted by the Government of Finland under the provisions of the Convention on Psychotropic Substances (E/CN.7/1988/5, paras.15-22); and the indexing of the E/NL. series of national laws and regulations (E/CN.7/1988/CRP.10).

#### A. Consideration of recommendations for scheduling and rescheduling under the international drug control treaties

##### Single Convention

##### Acetyl-alpha-methylfentanyl, alpha-methylfentanyl, 3-methylfentanyl, PEPAP and MPPP

170. The Commission had before it in document E/CN.7/1988/5 five notifications from the Director-General of WHO recommending that acetyl-alpha-methylfentanyl (N-[1-( $\alpha$ -methylphenethyl)-4-piperidyl] acetanilide), alpha-methylfentanyl (N-[1-( $\alpha$ -methylphenethyl)-4-piperidyl] propionanilide), 3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide in its two isomeric forms cis-N-[3-methyl-1-(2-phenylethyl)-4-piperidyl] propionanilide and trans-N-[3-methyl-1-(2-phenylethyl)-4-piperidyl] propionanilide, PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester)) and MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester)) should be included in Schedules I and IV of the Single Convention.

171. Document E/CN.7/1988/5 also contained summaries of comments received by the Secretary-General from Governments relevant to the possible scheduling of the five substances, as well as a substance-by-substance summary of data prepared by the Secretariat, as requested by the Economic and Social Council in its resolution 1984/23. The representative of WHO made a statement concerning the five notifications and drew attention to the fact that the report of the Twenty-fourth Report of the WHO Expert Committee on Drug Dependence was available to the Commission. 33/ Additional information could be found in the critical review prepared for the Twenty-fourth meeting of the Expert Committee (WHO/MNH/PAD/87.2).

172. All of the representatives who spoke on the issue confirmed that there was absolutely no medical use of the five substances. There was little evidence of actual abuse, except in one country, but the medical evidence concerning the extreme abuse potential of those "designer drugs" was overwhelming, since they were all many times more potent than fentanyl or pethidine, of which they were analogues.

173. By a vote of 38 in favour, none against and no abstentions, the Commission decided to include acetyl-alpha-methylfentanyl, alpha-methylfentanyl, 3-methylfentanyl, PEPAP and MPPP in Schedules I and IV of the Single Convention. (For the text of the formal decisions drafted by the Secretariat at the request of the Commission to reflect the results of the vote on the five substances, see chapter X, section B, decisions 1 (S-X)-5 (S-X)).

#### Convention on Psychotropic Substances

##### Secobarbital

174. Document E/CN.7/1988/5 also contained a notification from the Government of the United States and from WHO recommending that secobarbital (5-allyl-5-(1-methylbutyl)barbituric acid) should be transferred from Schedule III to Schedule II of the 1971 Convention on Psychotropic Substances. The Commission also considered the additional data contained in that document, as well as in the WHO documents referred to in paragraph 171, above.

175. Most of the representatives who spoke on the issue favoured the transfer of secobarbital from Schedule III to Schedule II. One representative pointed out that the recommendation was founded primarily on the growing illicit traffic in secobarbital rather than on any new data concerning its medical usefulness. The WHO Expert Committee on Drug Dependence regarded its current therapeutic usefulness as low. Several States had removed the substance from pharmaceutical registers, and it was no longer available for therapeutic use in other States.

176. Several representatives did not agree that Schedule II was appropriate for secobarbital, especially in view of the fact that the other barbiturates remained listed in Schedule III. It was pointed out that problems arising in the international commerce of secobarbital could best be handled by introducing a system of import and export certificates, as was required for Schedule II substances, without applying the other control measures called for under that Schedule, which were considered to be unnecessary at the national level. That could be done by a simple amendment to the Convention. Those representatives also pointed to resolutions 1986/8 of 21 May 1986 and 1987/30 of 27 May 1987, in which the Economic and Social Council had recommended the application of more stringent regulations to substances such as secobarbital. Action to reschedule should not be taken before Governments had at least had the time to take voluntary steps to impose stricter control. One representative suggested that the Commission might usefully consider, at its next session, the possible application of Schedule II requirements at the international level to substances in Schedule III and, if that were found to be advisable, how it could best be brought about. The observer from WHO requested the representative of Belgium to co-operate with WHO, along with others, in investigating the proposal. Some representatives expressed concern at the prospect that the transfer of secobarbital from Schedule III to Schedule II would lead to proposals for the future transfer of the remaining barbiturates in the same chemical group.

177. One representative was of the opinion that the wider use of the import prohibition allowed under article 13 could be effective in countering illicit traffic in secobarbital. Another representative emphasized that voluntary measures alone, such as were called for under Council or Commission resolutions, were insufficient to counter the illicit traffic that had developed and that the Commission should indeed consider recommending, at its next session, how the Convention could be strengthened. He agreed with the WHO recommendation because there was no better solution in the present circumstances.

178. By a vote of 35 in favour, none against and 3 abstentions, the Commission decided to transfer secobarbital from Schedule III to Schedule II of the Convention. (For the text of the decision drafted by the Secretariat at the request of the Commission to reflect the results of the vote, see chapter X, section B, decision 6 (S-X)).

#### Racemate of metamfetamine (INN)

179. The Commission also considered a notification from WHO recommending that the racemic mixture of methamphetamine ((±)-N, α-dimethylphenethylamine) should be specifically included in Schedule II of the Convention on Psychotropic Substances. The need for such specific inclusion arose from possibly divergent interpretations as to its present control status, if any, under the Convention. The Commission document under consideration, as well as the WHO documents referred to above, contained a summary of data on the question.

180. By a vote of 38 in favour, none against and no abstentions, the Commission decided to include methamphetamine racemate in Schedule II of the Convention. (For the text of the decision drafted by the Secretariat at the request of the Commission to reflect the results of the vote, see chapter X, section B, decision 7 (S-X)).

#### B. Consideration of recommendations for termination of exemptions of preparations under the Convention on Psychotropic Substances of 1971

181. The Commission also had before it a notification from WHO recommending that the exemption of two preparations (Gastrodyn comp. and Trimigrin) from certain control measures granted by the Government of Finland under the provisions of article 3 of the 1971 Convention should be terminated in part, so that the requirements of article 8, paragraph 1, and of article 11, paragraph 5, should also apply to those two preparations. The observer from WHO explained that the Government of Finland fully agreed with the recommendation of WHO. The representative of Finland confirmed that statement.

182. The Commission decided, by a vote of 38 in favour, none against and no abstentions, to terminate in part the exemptions granted by the Government of Finland for Gastrodyn comp. and Trimigrin. (For the text of the decision drafted by the Secretariat at the request of the Commission to reflect the results of the vote, see chapter X, section B, decision 8 (S-X)). The



observer from WHO informed the Commission of the discussions at the WHO Executive Board in January 1988 regarding the need for publishing, in a consolidated way, the decisions already taken by the Commission on exempted preparations.

### C. Indexing of E/NL. series of documents

183. A number of representatives and one observer commented on the new format of the cumulative index of the E/NL. series of national laws and regulations on the control of narcotic drugs and psychotropic substances. The Secretariat's proposal (E/CN.7/1988/CRP.10) indicated that the format had been developed following the computerization of the information needed to produce the index. Several representatives welcomed the initiative in view of its possible contribution to speeding up the exchange of information between Governments and with the Secretariat. In that connection, one representative proposed that consideration should be given to the possibility of establishing an electronic data processing linkage between Governments, the Division of Narcotic Drugs and INCB to facilitate direct access to any computerized data base available within those units.

184. Several representatives questioned, however, whether the current system of distributing printed texts was the most effective method, and it was suggested that the Secretariat might circulate only the index and leave it to Governments to request from the Secretariat whatever texts they required. Another representative, expressing concern at the fact that individual controlled substances would no longer appear in the index, was of the opinion that substances under national, but not international, control should also be listed individually.

185. It was agreed that the Division should continue, for the time being, its work on the new index and that the question of the circulation of legal texts in the E/NL. series should be reviewed at the next session of the Commission.

## CHAPTER V

### REPORT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD FOR 1987

186. At its 995th and 996th meetings, the Commission considered the Report of the International Narcotics Control Board for 1987. 34/ It had also before it a note by the Secretary-General (E/CN.7/1988/6).

187. Presenting the Report, the President of INCB reviewed and commented on major developments over the past year. He drew attention to the spread of drug abuse to areas hitherto unaffected, particularly in Africa south of the Sahara. The spread of AIDS among drug abusers was also alarming. Recalling assassinations by organized crime of Justice Minister Lara Bonilla and Attorney-General Carlos Mauro Hoyos, and the attempt on the life of Ambassador Parejo Gonzales - all of them outstanding Colombian leaders in the fight against drug abuse and trafficking - he paid tribute to those officers and to all who had paid with their lives in the fight against the illicit traffic in drugs. Governments and the international community could pay no greater tribute to them than by supporting and strengthening those still engaged in that fight. The Board hoped that the new convention against illicit traffic would attract widespread ratification. International control of the licit movement of narcotic drugs and psychotropic substances continued to operate satisfactorily, and diversions of narcotic drugs had been minimal. The Board was in consultation with Governments concerned with the expiry, by December 1989, of the transitional reservations under article 49 of the 1961 Convention relating to the use of cannabis for non-medical purposes as well as its production, manufacture and trade. Returning to the situation in Africa south of the Sahara, he expressed concern about the vulnerability of the countries involved to the escalation of drug abuse and trafficking, which called for urgent support by the international community. Finally, he drew the attention of the Commission to the need for ensuring the provision of adequate resources to the Board. \*

188. Many representatives and observers commended the International Narcotics Control Board on the preparation of the report, describing it as objective and comprehensive, and outlined various administrative, legislative and other activities undertaken in their countries and in co-operation with other States to counter the plethora of problems resulting from drug abuse and the illicit traffic in drugs. Several provided clarification on information contained in the report. Referring to paragraph 60, the representative of Lebanon disagreed that his country had historically been a source of cannabis, that the opium poppy had been illicitly cultivated in the country in recent years and that heroin conversion laboratories might be operating there. Reservations were expressed by the representative of Bolivia on the description of his country in paragraphs 104 to 106, as a comprehensive drug control programme introduced in June 1987 had already achieved very positive results. The Board was invited to send a mission to his country. Commenting on paragraphs 96 and 120 of the Report, the representative of Cuba pointed out

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\*For the consideration of the question of resources available to the drug abuse control units of the United Nations, see chapter VIII, section D.

that his country was part of Latin America and the Caribbean and that the broad wording of those paragraphs did not reflect the situation of his country with regard to illicit cultivation and the illicit traffic. He hoped that the Board would take his remarks into account with a view to improving the quality of forthcoming reports.

189. Most representatives indicated their concern at the deteriorating situation with respect to drug abuse and the illicit traffic. A number of representatives noted the consequences of the increasing illicit trafficking, which ranged from the corruption of public officers and the spread of AIDS to terrorism. It was pointed out that the International Conference on Drug Abuse and Illicit Trafficking and the convention that was being drafted on the control of illicit trafficking placed greater responsibilities on the Board, and it was therefore imperative to strengthen its position to deal effectively with the challenge.

190. A number of representatives and observers expressed their concern about the effect of the financial crisis in the United Nations on the work of INCB. An appeal was made for the restoration of financial and human resources at pre-1985 levels so as to enable the Board to carry out its treaty mandate effectively. It was suggested that future reports might include the Board's objectives for the year, a statement of activities not implemented because of financial constraints and an outline of resources required for executing the mandate satisfactorily.

191. Several speakers urged countries that had not acceded to the international drug control treaties to do so, especially the major manufacturing and exporting countries of psychotropic substances. Some suggested that the voluntary control measures requested by the Economic and Social Council, especially the assessment of medical and scientific requirements for Schedule II substances under the 1971 Convention, should be made compulsory. Several representatives voiced concern over psychoactive drugs not yet under control; national control of pemoline was being considered by some countries. A further exchange of information at the national and international levels to help monitor precursors and specific chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances was recommended.

192. Another representative, commenting on paragraph 2 of the Report, welcomed the balanced wording of the passage relating to AIDS. Since drug addiction involved a lifestyle which could not be changed overnight, the care of addicts should precede their cure. He therefore considered that the use of methadone substitution therapy and schemes for the exchange of used needles and syringes were acceptable, subject to adequate measures to prevent diversion. Monitoring such use and schemes was important.

193. One representative called for a survey of areas where poppy cultivation was believed to be taking place in the Near and Middle East. In view of the huge quantities of opiates and cannabis obtained from that region, more resources were needed to support action there. The importance of funding crop substitution programmes required for the eradication of illicit crops was stressed. One observer said that as khat was not under international control, there was no justification for including it in the Board's report.

194. Several representatives, expressing their serious concern at the deterioration of the situation in Africa, agreed with the Board's assessment of the necessity for urgent counter-measures to be taken in that region and expressed support for greater assistance to countries in that continent.

195. On the question of the demand for and supply of opiates for medical and scientific needs, it was noted that the licit global production of opiate raw materials and the licit demand for opiates had been in approximate balance as of 1980. The question of excessive stocks of raw materials remained, however, threatening the stability of the supply-and-demand situation world-wide. One representative emphasized that his Government did not consider the question to be a commercial one. Several representatives noted the negative implications of excessive stocks and regretted the fact that, owing to a lack of resources, the Board had been unable to monitor the implementation of Economic and Social Council resolutions 1986/9 and 1987/31. One representative stated that, while the trade in licit opiates was special, commercial and technical considerations played a role within the parameters of the Single Convention. Another representative felt that new forms of co-operation should be sought, including the proper use of scientific technology. One representative and one observer asked the Commission to initiate a concrete plan of action to consider the urgent implementation of a number of recommendations for the reduction of excessive stocks of opiate raw materials made by the Expert Group Meeting on the Reduction of Excessive Stocks of Licit Opiate Raw Materials in 1985 (E/CN.7/1986/11/Add.11).

196. In response to paragraph 17 of the Board's report, which indicated that Governments had authorized the export of narcotic drugs solely on the basis of export certificates, it was stressed that the quantities to be exported should be covered by corresponding estimates of licit demand.

197. It was pointed out that an improvement in the export and import licensing system was required. It was suggested that a standard international form should be used in order to assist customs authorities to identify internationally controlled consignments of drugs.

198. In his concluding statement, the President responded to questions on the Board's resource constraints, indicating that since 1978 its secretariat of 25 (comprising 13 Professionals and 12 General Service staff) had remained unchanged. The secretariat had been reorganized after its move to Vienna in 1979, staff had been internally redeployed to reinforce the control of psychotropic substances and computerization had been introduced without additional funds. Two United Nations administrative service surveys, in 1980 and 1983, had concluded that the Board secretariat should be reinforced by an additional professional post and that three other professional posts should be upgraded. That had never materialized. Following the financial crisis affecting the United Nations, the Board had made further economies, including reductions in the duration of its sessions, its documentation and its conference requirements. With the increase in the number of controlled substances as well as in tasks requested by the Council, the Board's workload had continued to grow considerably since then. The important responsibility of monitoring treaty compliance had suffered, as it could not be adequately discharged owing to lack of resources. Moreover, the Board had sacrificed its

staff resources to support the International Conference on Drug Abuse and Illicit Trafficking; those were to have been temporary but now appeared to have become permanent. The Board hoped that proposals for restructuring and reductions would be consistent with the drug control policies of the United Nations as well as with the Declaration of the International Conference.

199. The President expressed his thanks for the encouragement and support expressed. Emphasizing that the Board received information from countries world-wide and that its report was aimed at assisting Governments in furthering drug control, he welcomed opportunities for further dialogue with Governments on matters of special interest to them.

200. At its 1011th meeting, on 18 February 1988, the Commission adopted by consensus a draft resolution entitled "Supply of and demand for opiates for medical and scientific purposes" (E/CN.7/1988/L.17), co-sponsored by Hungary, India, Iran (Islamic Republic of), Madagascar, Turkey, USSR and Yugoslavia. (For the text of the resolution, see chapter I, section A, draft resolution III.)

## CHAPTER VI

### INTERIM REPORT OF THE UNITED NATIONS FUND FOR DRUG ABUSE CONTROL

201. At its 996th and 997th meetings, on 9 February 1988, the Commission considered agenda item 7 (ii). It had before it an introductory note by the Secretary-General (E/CN.7/1988/11) and an interim report prepared by the United Nations Fund for Drug Abuse Control on its programme and fund-raising activities (E/CN.7/1988/12), supplemented by two reports containing detailed accounts of operations financed in 1987 (E/CN.7/1988/CRP.6 and E/CN.7/1988/CRP.7).

202. The considerable expansion of the Fund's programme had continued during 1987, with 115 sectoral projects in 35 countries as compared with 48 projects in 12 countries in 1980. The large financial resources that had been made available, in particular during 1987, permitted a significant intensification of the Fund's activities in Asia, Latin America and the Near and Middle East as well as the development of plans in new regions such as Africa and the Caribbean.

203. In his introductory statement, the Executive Director of the United Nations Fund for Drug Abuse Control recalled that the two main issues under consideration by the Commission were the new convention and the outcome of the International Conference on Drug Abuse and Illicit Trafficking. He drew attention to a third vital aspect of international co-operation, namely multilateral assistance, which was the specific work of the Fund. Such assistance was an indispensable complement to the strengthening of the international legal instruments and the follow-up to the International Conference.

204. He noted that the financial requirements needed to bring drug abuse under complete control in all geographical areas and in all sectors were enormous. Experience suggested that, in pursuing that ambitious goal, the Fund could play a fundamental role with more realistic financial resources in view of the catalytic impact of its activities. A well-planned presence of the Fund could promote dynamic responses within national programmes which followed the completion of work started with international assistance. As a demonstration of that realistic approach, the Fund had developed a medium-term perspective which highlighted the minimum funding requirements, at a level of \$US 810 million, for 1989-1993. Resources available for financing activities under the five-year plan amounted to \$US 340 million, of which 90 per cent were supported by contributions from Italy. Some positive signs of increased financial support had been given by other countries, and the Fund was hopeful that the commitment taken by all Member States at the International Conference would be translated into reality, thus enabling the Fund to implement its medium-term perspective.

205. All 41 representatives and observers who addressed the Commission under the agenda item commended the Executive Director and his staff on the achievements of the Fund. They noted with satisfaction the success in fund-raising efforts, as reflected in the significant increases in the Fund's

annual programme budget. They also praised the dynamic performance of the Fund, stressing the impressive growth in its resources, expertise and political support; the expansion of its activities to almost every region of the world demonstrated its growing, leading role in the multilateral fight against drug abuse and illicit trafficking. In particular, several speakers stressed the effectiveness of its action-oriented approach through the development and implementation of comprehensive master plans.

206. Some representatives referred to the strong expressions of support received by the Fund during the International Conference, which had helped enhance the catalytic and central role of the Fund as the major source of multilateral financing for technical co-operation programmes in drug control. It was pointed out that the need for financial support over the coming years was as great as ever. One representative drew attention to the fact that an increasingly high percentage of the funds made available to the Fund still came from a limited group of donor countries.

207. Two representatives announced contributions totalling \$US 11.2 million for 1988. Others stated their Government's intention to provide continued or increased financial support. One representative indicated that, while in the past his Government had had reservations about the performance of the Fund, it had now decided to become a donor in view of the Fund's effective management and valuable achievements. Two other representatives referred to their Government's decision to provide the Fund with the services of Junior Professional Officers.

208. Representatives and observers from countries receiving assistance through the Fund described the positive results achieved with its support. Referring to the magnitude and scope of illicit narcotics production, some representatives and observers stressed the need to complement rural development programmes with appropriate law enforcement measures. In that connection, it was pointed out that although the Fund was well aware of the need to increase law enforcement efforts, most of the contributions to the Fund came from development assistance sources and in many cases could not be used to support law enforcement projects. Modalities should therefore be considered for the identification of specific funds to be channelled through the Fund for such activities. Potential donors were also encouraged to increase their general-purpose contributions to the Fund.

209. Several representatives and observers pointed to the need to keep a balanced approach in addressing drug problems, through rural development activities, prevention, treatment and rehabilitation projects as well as control measures. One representative stressed that assistance-receiving countries should enhance their law enforcement facilities in order to support and protect the results achieved with the Fund's assistance, in particular under integrated rural development projects.

210. Some representatives noted with satisfaction the continued good collaboration between the Fund, the Division and the Board, stressing the usefulness of existing practices and arrangements between the drug control units which ensured such co-operation. Although there was a clear need for continued close co-ordination between the three units, it was also essential

to maintain and strengthen the Fund's autonomy, flexibility and capacity for action. In that connection, one representative stressed that its new dimension had turned the Fund into an increasingly important structure within the United Nations system. He drew attention to the need for the Fund to continue fulfilling its mandate in full operational independence, as stated in Economic and Social Council resolution 1987/32 and endorsed by the General Assembly in its resolution 42/113.

211. Observers from specialized agencies and other intergovernmental organizations, as well as a non-governmental organization, also expressed appreciation for support received from the Fund. They indicated readiness to expand their collaboration with the Fund in the development of drug control programmes. The Director of the Division of Narcotic Drugs, associating himself with the tributes paid to the Fund, noted the continued close co-operation between the Division, the Fund and the Board and stressed the Division's willingness to further strengthen that collaboration. Several representatives commented favourably on the continuing close relationship between the Fund and the United Nations Development Programme (UNDP).

212. The Executive Director thanked the Commission for the many expressions of support and confidence, underlining the importance of the guidance received from that body. He expressed appreciation for the recognition of the Fund's dedicated and competent staff, with particular reference to its personnel in the field.



## CHAPTER VII

### CONSIDERATION OF RECOMMENDATIONS RECEIVED FROM SUBSIDIARY BODIES DEALING WITH THE ILLICIT TRAFFIC

213. At its 1009th meeting, on 17 February 1988, the Commission considered that part of agenda item 7 which dealt with the recommendations from its subsidiary organs (E/CN.7/1988/3, E/CN.7/1988/7, E/CN.7/1988/8, E/CN.7/1988/9 and E/CN.7/1988/13).

214. In introducing the item, the Director of the Division of Narcotic Drugs indicated that the Division had been promoting regional co-operation in the area of international drug control for a number of years. He reviewed the work of the three regional meetings of Heads of National Drug Law Enforcement Agencies (HONLEA), held during 1987 in Africa, Latin America and the Caribbean and Asia and the Pacific, together with the work of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East. In that connection, he emphasized the importance of the contribution of the subsidiary organs to the work of the Commission.

215. During the discussion of the recommendations contained in the report of the first meeting of HONLEA, Africa (E/CN.7/1988/3), two representatives supplied additional data to that contained in the report. It was pointed out that the cannabis production in Nigeria to which reference was made in paragraph 14 of the report was illicit production and that the illicit traffic route through Europe to Senegal was true for heroin but questionable for cannabis. The representative of Senegal announced that his Government had offered to host the next meeting of HONLEA, Africa, at Dakar.

216. At its 1012th meeting, on 19 February 1988, the Commission adopted by consensus a draft resolution entitled "Co-ordination at the African regional level" (E/CN.7/1988/L.10), co-sponsored by Côte d'Ivoire, Egypt, Madagascar, Mali and Senegal. (For the text of the resolution, see chapter I, section A, draft resolution IV. For the financial implications, see annex III.C.)

217. During the exchange of comments on the recommendations in the report of HONLEA, Latin America and the Caribbean (E/CN.7/1988/7), one representative emphasized the broad-based participation at the first HONLEA meeting held in that region. The opinion was expressed that such regional meetings would gain in their effectiveness if they concentrated on questions of an operational nature, including the question of transit traffic as well as training. It might also be useful for specific targets listed in the Comprehensive Multidisciplinary Outline to appear as a specific agenda item on any future HONLEA. With special reference to co-ordination, one observer drew attention to the annual conferences organized in the region by the International Criminal Police Organization (ICPO/Interpol) and the Organization of American States (OAS) and concluded that it would be useful to have better liaison between all organizations addressing the illicit traffic question in the region. One observer mentioned that the Chairmen of the three regional meetings of HONLEA could usefully have mutual consultations at future sessions of the Commission.

218. At its 1011th meeting, on 18 February 1988, the Commission adopted by consensus a draft resolution entitled "Reduction of illicit supply of drugs" (E/CN.7/1988/L.12), co-sponsored by Egypt, Italy, Jordan, Nigeria, Senegal, Sri Lanka and Yemen. (For the text of the resolution, see chapter I, section A, draft resolution V.)

219. In commenting on the recommendations appearing in the report of HONLEA, Asia and the Pacific (E/CN.7/1988/8 and Corr.1), one representative emphasized the nefarious impact on the region of the so-called "Golden Triangle". In that connection, it was pointed out that some countries of the region still did not attend the regional HONLEA meetings. The United Nations should continue to invite such States to participate actively. Commenting on the suggestion contained in recommendation II of the report that an interministerial conference might be held at the regional level to co-ordinate the response of members of the regional HONLEA to the phenomena of drug abuse and the illicit traffic, one member was of the opinion that the time was not yet ripe for such a meeting.

220. At its 1008th meeting, on 17 February 1988, the Commission adopted by consensus a draft resolution entitled "Strengthening co-ordination and co-operation between Governments" (E/CN.7/1988/L.3), co-sponsored by Canada, Hungary, India, Madagascar, Netherlands, Pakistan, Panama, Turkey, United States and Yugoslavia. (For the text of the resolution, see chapter I, section A, draft resolution VI.)

221. Several representatives and one observer addressed the question of exploring ways of widening the membership of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East to include other States within the region that had drug law enforcement problems which were interrelated with those of the Sub-Commission members. The issue had been raised during the twenty-third session of the Sub-Commission, as reflected in paragraph 8 of its report (E/CN.7/1988/13). Three representatives indicated their countries' interest in full membership in the Sub-Commission. The observer of the Council of Arab Ministers of the Interior stated that the question was of considerable interest and that it would be discussed at the meetings of the controlling organs of the Council. Those statements were welcomed by the Chairman of the Sub-Commission, speaking in his national capacity. Many representatives felt that the time was appropriate to enlarge the membership of the Sub-Commission and that an appropriate draft resolution should be prepared for submission to the Economic and Social Council to that end. On that question, two members of the Sub-Commission (Islamic Republic of Iran and Pakistan), while welcoming the enlargement of the membership of the Sub-Commission, reserved their position in view of the absence of instructions from their Governments.

222. At its 1012th meeting on 19 February 1988, the Commission adopted by consensus a draft resolution entitled "Enlargement of the membership of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East" (E/CN.7/1988/L.22), drafted by the Secretariat at the request of the Commission. (For the text of the resolution see chapter I, section A, draft resolution VII. For the financial implications, see annex III.D.)

223. Two representatives suggested that the needs of regional drug law enforcement co-operation could, perhaps, be adequately met by holding the HONLEA meetings biennially instead of annually. Another representative suggested that the question of the periodicity of the meetings might best be left for the HONLEA members to decide themselves at their next meetings.

224. Some representatives thought that the Commission should make more specific provision for the consideration of recommendations of HONLEA and the Sub-Commission, with a view to ensuring that those recommendations received appropriate attention. One representative noted the large number of draft recommendations from the three HONLEA meetings and the Sub-Commission and the fact that, as a lengthy discussion of them in the Commission would not be desirable, an "umbrella" resolution was indeed required. The draft resolution (E/CN.7/1988/L.3), however, looked like just another list of useful ideas and the specificity of each recommendation to the particular subsidiary organ was inevitably lost. He suggested, therefore, that there might be a need for each recommendation therein to be read in conjunction with its original version. The present approach to the matter was certainly necessitated by the large increase in the number of draft recommendations, which was due to the contributions from the first meetings of the two new HONLEA's. However the form taken, as a solution, in the "umbrella" resolution suggested that there was a need to devise a more appropriate way of presenting the recommendations of the subsidiary organs to the Commission in future years.

225. At its 1012th meeting, on 19 February 1988, the Commission adopted by consensus a draft resolution entitled "Regional meetings of National Drug Law Enforcement Agencies (HONLEA): Africa, Latin America and the Caribbean, Asia and the Pacific" (E/CN.7/1988/L.9), co-sponsored by Australia, Bolivia, Canada, Colombia, Indonesia, Malaysia, Senegal and Sri Lanka. (For the text of the resolution, see chapter I, section A, draft resolution VIII. For the financial implications, see annex III.E.)

## CHAPTER VIII

### MATTERS RELATED TO THE ORGANIZATION OF THE COMMISSION'S FUTURE PROGRAMME OF WORK AND PRIORITIES

#### A. Recommendations addressed to the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields

226. At its 1008th and 1009th meetings, on 17 February 1988, the Commission considered agenda item 7 (vii). It had before it a note by the Secretary-General on the functioning of the Commission on Narcotic Drugs and its subsidiary bodies (E/CN.7/1988/CRP.12).

227. The representative of the Netherlands made a detailed analysis of the objectives envisaged in recommendation 8 of the Group of High-level Intergovernmental Experts regarding the functioning of the Commission and that of its subsidiary machinery, the pertinent parts of which had been reproduced in the annotated provisional agenda for the tenth special session of the Commission (E/CN.7/1988/1/Add.1). The international drug control treaties assigned functions both to the Commission and to INCB. A duplication of work or overlapping activities with other subsidiary bodies of the Economic and Social Council did not exist. The functions of the Commission and INCB were complementary. Having reviewed the functioning of the Commission and that of its subsidiary organs, he concluded that the intergovernmental structure for the international drug control programme functioned to the full satisfaction of Member States. Consequently, the Commission, while recognizing the need to keep its functioning under continuous review, should recommend to the Special Commission that no change should be made with respect to its functioning or to that of its subsidiary machinery. The functioning of both the Commission and that Board were dependent upon the availability of adequately staffed specialized secretariats.

228. All speakers who took the floor supported that analysis and resulting conclusions. It was pointed out that the Commission had functioned over the last 42 years as a very credible and substantive technical body. As a substantial part of its mandate stemmed from provisions of international treaties, any change to that mandate could only be made through amendments to those provisions, an eventuality which was neither called for nor reasonable as their implementation was considered satisfactory.

229. A number of representatives emphasized that the Commission should maintain its pattern of annual meetings - regular sessions every two years and special sessions in between - in order to be able to fulfil its treaty obligations. In particular, one representative, supported by a number of others, recalled that the decisions on scheduling new dependence-producing narcotic drugs or psychotropic substances should not have to be delayed for two years. Similarly, the Commission had an obligation to consider annually

the report of INCB before it was transmitted to the Council. Finally, the representative stated that the Commission could not adequately fulfil its mandate when it met for only 5 or 8 working days. It would therefore be appropriate to recommend to the Council that the duration of regular sessions should be of at least 10 working days.

230. Two representatives noted that their Governments favoured the strict application of biennial sessions for all functional commissions. One observer stated that he accepted the current pattern for the Commission on Narcotic Drugs, provided that substantive items requiring urgent attention were considered at special sessions.

231. Many representatives, recalling the resolution adopted by consensus by the Commission on the question of resources available to the international drug control programme (E/CN.7/1988/L.2),\* reiterated the need for strengthening the Division of Narcotic Drugs and the secretariat of INCB. Activities in the field of drug control had been widely recognized by Member States as being of high priority, and there was therefore no contradiction between strong support for the ongoing cost reduction exercise throughout the United Nations system and the necessity to establish priorities among the various programmes of the United Nations.

232. At its 1012th meeting, on 19 February 1988, the Commission adopted by consensus a decision entitled "Response to Economic and Social Council decision 1987/112" (E/CN.7/1988/L.26). (For the text of the decision, see chapter X, section B, decision 9(S-X). The views and proposals of the Commission on achieving the objectives envisaged in recommendation 8 of the Group of High-level Intergovernmental Experts regarding its functioning and that of its subsidiary machinery are contained in annex IV to the present report.

#### B. Development of laboratory methodologies

233. At its 1007th and 1008th meetings, on 16 and 17 February 1988, the Commission considered agenda item 7(iv). It had before it a note by the Secretary General (E/CN.7/1988/10), as well as the reports of expert groups on: (a) rapid testing methods of drugs of abuse (E/CN.7/1988/CRP.3); (b) recommended methods for testing cocaine, opium, morphine and amphetamine-related compounds (E/CN.7/1988/CRP.4); and (c) guidelines for the establishment of national testing programmes and laboratories for drugs of abuse in body fluids (E/CN.7/1988/CRP.5). The Commission also had before it working manuals related to the topics discussed by the expert groups under (a) (ST/NAR/13) and (b) (ST/NAR/11 and ST/NAR/12).

234. The Director of the Division of Narcotic Drugs, in introducing the item, outlined the accomplishments of the Applied Scientific Research and Technical Advisory Section in the overall area of scientific and technical assistance to Governments and expressed his conviction that the new orientation of the work of the Section constituted a programme with increased, tangible and practical

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\*For the text of the resolution, see chapter X, section A, resolution 4 (S-X).

outputs, to the benefit of the international community. He emphasized the need for technical and scientific expertise within the system, owing to the highly technical nature of the international drug control programme. He also noted with appreciation the substantial support given to the sub-programme of the Division from an increasing number of Governments.

235. The Commission expressed unanimous satisfaction with the achievements of the Section. Many representatives stressed that the new programme orientation and the intensified communication between the Division of Narcotic Drugs and the relevant institutions of Member States in that area represented a sound approach to meeting current challenges and to responding effectively and usefully to the current and future needs of Governments. In that context, a few representatives noted that the Applied Scientific Research and Technical Advisory Section of the Division had already included most target elements of the Comprehensive Multidisciplinary Outline falling within its competence in its current as well as in its next biennial programmes.

236. The Commission endorsed the recommendations of the expert groups, with particular emphasis on those contained in E/CN.7/1988/CRP.5 relating to the development of an international laboratory programme aimed at assisting Governments in the area of body fluid analysis for narcotic drugs and psychotropic substances. In emphasizing the timeliness of such a programme, the Commission suggested the following priorities:

(a) The extension of the collection of reference samples for distribution to Member States to include the most important metabolites of substances under international control that were subject to the most traffic and abuse;

(b) The development of recommended laboratory testing methods and international standard criteria for national body fluid testing programmes, including proficiency testing and methods/procedures validation;

(c) A co-ordinated extension of the Division's training programme for laboratory staff into the area of body fluid analysis, based upon internationally agreed curricula and relying on national institutions with long-standing experience and high technical standards.

237. Most representatives who spoke on the item emphasized the importance of the expert group meetings organized by the Division and pointed to the importance of the manuals produced for national law enforcement and laboratory services. The Commission strongly recommended that such meetings and the publication of technical manuals should continue on a regular basis. In that connection, it suggested that barbiturates and analogues of controlled drugs should receive high priority to ensure the harmonization of methodologies and uniformity of decisions at the administrative level. Appreciation was expressed to Governments that had assisted in hosting such meetings during 1987 as well as to those Member States that had provided financial support through the United Nations Fund for Drug Abuse Control.

238. The Commission took note of the offers of the Governments of Austria, Canada and the Federal Republic of Germany to financially support or host future expert group meetings on various technical and scientific subjects.

238. A number of representatives and observers commended the Division for its timeliness in responding to the various requests from their respective Governments for assistance in:

- (a) The provision of United Nations drug identification kits;
- (b) The training of laboratory staff in analytical methods;
- (c) The strengthening or establishment of national narcotics laboratories;
- (d) The provision of reference samples of controlled narcotic drugs and psychotropic substances for analytical or research purposes;
- (e) The supply of technical and scientific information.

In addition, most speakers valued the extension of the network of collaborating national institutions with the Division, noting the high technical level of such institutions, and underscored their importance in the identification of priorities as well as in the exchange of information, data and analytical methodologies.

240. Most speakers were strongly in favour of the continuation of the programme of the Section and of its extension into the new areas identified and endorsed by the Commission and considered that it was vital to secure the necessary resources for its implementation.

#### C. Demand reduction

241. At its 994th meeting, on 8 February 1988, the Commission considered agenda item 7 (v). It had before it the Report of the Workshop on the Utilization of Community Resources for the Prevention and Reduction of Drug Abuse held for Asia and the Pacific Region at Manila, the Philippines, from 7 to 11 December 1987 (E/CN.7/1988/CRP.9).

242. In introducing the item, the Director of the Division of Narcotic Drugs drew attention to the programme for the prevention and reduction of the illicit demand for drugs that the Division had carried out. He attached importance to the work on the assessment of drug abuse problems, as well as to the assistance provided to national authorities in the area of demand reduction, particularly through the programme for the utilization of community resources for the prevention and reduction of drug abuse that the Division, with the financial support of the Fund, had been implementing since 1981 and the Division's publications, such as the "Manual on drug abuse assessment" 35/ and the Resource Book on Measures to Reduce Illicit Demand for Drugs. 36/

243. With regard to the programme for the utilization of community resources, seminars and workshops had been held and the Division had encouraged the development of national pilot projects and programmes. The outcome of the programme showed that the utilization of community resources was a particularly suitable approach to the prevention and reduction of the illicit demand for drugs. The Division would therefore continue to encourage such

activities, to assess existing programmes for the utilization of community resources and to facilitate the exchange of information and experience, subject to the availability of funds.

244. The general outcome was illustrated by the report of the Workshop, which served as the basis for discussion by the Commission. In it, considerable attention had been paid to the involvement of youth, parents and religious and civic groups as community resources. The report also contained guidelines for developing a programme for drug demand reduction utilizing such resources. Both governmental and private initiatives and efforts, and their co-ordination, were essential in the planning and implementation of effective drug demand reduction programmes at the community level.

245. One representative drew attention to several very useful workshop recommendations that were of special importance because they reflected the priority needs in the area of demand reduction. Those recommendations were consistent with the efforts undertaken in his country. The representative of Thailand expressed appreciation for the Division's programme for the utilization of community resources in the prevention and reduction of the illicit demand for drugs and indicated that, since the introductory seminar on the subject was held at Bangkok in 1982, several successful activities utilizing community resources had been developed in Thailand to combat drug abuse problems. He indicated that more international efforts and programmes should be undertaken in that field. One representative expressed satisfaction with the programme for the utilization of community resources, which was a very useful activity. The implementation of the programme on a regional basis was important because it facilitated an exchange of knowledge and experience in the field. The discussion indicated the Commission's full support to the programme.

246. At its 1007th meeting, on 16 February 1988, the Commission adopted by consensus a resolution entitled "The role of pharmacists in the prevention of the abuse of narcotic drugs and psychotropic substances" (E/CN.7/1988/L.7), co-sponsored by Australia, Belgium, Bulgaria, Canada, China, Côte d'Ivoire, Egypt, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Malaysia, Nigeria, Norway, Poland, Senegal, Sweden, USSR, United Kingdom, United States and Yugoslavia. (For the text of the resolution, see chapter X, section A, resolution 1 (S-X)).

247. At its 1009th meeting, on 17 February 1988, the Commission adopted by consensus a draft resolution entitled "Improved measures for demand reduction" (E/CN.7/1988/L.8), co-sponsored by Australia, Belgium, Bolivia, Canada, China, Colombia, Denmark, Egypt, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, India, Iran (Islamic Republic of), Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Senegal, Spain, Sweden, USSR, Yugoslavia and Zambia. (For the text of the resolution, see chapter I, section A, draft resolution IX.)

248. At its 1011th meeting, on 18 February 1988, the Commission adopted by consensus a resolution entitled "Utilization of community resources for the prevention and reduction of drug abuse" (E/CN.7/1988/L.20), co-sponsored by India, Indonesia, Malaysia and Thailand. (For the text of the resolution, see chapter X, section A, resolution 2 (S-X)).



249. At its 1012th meeting, on 19 February 1988, the Commission adopted by consensus a resolution entitled "Establishment of an international drug abuse assessment system" (E/CN.7/1988/L.19), co-sponsored by Bahamas, Finland, Germany, Federal Republic of, Hungary, Jamaica, Malaysia, Nigeria, Sweden and United States. (For the text of the resolution, see chapter X, section A, resolution 3 (S-X)).

D. Resources available to the drug control units  
of the United Nations Secretariat

250. At its 1002nd meeting, on 12 February 1988, the Commission considered agenda item 7 (viii). It had before it notes by the Secretariat on the programme budget for the biennium 1988-1989 and on the third revision of the medium-term plan for the period 1984-1989 (E/CN.7/1988/CRP.13), on budget and staff resources (E/CN.7/1988/CRP.14), and on the staffing tables and status of vacancies for the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board (E/CN.7/1988/CRP.16). It also had before it a draft resolution proposed by the Steering Committee (E/CN.7/1988/L.2).

251. In connection with the consideration of the sub-item of the agenda, the Director-General of the United Nations Office at Vienna informed the Commission that she had made a statement to the Third Committee of the General Assembly concerning the vexed question of resources. She had appealed for greatly increased resources for the Fund and had expressed her deep concern about the budgetary and staffing situation of both the Division of Narcotic Drugs and the secretariat of INCB. She had done everything in her power to alleviate the situation: (a) by trying to fill all outstanding vacancies as soon as possible through the staff redeployment system; (b) by trying to protect the latter units to the utmost against the impending 15 per cent cut; and (c) by searching actively for additional resources from elsewhere, both in the regular budget and outside it. She had received very heartening expressions of support in the Third Committee, with many calls for the drug programmes to be accorded high priority and for funds to be switched to them from other programmes of lesser importance. She had succeeded in attracting some extra-budgetary help from individual Governments. Her concerns, however, were in no way allayed at the current stage, in particular where the impact of the overall 15 per cent cut of staff was concerned. That could not be done without devastating effects on the capacity of both the Division of Narcotic Drugs and the secretariat of INCB to deal with the workload imposed on them by the international community. She emphasized the financial problems faced by the Secretary-General, who was confronted with a very tight budget, owing to the approval by the General Assembly of a budget for 1988-1989 which already incorporated the 15 per cent reduction in Professional posts, and an expected cash shortfall of around \$US 115 million owing to arrears in assessed contributions. Nevertheless, the Director-General would pursue her vigorous efforts to obtain adequate resources, and she assured the Commission of her total commitment to the task in hand.

252. The substance of the draft resolution was supported by all but one of the representatives who took the floor. Many representatives stressed that the text was in line with the positions adopted by consensus both at the

forty-second session of the General Assembly (resolution 42/113) and during the International Conference on Drug Abuse and Illicit Trafficking, when 138 States, mostly represented at Cabinet level, agreed that the fight against drug abuse and illicit drug trafficking was a very high priority for their Governments.

253. Noting that, in its recommendation 15, the Group of High-Level Experts stressed the need to avoid any negative effects on the implementation of programmes, many representatives pointed out that their Governments supported the administrative and financial reform of the United Nations. They also emphasized that the necessary reduction in the number of posts recommended by the Group of Experts should not affect such an essential programme as drug control, which, on the contrary, should be strengthened. One representative pointed out that it was precisely because his Government was an initiator of the reform of the United Nations that it supported the draft resolution.

254. The possible reduction of resources available to the Division of Narcotic Drugs and the secretariat of the INCB was, in the opinion of many representatives, particularly illogical at a time when those units were being requested to undertake additional activities in the context of both the follow-up to the recommendations of the International Conference on Drug Abuse and Illicit Trafficking and the preparations for the new convention against illicit traffic in narcotic drugs and psychotropic substances, which was to be considered in the near future by a plenipotentiary conference. It was pointed out that the Conference was convened by the General Assembly on the personal initiative of the Secretary-General, who in his report to the General Assembly on the Conference (A/42/594) had noted that, to enable the Division of Narcotic Drugs and the secretariat of the INCB to fulfil their present tasks, it would appear essential to restore resources to their former level as well as to allocate further resources at levels commensurate with the requirements of the additional activities envisaged by the Outline of Future Activities adopted by the Conference.

255. Some representatives expressed the wish that priorities should be allocated to the various activities undertaken by the Division of Narcotic Drugs and the secretariat of INCB. In that connection, many representatives stressed that, for the most part, the work carried out by those two units was essentially of a technical nature. Their work was an essential part of the international drug control mechanism, without which national drug control administrations could not perform their duties adequately. The value of the work carried out over the years both by the Division and by the secretariat of INCB was underlined by many speakers.

256. Many representatives strongly expressed regret that no official document had been submitted to the Commission on the possible reduction in the number of posts in the Division and the secretariat of the Board, which made it difficult for them to form an opinion.

257. Several representatives, expressing their greatest support for the activities carried out by the drug control units, regretted that the Latin American and Caribbean region was not adequately represented at the professional and higher levels in the Division of Narcotic Drugs and in the secretariat of INCB.

258. Several representatives suggested that their permanent representatives to the United Nations in New York should bring to the attention of the Secretary-General the importance their Governments attached to maintaining and, if possible, strengthening the resources available to the drug control units.

259. The Director of the Division pointed out that the resources available to the Division had been stable from 1978 to 1985 and that they actually declined as of 1986. There was a great need for additional resources in the field of drug control, and he therefore was very grateful to the Commission for its unanimous support.

260. The Director-General of the United Nations Office at Vienna recognized the universal support for the draft resolution, which confirmed her own position with regard to the high political priority of the programme. The substance of the draft resolution constituted a reinforcement of her efforts to defend the Division and the secretariat of INCB against further cuts. She thanked the Commission for its support. In response to a question from one representative, she stated that no official document could be made available to the Commission concerning the possible reduction of posts in the Division of Narcotic Drugs or the Board secretariat, because such an official document did not as yet exist.

261. One representative said that in view of the firm position the Director-General had taken, the Commission should have full confidence in her ability to manage her Office as she saw fit under the prevailing conditions. One representative expressed the fear that the draft resolution might prejudice the deliberations of the Committee for Programme and Co-ordination.

262. At its 1012th meeting, on 19 February 1988, the Director of the Division informed the Commission of the proposed third revision of the medium-term plan for the period 1984-1989 contained in annex II of document E/CN.7/1988/CRP.13. Those proposals were still subject to revision before they would officially represent the proposal of the Secretary-General to the Committee for Programme and Co-ordination.

263. At its 1003rd meeting, on 12 February 1988, the Commission adopted, by consensus, a draft resolution entitled "Consideration of the question of resources available to the drug control units of the United Nations under Section 20 (International Drug Control) of the regular budget" (E/CN.7/1988/L.2), co-sponsored by Argentina, Austria, Bahamas, Bolivia, Canada, Côte d'Ivoire, Egypt, France, Germany, Federal Republic of, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Jordan, Madagascar, Malaysia, Mali, Mexico, Netherlands, Nigeria, Pakistan, Saudi Arabia, Senegal, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, USSR, United Kingdom, United States, Venezuela, Yugoslavia, Zaire and Zambia. (For the text of the resolution, see chapter X, section A, resolution 4 (S-X). For the financial implications, see annex III.G.) The representative of Denmark, in an explanation of vote, stated that in the light of the importance of the subject matter, his delegation had accepted adoption by consensus of the draft resolution; however, his delegation continued to have reservations on some of the operative paragraphs. He stressed that Denmark continued to support the efforts of the Secretary-General in implementing General Assembly resolution 41/213.

E. Agenda and duration of the thirty-third session  
of the Commission on Narcotic Drugs

264. At its 1012th meeting, on 19 February 1988, the Commission discussed the duration and provisional agenda of the thirty-third session of the Commission on Narcotic Drugs\* and decided by consensus to submit a draft decision entitled "Duration and provisional agenda of the thirty-third session of the Commission on Narcotic Drugs" (E/CN.7/1988/L.23) to the Council for adoption. (For the text of the decision, see chapter I, section, B, draft decision II. For the financial implications, see annex III.F.)

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\*The provisional agenda was adopted by the Economic and Social Council in its decision 1987/123 of 26 May 1987.

## CHAPTER IX

### ORGANIZATION OF THE SESSION AND ADMINISTRATIVE MATTERS

#### A. Opening and duration of the session

265. The Commission on Narcotic Drugs held its tenth special session at Vienna from 8 to 19 February 1988. Twenty-one plenary meetings were held (993rd-1013th meetings)\*. The outgoing Chairman of the thirty-second session opened the tenth special session. The Director-General of the United Nations Office at Vienna and co-ordinator of all United Nations drug control-related activities addressed the Commission. The Division of Narcotic Drugs served the Commission as secretariat.

#### B. Attendance

266. The session was attended by the representatives of the 40 States members of the Commission, by observers from 40 other States and by representatives of 4 specialized agencies, 11 intergovernmental organizations and 31 non-governmental organizations in consultative status with the Economic and Social Council (annex I).

#### C. Election of officers

267. At its 993rd meeting, on 8 February 1988, the Commission elected the following officers by consensus:

Chairman: Philip O. Emafo (Nigeria)

First Vice-Chairman: Dilshad Najmuddin (Pakistan)

Second Vice-Chairman: E.A. Babayan (USSR)

Rapporteur: R.J. Samsom (Netherlands)

268. In a statement underlining the pivotal role of the Commission on Narcotic Drugs, the newly elected Chairman emphasized that the international community had now clearly shown that it was not prepared to let the drug barons of the illicit traffic continue to destroy the lives of countless individuals. The Director of the Division of Narcotic Drugs also addressed the Commission.

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\* In compliance with Economic and Social Council resolution 1979/69, no summary records were taken.

269. At the same meeting, a Steering Committee was set up consisting of the representatives of Argentina, Canada, France, Germany, Federal Republic of, Hungary, India, Italy, Madagascar, Mexico, Netherlands, Nigeria, Pakistan, Switzerland, Thailand, Turkey, USSR, United Kingdom, United States and Yugoslavia. The Committee held eight meetings on 8, 9\*, 10, 11, 12, 16 and 17 February 1988 to examine how best to plan the Commission's business. Prior to the session, on 5 February 1988, the outgoing Steering Committee of the thirty-second session had held an informal organizational meeting.

D. Adoption of the agenda

270. At its 993rd meeting, the Commission adopted by consensus the provisional agenda (E/CN.7/1988/1 and Add.1) agreed on by the Commission at its thirty-second session and approved by the Economic and Social Council (decision 1987/124), amended upon recommendation of the Steering Committee to include under the item on "Other urgent business" a sub-item entitled "Consideration of the question of resources available to the drug control units of the United Nations under Section 20 (International Drug Control) of the regular budget". The agenda was as follows:

1. Election of officers
2. Adoption of the agenda
3. Preparation of the new convention against illicit traffic in narcotic drugs and psychotropic substances
4. Action to give effect to the relevant recommendations of the International Conference on Drug Abuse and Illicit Trafficking
5. Implementation of the international treaties on the control of narcotic drugs and psychotropic substances
6. Review of the report of the International Narcotics Control Board for 1987
7. Other urgent business

271. The Commission took note of Economic and Social Council decision 1988/102, adopted on 5 February 1988. In that decision, the Council formally requested the Commission to consider and if possible approve, at its tenth special session, the draft convention against illicit traffic in narcotic drugs and psychotropic substances and to prepare recommendations on the next measures to be taken with a view to concluding the preparation of the convention, including the possibility of convening a plenipotentiary conference in 1988 for adoption of the convention.

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\*Two meetings.

E. Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East

272. The Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East held its twenty-third session at Vienna on 3 and 4 February 1988. Erdem Erner (Turkey) and Dilshad Najmuddin (Pakistan) were elected by consensus to the offices of Chairman and Vice-Chairman, respectively, for 1988. Of the five States members, the Islamic Republic of Iran, Pakistan, Sweden and Turkey were present; Afghanistan was not represented. The International Narcotics Control Board, the United Nations Fund for Drug Abuse Control and the United Nations Centre for Social Development and Humanitarian Affairs were represented at the meeting. Interpol and CCC were represented by observers, as was the International Road Transport Union.

F. Documentation and financial implications of resolutions and decisions adopted at the tenth special session

273. One representative, supported by all other representatives and observers, expressed the Commission's appreciation for the excellent document preparation accomplished by the Secretariat under difficult time and resource pressures. In particular, he noted his satisfaction with the statements of financial implications and the fact that so many priority activities would be accomplished within the regular programmes and budgets. He noted that, of the eight statements of financial implications, three showed full absorption of costs, two suggested absorption would be likely, two made it clear that extrabudgetary resources would be sought and one noted that costs were likely to be absorbed in the regular budget devoted to conference servicing. Such results further demonstrated the seriousness of purpose and the dedication with which the Commission on Narcotic Drugs and its secretariat approached their important tasks.

G. Draft resolutions and decisions considered by the Commission at its tenth special session

274. During its tenth special session, the Commission considered 30 draft resolutions and decisions. It decided to recommend nine resolutions and three decisions to the Economic and Social Council for adoption (see chapter I). It also adopted four resolutions and nine decisions (see chapter X).

275. The Commission considered a draft resolution entitled "A non-smoking policy during Commission meetings" (E/CN.7/1988/L.11\*). During the discussion of that draft resolution, the Commission recognized that the Chairman had the authority to declare that there would be no smoking in the meeting room during sessions. In view of that decision and of a declaration to that effect by the Chairman, the draft resolution was withdrawn by its co-sponsors.

276. During the discussion of a draft resolution entitled "Reduction of illicit demand and supply of narcotic drugs and psychotropic substances" (E/CN.7/1988/L.21), the Chairman of the Latin American Group reported on behalf of the co-sponsors (Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Mexico, Panama, Peru, Venezuela) that, while there seemed to be

agreement on the general concepts contained in the draft resolution, there had not been sufficient time to draft a text that would receive consensus approval at the present session, and it was therefore proposed to transmit the draft to the next session. The Commission accordingly postponed further consideration of the draft to the thirty-third session.

277. The co-sponsors of a draft resolution entitled "Tightening of controls on movement through official points of entry" (E/CN.7/1988/L.16) agreed to withdraw the draft resolution as it dealt with matters that would be covered in the plenipotentiary conference to adopt a draft convention against illicit traffic in narcotic drugs and psychotropic substances.

278. Draft resolutions entitled "Preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances" (E/CN.7/1988/L.4) (see paragraph 99, above), "Reduction of illicit drug demand" (E/CN.7/1988/L.13) and "Crop eradication" (E/CN.7/1988/L.15) as well as the draft decision contained in E/CN.7/1988/L.27 were also withdrawn.

#### H. Statement by the Minister for Foreign Affairs and Worship of Bolivia

279. In a special statement, the representative of Bolivia and Minister for Foreign Affairs and Worship as well as President of the Council of Ministers, which was entrusted with the co-ordination of drug control matters, addressed the Commission at the beginning of its 994th meeting on 8 February 1988. He confirmed the determination of his Government to combat, together with the international community, the illicit traffic in narcotic drugs and psychotropic substances. He announced that the member countries of the Andean Group would intensify their common action to that end. During the International Conference on Drug Abuse and Illicit Trafficking, the mutual recriminations between the so-called producer countries and consumer countries had been abandoned. A spirit of shared responsibility was now emerging. Recalling the economic, social and ecological damage caused by the illicit cultivation of the coca bush and the criminal activities arising from it, he outlined to the Commission a newly developed policy of agricultural and social reform in the affected areas, associated with new legislation for controlled substances and a series of other measures to improve the situation. The programme had attracted wide international financial and other support. Bolivia planned to undertake massive crop substitution projects combined with integrated rural development programmes and adequate law enforcement measures. New legislation, in harmony with that of the other Andean countries, was being enacted. He called on the countries of the third world to form a front against the "transnational" of the illicit traffic, which slowed economic and social development and destabilized the democratic process in a number of countries. He requested the United Nations to play an increasing role in concerting the efforts of Governments against the illicit drug traffic and called for the strengthening of the Fund, the Board and the Division of Narcotic Drugs, both through the regular budget and through voluntary contributions.



## CHAPTER X

### RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS TENTH SPECIAL SESSION

#### A. Resolutions

- 1 (S-X). The role of pharmacists in the prevention of the abuse of narcotic drugs and psychotropic substances 37/

##### The Commission on Narcotic Drugs,

Recalling the Declaration of the Interational Conference on Drug Abuse and Trafficking in which the Conference requested that appropriate steps should be taken towards a reduction of demand for narcotic drugs and psychotropic substances and the training of specific groups of professionals in drug abuse control, 38/

Noting the recommendations of the World Health Organization working group on the role of schools of pharmacy in the rational use of psychoactive drugs, 39/ convened at London during December 1987 to consider the role of pharmacists in the fight against drug abuse,

Recognizing the role of pharmacists in the provision of information on substances scheduled under international treaties in the course of their professional contacts with medical practitioners and with the general public,

Recognizing further the opportunities which professional contacts with the general public give towards the early detection of the abuse of unscheduled substances,

1. Urges professional pharmacy bodies and associations at the national, regional and international levels to request their members to offer patients such information as they may request on the appropriate and safe use of pharmaceutical preparations containing narcotic drugs or psychotropic substances and to develop mechanisms which assist their members in fully exercising their role in detecting and preventing injudicious use for non-medical purposes of narcotic drugs and psychotropic substances;

2. Requests Governments and the World Health Organization to encourage schools of pharmacy and institutions for postgraduate education to give adequate emphasis, within their educational programmes, to ensuring that graduates acquire competence in and an understanding of the control and rational use of psychoactive substances, including pharmacological aspects, effective clinical use, a comprehensive understanding of the health and socio-economic consequences of misuse and the need for controls at all national and international levels of the distributions chain of narcotic drugs and psychotropic substances;

3. Further requests Governments and the World Health Organization to encourage schools of pharmacy to expand, in close collaboration with other medical and scientific institutions and, where this would be expedient, with

appropriate non-governmental organizations working in this field and with the pharmaceutical industry, their activities related to research into dependence on and abuse of psychoactive substances, and to make use of pharmacists, in view of their role in the community as well as their systematic collection of data on both prescription and non-prescription use of narcotic drugs and psychotropic substances, in studying the trends and forms of misuse, overuse and abuse;

4. Requests the Secretary-General to transmit the text of the present resolution to all Governments for consideration and implementation, as appropriate.

2 (S-X). Utilization of community resources for the prevention and reduction of drug abuse 37/

The Commission on Narcotic Drugs,

Noting the provisions of article 38 of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, 10/ and of article 20 of the Convention on Psychotropic Substances of 1971, 11/ as well as the responsibilities of Parties as set out in those articles,

Noting also the conclusion and recommendations of the Workshop on the Utilization of Community Resources for the Prevention and Reduction of Drug Abuse, Asia and the Pacific Region, held at Manila from 7 to 11 December 1987, 40/

Deeply concerned at the growing evidence of a continuing increase in the magnitude of drug abuse and its adverse consequences,

Aware of the pressing need for developing effective measures for the prevention and reduction of drug abuse,

Recognizing that these measures can be most effective if both governmental and non-governmental efforts are combined in a concerted community action to cope with drug abuse problems,

1. Recommends that the Division of Narcotic Drugs, in co-operation with regional organizations concerned and with Governments, should continue the programme on the utilization of community resources for the prevention and reduction of drug abuse through holding workshops at the regional level in this field;

2. Further recommends that the Division should extend this programme, within the resources available;

3. Also recommends that the United Nations Fund for Drug Abuse Control should provide the financial support for this programme.

3 (S-X). Establishment of an international drug abuse assessment system 41/

The Commission on Narcotic Drugs,

Recalling its decisions 8(S-IV), 1(XXVII) and 2(S-VII),

Bearing in mind the treaty obligation of Parties to the international drug control conventions to furnish information on the abuse of narcotic drugs and psychotropic substances in their annual reports to the Secretary-General,

Noting that the information on drug abuse problems submitted by Governments constitutes the main basis of decisions of the Commission on Narcotic Drugs,

Recognizing that an assessment of the nature and extent of the drug abuse situation also constitutes the basis of national prevention and drug demand reduction policies and programmes,

Appreciating the efforts of the Secretary-General in improving the quality and comparability of drug abuse data, including the changes proposed during the revision of the Questionnaire of Annual Reports and issuing of guidelines and manuals,

Aware of national, regional and World Health Organization initiatives for the development and improvement of techniques for data collection, evaluation and assessment,

Recalling that the Declaration of the International Conference on Drug Abuse and Illicit Trafficking called for international action to develop methodologies and institute systems for assessing the prevalence and trends of drug abuse 42/ and that the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control called for international collaboration in developing and field testing comparable methodology and instrumentation for drug abuse data collection, 43/

Recognizing that the use of appropriately defined terms and analytic drug procedures and standardized reporting can improve the assessment of the nature and extent of drug abuse at both the national and international level,

Aware that the timing of a global initiative for establishing an international drug abuse assessment system is appropriate as new drug abuse assessment systems are currently being developed or proposed at the national and regional level,

Bearing in mind that some method of estimating drug abuse is used in most countries but that the methods could provide more useful information if common procedures were agreed upon for collecting, classifying, analysing and reporting the data,

1. Urges Governments to improve the quality of drug abuse data in their annual reports to the Secretary-General and to supplement such reports with the results of surveys and studies conducted in their countries;

2. Requests Governments to inform the Secretary-General about methodologies, techniques and instruments used by them for data collection, evaluation and assessment purposes;

3. Recommends that the Secretary-General, through the reprogramming of available resources or through the use of voluntary contributions, should, within the ambit of the information strategy adopted by the Commission in its draft resolution on the International Conference on Drug Abuse and Illicit Trafficking 44/ and within existing United Nations structures, commence work to establish and maintain an international drug abuse assessment system for the collection, analysis, evaluation and assessment of drug abuse data and information. The system, which should be developed by the Division of Narcotic Drugs in connection with the relevant United Nations agencies, should aim at improving the quality of information submitted to the Commission;

4. Recommends that the Secretary-General should develop, as a part of the international drug abuse assessment system, data classification procedures that are based upon common definitions of terms that can distinguish between such concepts as occasional, regular and chronic abuse;

5. Recommends that the Secretary-General, within available resources, should develop and field test methods and techniques for these purposes and should encourage their use as recommended standard procedures for data collection and processing;

6. Recommends further that the Secretary-General should build upon existing United Nations, World Health Organization and other relevant manuals and data collection procedures to develop guidelines and provide training for selected professionals in the collection, classification, analysis, evaluation and reporting of drug abuse data;

7. Encourages the United Nations Fund for Drug Abuse Control, the International Narcotics Control Board and the World Health Organization, as well as other relevant entities of the United Nations system, to provide their full support to the Secretary-General in the development and maintenance of the international drug abuse assessment system;

8. Urges all Governments and intergovernmental and non-governmental organizations to give their full support to the Secretary-General to develop and implement as soon as possible an effective international drug abuse assessment system and provide for use in this system such information as may be required by the Commission;

9. Requests the Secretary-General to transmit the text of the present resolution to all Governments for consideration and implementation, as appropriate;

10. Further requests the Secretary-General to report on the progress made towards implementation of the present resolution to the thirty-third regular session of the Commission on Narcotic Drugs.

4 (S-X). Consideration of the question of resources available to the drug control units of the United Nations under section 20 (International Drug Control) of the regular budget 45/

The Commission on Narcotic Drugs

Recognizing the endorsement by the General Assembly, in its resolution 41/213 of 19 December 1986, of recommendation 15 of the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, 46/ requesting, inter alia, that the overall number of regular budget posts be reduced by 15 per cent within a period of three years, ending 31 December 1989,

Considering that the Declaration 47/ adopted by the International Conference on Drug Abuse and Illicit Trafficking on 26 June 1987 reflects the global commitment of all Governments concerned to vigorous international action against drug abuse as an important goal of national policies and their determination to adopt, inter alia, urgent measures to strengthen international co-operation, recognizing the important role of the United Nations system in the efforts to combat drug abuse and illicit trafficking,

Recalling that the Secretary-General, in his report to the General Assembly on the International Conference on Drug Abuse and Illicit Trafficking, convened by the General Assembly on his personal initiative, noted that to enable the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board to fulfil their present tasks, restoration of the resources to their former level would appear essential, as would the allocation of further resources at levels commensurate with the requirements of the additional activities envisaged in the Comprehensive Multidisciplinary Outline adopted by the International Conference on Drug Abuse and Illicit Trafficking, 48/

Reaffirming that adherence to the international conventions on narcotic drugs and psychotropic substances remains the basis for these global international efforts and that strict implementation, by both Governments and the competent bodies of the United Nations system, of the obligations arising from the provisions of these conventions is essential to achieve the aims of the conventions,

Taking note of article 6 of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, 10/ and of article 24 of the Convention on Psychotropic Substances of 1971 11/ whereby the expenses of the Commission on Narcotic Drugs and of the International Narcotics Control Board in carrying out their respective functions under these Conventions shall be borne by the United Nations in such manner as shall be decided by the General Assembly,

Recalling that the Economic and Social Council, in its resolution 1987/29 of 26 May 1987, requested the Secretary-General to give the sector of international drug control priority, as a matter of urgency, in the allocation of available United Nations resources,

Noting that the General Assembly, in its resolution 42/113 of 7 December 1987, requested the Secretary-General to take steps to provide, within existing resources, appropriate support for strengthening the Division of Narcotic Drugs and the International Narcotics Control Board, including through redeployment to these drug control units,

Considering that a draft convention against illicit traffic in narcotic drugs and psychotropic substances will be considered in the near future by a conference of plenipotentiaries for adoption, creating further obligations and expenses for Governments and the competent bodies of the United Nations system,

Mindful of the importance of reassessing priorities in the light of the current financial crisis in the United Nations, with a view to improving the efficiency and efficacy of efforts at the global level,

Having considered the Report of the International Narcotics Control Board for 1987, 49/ reflecting, inter alia, the increasing inability of the Board to carry out its responsibilities under the Conventions due to a lack of adequate resources,

Alarmed by the concluding statement made by the President of the International Narcotics Control Board before the Commission on the dramatic impact of recent resource reductions on, inter alia, the monitoring of treaty compliance by the Parties,

Equally alarmed by the statement of the Director-General of the United Nations Office at Vienna, acting in her capacity as co-ordinator of all United Nations drug control-related activities, expressing deep worry about the budgetary and staffing situation of both the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board, and confirming that further reductions would have a devastating effect on the capacity of these units to meet the requirements of Member States,

Deeply disturbed by the possibility that the secretariat of the International Narcotics Control Board and the Division of Narcotic Drugs might even be subjected to resource reductions proportionately greater than those affecting other United Nations units at Vienna and elsewhere,

1. Requests the Secretary-General to take steps in conformity with General Assembly resolution 42/113;

2. Concludes that any reduction below the approved total appropriation for Section 20 of the programme budget for the biennium 1986-1987 relating to the International Narcotics Control Board and the Division of Narcotic Drugs would be irreconcilable with the efforts of Governments and the United Nations to intensify the global struggle against drug abuse;

3. Urges all States represented at the tenth special session of the United Nations Commission on Narcotic Drugs to make urgent representations to the Secretary-General of the United Nations in support of the conclusions in the preceding two paragraphs;

4. Requests the Chairman of the Commission and the President of the International Narcotics Control Board to bring these conclusions in person to the attention of the Secretary-General of the United Nations as soon as possible, with a view to enabling him to undertake the necessary action for the implementation of these conclusions, and to inform the Economic and Social Council and the General Assembly;

5. Recommends to the Committee for Programme and Co-ordination that in examining the international drug control programmes it should give due regard to the present resolution with a view to maintaining and possibly strengthening the level of resources available to the drug control units.

#### B. Decisions

1 (S-X). Inclusion of acetyl-alpha-methylfentanyl in Schedules I and IV of the Single Convention 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 3, paragraphs 3 and 5, of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol, decided that N-[1-( $\alpha$ -methylphenethyl)-4-piperidyl] acetanilide (also referred to as acetyl-alpha-methylfentanyl) should be included in Schedules I and IV of the Single Convention.

2 (S-X). Inclusion of alpha-methylfentanyl in Schedules I and IV of the Single Convention 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 3, paragraphs 3 and 5, of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol, decided that N-[1-( $\alpha$ -methylphenethyl)-4-piperidyl] propionanilide (also referred to as alpha-methylfentanyl) should be included in Schedules I and IV of the Single Convention.

3 (S-X). Inclusion of 3-methylfentanyl in Schedules I and IV of the Single Convention 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 3, paragraphs 3 and 5, of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol, decided that N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide (also referred to as 3-methylfentanyl), in its two isomeric forms cis-N-[3-methyl-1-(2-phenylethyl)-4-piperidyl] propionanilide and trans-N-[3-methyl-1-(2-phenylethyl)-4-piperidyl] propionanilide, should be included in Schedules I and IV of the Single Convention.

4 (S-X). Inclusion of PEPAP in Schedules I and IV  
of the Single Convention 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 3, paragraphs 3 and 5, of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol, decided that 1-phenethyl-4-phenyl-4-piperidinol acetate (ester) (also referred to as PEPAP) should be included in Schedules I and IV of the Single Convention.

5 (S-X). Inclusion of MPPP in Schedules I and IV  
of the Single Convention 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 3, paragraphs 3 and 5, of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol, decided that 1-methyl-4-phenyl-4-piperidinol propionate (ester) (also referred to as MPPP) should be included in Schedules I and IV of the Single Convention.

6 (S-X). Transfer of Secobarbital to Schedule II of the Convention  
on Psychotropic Substances of 1971 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 2, paragraphs 5 and 6, of the 1971 Convention on Psychotropic Substances, decided that 5-allyl-5-(1-methylbutyl)barbituric acid (also referred to as secobarbital) should be transferred from Schedule III to Schedule II of that Convention.

7 (S-X). Inclusion of methamphetamine racemate in Schedule II of  
the Convention on Psychotropic Substances of 1971 50/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 2, paragraph 5, of the 1971 Convention on Psychotropic Substances, decided that ( $\pm$ )-N,  $\alpha$ -dimethylphenethylamine (also referred to as metamfetamine racemate or methamphetamine racemate) should be included in Schedule II of that Convention.

8 (S-X). Termination of the exemption by the Government of Finland of  
certain preparations from various control measures of the  
Convention on Psychotropic Stustances of 1971 51/

At its 994th meeting, on 8 February 1988, the Commission on Narcotic Drugs, in accordance with article 3, paragraph 4, of the Convention on Psychotropic Substances, decided to terminate in part the exemptions granted by the Government of Finland to the preparations Gastrodyn comp. and Trimigrin (as specified in notification NAR/CL.17/1985 of 31 July 1985 of the Secretary-General), so that the requirements of article 8, paragraph 1, and of article 11, paragraph 5, should also apply to those two preparations.



9 (S-X). Response to Economic and Social Council  
decision 1987/112 52/

At its 1012th meeting, on 19 February 1988, the Commission on Narcotic Drugs decided to transmit to the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, in accordance with Economic and Social Council decision 1987/112 of 6 February 1987, annex IV of the report on its tenth special session incorporating the views and proposals of the Commission on achieving the objectives envisaged in recommendation 8 of the Group of High Level Intergovernmental Experts regarding the functioning of the Commission and that of its subsidiary machinery.

The Commission further decided to keep its functioning under continuous review for possible improvement while noting that, at present, there would not appear to be any need to change its functioning or that of its subsidiary organs or to amend existing terms of reference or reporting channels. In this connection, the attention of the Special Commission is referred to the more detailed views and observations on this subject contained in chapter VIII, section A, of the Report of the Commission on its tenth special session.

Notes

- 1/ See chap. II, sect. B, and annex III.A.
- 2/ Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B, para. 3.
- 3/ A/39/407, annex.
- 4/ A/39/551 and Corr. 1 and Corr. 2, annex.
- 5/ A/40/544, annex.
- 6/ See E/CN.7/1988/2 (Part II) and Add.1 and E/CN.7/1988/2 (Part IV).
- 7/ See chap. III and annex III.B.
- 8/ Report of the International Conference ..., sect. A and B.
- 9/ Ibid., sect. B, para. 9.
- 10/ United Nations, Treaty Series, vol. 976, No. 34152, p. 106.
- 11/ Ibid., vol. 1019, No. 14956, p. 176.
- 12/ See chap. V.
- 13/ Report of the International Narcotics Control Board for 1987 (United Nations publication, Sales No. E.87.XI.3), chap. II, sect. B.
- 14/ See chap. VII and annex III.C.

15/ Official Records of the Economic and Social Council, 1987, Supplement No. 4 (E/1987/17).

16/ See chap. VII.

17/ Official Records of the Economic and Social Council, 1987, Supplement No. 4 (E/1987/17), chap. VIII, sect. A.

18/ "Report of the First Meeting of Heads of National Law Enforcement Agencies, African Region" (E/CN.7/1988/3).

19/ See chap. VII and annex III.D.

20/ E/CN.7/1988/13.

21/ See chap. VII and annex III.E.

22/ Originally called "operational heads of national narcotics law enforcement agencies, Far East region".

23/ Originally referred to as "operational heads of national drug control and law enforcement agencies of States in the African region".

24/ Originally referred to as "Operational Heads of National Narcotics Law Enforcement Agencies, Latin American and Caribbean region".

25/ See chap. VIII, sect. C.

26/ See chap. VIII, sect. E and annex III.F.

27/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.II.

28/ Report of the International Conference ..., chap. I, sect. A, para. 298.

29/ See Commentary on the Single Convention on Narcotic Drugs, 1961 (United Nations publication, Sales No. E.73.XI.1), article 30, para. 4.

30/ The Work of the International Law Commission, Third Edition (United Nations publication, Sales No. E.80.VII), annex V.F.

31/ Adopted by the Inter-American Specialized Conference on Traffic in Narcotic Drugs, held at Rio de Janeiro, Brazil, from 22 to 26 April 1986.

32/ See chap. VIII, sect. D.

33/ WHO Expert Committee on Drug Dependence, Twenty-fourth Report, Technical Report Series 761 (Geneva, World Health Organization, 1988).

34/ United Nations publication, Sales No. E.87.XI.3.

35/ United Nations (Vienna, 1985).

- 36/ United Nations (NAR/INF/1982/5).
- 37/ See chap. VIII, sect. C.
- 38/ Report of the International Conference . . ., chap. I, sect. B, para. 8 (a) and (d)(ii).
- 39/ MNH/PAD/881.
- 40/ E/CN.7/1988/CRP.9, chap. VI.
- 41/ See chap. VIII, sect. C and annex III.B.
- 42/ Report of the International Conference . . ., chap. I, sect. B, para. 8 (a)(i).
- 43/ Ibid., sect. A, target 2.
- 44/ E/CN.7/1988/L.14/Rev.1; see chap. I, sect. A, draft resolution II.
- 45/ See chap. VII, sect. D and annex III.G.
- 46/ Official Records of the General Assembly, Forty-first Session, Supplement No. 49 (A/41/49).
- 47/ Report of the International Conference . . ., chap. I, sect. B.
- 48/ A/42/594, para. 30.
- 49/ Report of the International Narcotics Control Board for 1987 (United Nations publication, Sales No. E.87.XI.3).
- 50/ See chap. IV, sect. A.
- 51/ See chap. IV, sect. B.
- 52/ See chap. VIII, sect. A.



Annex I

ATTENDANCE

MEMBERS

- Argentina: Andrés José D'Alessio, Jaime Eduardo Malamud Goti, Roberto D. Palarino,\* Ricardo Rodolfo López, Jorge Martínez Celaya, Claudia Valotta
- Australia: J.R. Kelso, Garry James,\* Darryn Jenkins, Andrew Wells, Walter Williams, Bill Barker, Julian Green, Mark Harrison, William Hemmings, Louise Hand
- Belgium: André Pauwels, Rafaël van Hellemont,\* J. Mathieu, Frans Guisson, Luc Verhelst, Victor Wei
- Bolivia: Guillermo Bedregal G., Anibal Aguilar Gomez, Jorge Alderete,\* Huáscar Cajías K., Orlando Donoso T., Ruddy Renzo Viscarra Pando, Esther Ashton, Roberto Calzadilla, Hans Drescher, Yolanda Larrea de Cajías, Tschia Efron Klingler
- Brazil: Sergio de Souza Fontes Arruda, Vera Pedrosa Martins de Almeida,\* Antonio Carlos de Moraes, Marcelo Leonardo da Silva Vasconcelos, Aristides Junqueira Alvarenga, Alberto Furtado Rahde, Cícero Martins Garcia
- Bulgaria: Alexandrina Nentcheva, Teodor Tsvetkov,\* Christo Paskalev, Todor Staikov
- Canada: Michael Shenstone, Jacques Lecavalier,\* Frederick G. Bobiasz, Rodney T. Stampler, Franco Pillarella, Paul Saint-Denis, David Thornton, Don Waterfall, C. Greenshields, Abe Snidanko
- China: Li Chaojin, Zhang Xilin,\* Shi Fengzhen, Mao Yueming, Liu Daqun, Wang Qianrong, Zhu Liqin
- Côte d'Ivoire: Gondo Tro Emile, Claon Denis Glohi,\* Kouao Mbassidje
- Denmark: Jorgen H. Koch, Thomas Clement,\* Volmer Nissen, Keld M. Olsen, Elisabeth Thomsen, Jesper Knudsen, Mogens Bruhn, Mogens Bjoernbak-Hansen
- Ecuador: Jorge Maldonado Renella, Julio Correa Paredes,\* Rodrigo Riofrío Machuca

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\*Alternate.

**Egypt:** Mervat Tallawy, Moustafa Ezzat Elhadary,\* Ahmed Fathy Nada, Nabil Zaki, Wahid Galal, Yasser Abu Shady

**France:** André Baeyens, Claudius Brosse,\* Tony Francfort, Bernard Gravet, Christiane Aveline, Bernard Frahi, Roland Sutter, Philippe Bardiaux, Françoise Rouchereau, Jean Thebaud, Monique Zerbib, Claude Merlin, Michel Couerre

**Germany, Federal Republic of:** Helmut Butke, Klaus Aurisch,\* Nikolaus Haberland, Wolfgang Birke, Hans-Ulrich Gleim, Dierk Hahn, Hans-Joachim Bierbaum, Gerhard Schmok, Mathias von Bredow, Peter-Hannes Meyer, Carola Mai, Monika Brach, Horst Müllers

**Hungary:** István Bayer, György Balogh,\* István Lóczy, István Erdélyi, Béla Majorossy, Eva Horváth, Katalin Szomor Molnár, Gábor Szücs, Ferenc Esztergályos

**India:** R.K. Tewari, A. Ramesh\*

**Indonesia:** Zulkarnain Afri Pane, Marisi P. Sihombing,\* M. Djadid Tanjung, Benny Lirungan, Jacky D. Wahyu, Nurrachman Oerip, Aslida Nurmathias, Wening E.P. Moe'Min

**Italy:** Arrigo Lopez-Celly, Vittorio Pennarola,\* Luigi Solari, Maria Letizia Puglisi, Gioacchino Polimeni, Vittoria Correa, Giovanni Kojanec, Romolo Urciuoli, Emanuele Marotta, Guido Ditta, Anna Palombi, Gaetano Vespucci

**Japan:** Kazutaka Ichikawa, Kanenori Oshikiri,\* Yoshiharu Igarashi, Yutaka Takehana, Hideyuki Suzuki, Teruo Nobori, Akira Fukubayashi, Kazuhiko Ishihara, Ukuichiro Tanaka, Akira Yamamoto

**Lebanon:** Yahya Mahmassani

**Madagascar:** Maurice Randrianame

**Malaysia:** Abdul Khalid Bin Sahan, Ibrahim Khairuddin,\* Kee Hooi Liew, Mohd Ghazali Yacub, Heng Seng Lim, Hsu King Bee, Tsu Tuan Chung

**Mali:** Arouna Traoré

**Mexico:** José María Ortega Padilla, María Cristina de la Garza Sandoval, Adriana Aguilera de Rodriguez, Rosa María Castro-Valle, Luciano Barraza

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Peru: Alejandro San Martín, Juan Zárate,\* Mario Muños Malaver, Walter Negreiros, César Molina, Raúl Carranza, Vladimir Kocerha, David Málaga, Andrés Dileo

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Senegal: Cheikh Leye, Mounirou Ciss,\* Diaraf Farba Payé

Spain: Miguel Solans Soteras, Eloy Ybáñez,\* Santiago de Torres Sanahuja, Antonio Bullón, Omar Azócar, Luís Domínguez, Isabel Vevia Romero, Félix Calderón Moreno

Switzerland: Jean-Pierre Bertschinger, Pierre Helg,\* Rudolf Wyss, Erika Schmidt, Mario-Michel Affentranger, Thomas Cueni

Thailand: Chavalit Yodmani, Prija Champaratna, Narong Suwanapiam,\* Sorasit Sangprasert, Thanes Sucharikul, Chuanpit Choomwatana

Turkey: Erdem Erner, Fügen Ok,\* Balkan Kizildeli,\* Mahmut Celal Erdemir, Ahmet Ozgünes, Rifat Oktem, Namik Kemal Atalan, Sabahattin Yirmibesoglu, Namik Evren, Sami Soydan

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Zambia: Muyambo Sipangule

**STATES MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS**

Afghanistan, Algeria, Austria, Bahamas, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Finland, German Democratic Republic, Greece, Guatemala, Iran (Islamic Republic of), Israel, Jamaica, Jordan, Libyan Arab Jamahiriya, Luxembourg, Morocco, New Zealand, Norway, Oman, Panama, Philippines, Portugal, Saudi Arabia, South Africa, Sri Lanka, Sudan, Sweden, Tunisia, Ukrainian Soviet Socialist Republic, United Arab Emirates, Uruguay, Yemen, Zaire

**STATES NOT MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS**

Holy See, Republic of Korea

**UNITED NATIONS SECRETARIAT UNITS**

Secretariat of the International Narcotics Control Board, United Nations Office at Vienna, United Nations Centre for Social Development and Humanitarian Affairs, United Nations Fund for Drug Abuse Control, United Nations Social Defence Research Institute

**UNITED NATIONS BODIES**

International Narcotics Control Board

**SPECIALIZED AGENCIES**

International Labour Organisation, World Health Organization, International Civil Aviation Organization, United Nations Industrial Development Organization

**INTERGOVERNMENTAL ORGANIZATIONS**

Arab Security Studies and Training Centre, Commission of the European Communities, Colombo Plan Bureau, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of Europe, Customs Co-operation Council, International Criminal Police Organization, League of Arab States, Organization of American States, Permanent Secretariat of the South American Agreement on Narcotic Drugs and Psychotropic Substances

**NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS  
WITH THE ECONOMIC AND SOCIAL COUNCIL**

Category I: International Council of Women, International Organization of Consumers Unions, Soroptimist International Association, Zonta International



Category II: Bahá'i International Community, Caritas Internationalis, Disabled Peoples' International, General Arab Women Federation, Howard League for Penal Reform, International Association of Judges, International Association of Lions Clubs, International Association of Penal Law, International Association of Schools of Social Work, International Catholic Child Bureau, International Commission of Jurists, International Council on Alcohol and Addictions, International Federation of Senior Police Officers, International Federation of University Women, International Road Transport Union, International Social Service, International Society for Social Defence, Italian Centre for Solidarity, Pax Romana, World Association of Girl Guides and Girl Scouts, World Federation of Methodist Women, World Union of Catholic Women's Organizations

Roster (A)

International Centre of Sociological, Penal and Penitentiary Research and Studies, International Inner Wheel, SERVAS International

Roster (C)

International Federation of Pharmaceutical Manufacturers Associations, International Union for Health Education

Annex II

REVISED DRAFT CONVENTION AGAINST ILLICIT TRAFFIC IN  
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

DRAFT PREAMBLE

The Parties,

Deeply concerned by the magnitude of and upward trend in the illicit production of, demand for and traffic in narcotic drugs and psychotropic substances which pose a serious threat to the health and welfare of human beings, and adversely affect the economic, cultural and political foundations of society,

Observing the links between drug trafficking and other associated organized criminal activities which undermine the legitimate economies and threaten the stability, security and sovereignty of States,

Recognizing that drug trafficking is an international criminal activity demanding urgent attention and maximum priority,

Aware that drug trafficking generates large financial profits and wealth enabling transnational criminal organizations to penetrate, contaminate and corrupt the structures of Government, legitimate commercial and financial business, and society at all its levels,

Desiring to deprive drug traffickers of the proceeds of their criminal activity and thereby eliminate their main incentive for engaging in drug trafficking,

Considering that measures of supervision are necessary for substances, including precursors, chemicals and solvents, the ready availability of which has led to an increase in the clandestine production of narcotic drugs and psychotropic substances falling under the provisions of the Single Convention on Narcotic Drugs, 1961, that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, and the 1971 Convention on Psychotropic Substances,

Noting that the increased smuggling of drugs through regular post office channels calls for strengthening the existing international conventions which prohibit the illicit carriage of drugs in the mail,

Desiring to improve international co-operation in the suppression of illicit traffic in narcotic drugs and psychotropic substances by sea,

Recognizing that eradication of drug trafficking is the collective responsibility of all States,

Aware of the necessity of dealing with drug trafficking by effective co-ordinated action within the framework of international co-operation,

Acknowledging the competence of the United Nations in the field of drug control and desirous that the international organs concerned with drug control should be within the framework of that Organization,

Reaffirming the guiding principles of existing drug control treaties and the system of drug control which they embody,

Recognizing the need to reinforce and complement the measures provided in the Single Convention on Narcotic Drugs, 1961, that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, and the 1971 Convention on Psychotropic Substances, in order to counter the magnitude, extent and complexity of the illicit traffic in narcotic drugs and psychotropic substances and its grave consequences,

Desiring to conclude an effective and operative international convention against the illicit traffic in narcotic drugs and psychotropic substances which considers the various aspects of the problem as a whole, in particular those not envisaged in the existing drug control treaties,

Hereby agree as follows:

DRAFT SUBSTANTIVE ARTICLES

Article 1 a/

USE OF TERMS

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

- (a) "Board" means the International Narcotics Control Board;
- (b) "Commercial carrier" means a public or private entity engaged in transporting persons or goods for hire;
- (c) "Commission" means the Commission on Narcotic Drugs of the Council;
- (d) "Controlled delivery" means the passage through the territory of one or more Parties, with the knowledge and under the surveillance of their law enforcement agencies, of illicit consignments of controlled substances, for the purpose of monitoring their movement and identifying and bringing to justice the individuals, corporations or other legal entities involved in their shipment, transportation, delivery, concealment or receipt;
- (e) "Controlled substances" means any of the drugs in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961, all parts of the cannabis plant not included in Schedule I of those Conventions, any of the substances in Schedules I, II, III, and IV of the 1971 Convention on Psychotropic Substances, and the specific chemicals in List A and List B of this Convention;
- (f) "Council" means the Economic and Social Council of the United Nations;
- (g) "Forfeiture" means the deprivation of proceeds by court order;
- (h) "Freezing" means prohibiting the transfer, conversion, disposition or movement of proceeds by order of a court or other appropriate authority;

---

a/ Original text as drafted by the Secretariat and submitted to Governments for comment.

(i) "Illicit traffic" means the cultivation, production, manufacture, extraction, preparation, offering, offering for sale, distribution, possession with the intent to distribute, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch through the mails, dispatch in transit, transport, importation and exportation of any controlled substance contrary to the provisions of this Convention. The organization, management, financing or facilitating of the aforementioned operations or activities are also considered as illicit traffic for the purposes of this Convention.

(j) "Laundering" means the concealment or disguise of the true nature, source, disposition, movement or ownership of proceeds and includes the movement or conversion of proceeds by electronic transmission;

(k) "Legitimate third party" means any person, corporation or other legal entity who, acting bona fide and without knowledge of incriminating circumstances, has lawfully acquired the right to own, use, control or possess proceeds;

(l) "List A" and "List B" mean the correspondingly designated lists of specific chemicals annexed to this Convention, as amended from time to time in accordance with article 8 of this Convention;

(m) "Party" means a State that has consented to be bound by this Convention and for which this Convention is in force;

(n) "Proceeds" means property of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and deeds and instruments evidencing title to, or interest in, such property;

(o) "Secretary-General" means the Secretary-General of the United Nations;

(p) "Seizure" means assuming custody or control of proceeds as directed by order of a court or other appropriate authority;

(q) "Specific chemical" means a substance in List A or List B of this Convention used in the illicit processing or manufacture of narcotic drugs or psychotropic substances;

(r) "Tracing" means determining the true nature, source, disposition, movement or ownership of proceeds;

(s) "Transit State" means a State which, while not being a major producer, manufacturer or consumer of narcotic drugs or psychotropic substances, is nevertheless adversely affected by the illicit traffic in transit through its territory.

(PROPOSED DRAFT OF ARTICLE 1 (DEFINITIONS) OF THE CONVENTION AGAINST  
ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES  
BY THE INFORMAL WORKING GROUP b/)

Article 1

DEFINITIONS

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

- (a) "Board" means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961;
- (b) "Commercial carrier" means any person or entity engaged in transporting, for remuneration or hire, persons or goods;
- (c) "Commission" means the Commission on Narcotic Drugs of the Council;
- (d) "Controlled delivery" means the investigative technique of allowing illicit consignments of controlled substances [or specific chemicals] to pass out, through or into the territory of one or more countries, with the knowledge and under surveillance of their competent authorities;
- (e) "Controlled substances" means any of the substances in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961, and any of the substances in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971;
- (f) "Council" means the Economic and Social Council of the United Nations;
- (g) "Freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property;

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b/ Definitions contained in the text of article 1 refer to the substantive provisions of the draft as they exist at the present state. Any future change in the content of the substantive articles or paragraphs may imply modification of the definitions.

The possibility of inserting new definitions, when necessary because of the inclusion in the substantive articles of new subject-matters, as, for instance, "non-commercial carriers", was recognized.

It was also recognized that normative elements which may be related to each definition shall be included in the corresponding substantive provisions (as e.g. whether recourse to controlled delivery technique must be based on mutual agreement of the states concerned).

The definition of the term "transit State" is indicated, but not formulated, because the substantive provisions where it would be used are so far not sufficiently defined and some delegations announced that they will propose a new draft.

(h) "Illicit traffic" means the cultivation, production, manufacture, extraction, preparation, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch through the mails, dispatch in transit, transport, importation and exportation of any controlled substance contrary to the provisions of the Single Convention on Narcotic Drugs, 1961, of that Convention as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961, and of the Convention of Psychotropic Substances, 1971. Illicit traffic also includes the possession of any controlled substance for the purpose of any of the foregoing activities. [It also includes traffic in specific chemicals contrary to article 8 of the present Convention.];

(i) "Concealment" means the concealment or disguise of the nature, source, disposition, movement or ownership of property and includes the movement or conversion of property by electronic transmission or by many other means;

(j) "List A" and "List B" mean the correspondingly designated lists of specific chemicals annexed to this Convention, as amended from time to time in accordance with article 8 of this Convention;

(k) "Property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and deeds and instruments evidencing title to, or interest in, such property or assets;

(l) "Secretary-General" means the Secretary-General of the United Nations;

(m) "Seizure" means assuming custody or control of property by a competent authority;

(n) "Specific chemicals" means a substance in List A or List B of this Convention used in the illicit processing or manufacture of controlled substances;

(o) "Tracing" means determining the nature, source, disposition, movement or ownership of property;

(p) "Transit State" (.....)

## Article 2

### OFFENCES AND SANCTIONS

1. Each Party shall adopt such measures as may be necessary to establish as offences under its criminal law, when committed intentionally:

(a) (i) illicit traffic

(ii) manufacture or distribution of materials or equipment for illicit production, processing or manufacture of narcotic drugs or psychotropic substances, knowing that they are to be used for that purpose;

- (iii) concealment, disguise or conversion of the nature, source, disposition, movement or ownership of property, knowing that such property is derived from illicit traffic;
- (b) subject to its constitutional limitations, legal system and domestic law,
- (i) acquisition, possession or use of property knowing that such property is derived from illicit traffic;
  - (ii) possession of materials or equipment for illicit production, processing or manufacture of narcotic drugs or psychotropic substances, knowing that they are being or to be used for that purpose;
  - (iii) participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting and counselling the commission of any offences under subparagraphs (a)(i), (ii) and (iii) and under (i) and (ii) of this paragraph.
2. (a) Each Party shall make the commission of the offences set forth in paragraph 1 of this article liable to sanctions which take into account the grave nature of these offences, such as imprisonment or other forms of deprivation of liberty, pecuniary sanctions and forfeiture.
- (b) Parties may provide, in addition to conviction or punishment, that the offender shall undergo measures such as treatment, education, aftercare, rehabilitation or social reintegration.
- (c) Notwithstanding the preceding subparagraphs, in appropriate cases of a minor nature, Parties may provide, as alternatives to conviction or punishment, measures such as education, rehabilitation or social reintegration, as well as, when the offender is a drug abuser, treatment and aftercare.
3. The Parties shall ensure that their courts can take into account factual circumstances which may make the commission of the offences set forth in paragraph 1 particularly serious, such as:
- (a) the involvement in the offence of an organized criminal group to which the offender belongs;
  - (b) the involvement of the offender in other international organized criminal activities;
  - (c) the involvement of the offender in other illegal activities facilitated by commission of the offence;
  - (d) the use of firearms or violence;
  - (e) the fact that the offender holds a public office and that the offence is connected with the office in question;
  - (f) the victimization or use of minors;



(g) prior conviction, whether foreign or domestic, to the extent permitted under the domestic law of a Party.

4. The Parties shall bear in mind the serious nature of the offences enumerated in paragraph 1 of this article when considering the eventuality of early release or parole of persons convicted of such offences.

5. The Parties shall endeavour to establish, where appropriate, adequate provisions governing the statute of limitations applicable to the offences enumerated in paragraph 1 of this article.

6. Each Party shall take appropriate measures, consistent with its legal system, to ensure that a person charged with or convicted of an offence specified in paragraph 1 of this article, who is found within its territory, is present at the necessary criminal proceedings.

7. Nothing contained in this article shall affect the principle that the description of the offences to which it refers is reserved to the domestic law of a Party and that such offences shall be prosecuted and punished in conformity with that law.

#### Article 2, new penultimate paragraph

[For the purpose of co-operation between Parties under this Convention, [including, in particular, co-operation under articles 3, 4, 5 and 6,] offences established in accordance with this article shall not be considered as [political or fiscal offences] [offences political or fiscal in character] [or regarded as politically motivated] [unless the requested Party has substantial grounds for believing that such co-operation may lead to or assist in prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons].]

#### Article 2 bis

##### JURISDICTION

#### 1. Each Party

(a) shall take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 2, paragraph 1, when:

- (i) the offence is committed in its territory;
- (ii) the offence is committed on board a ship or aircraft which is registered under its laws at the time the offence is committed;

(b) may take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 2, paragraph 1, when:

- (i) the offence is committed by a national, or a person who has his habitual residence in its territory;

- (ii) the offence is committed on board a ship which that Party has received prior permission to seize pursuant to article 12, provided that such jurisdiction shall be exercised only on the basis of agreements or arrangements referred to in paragraphs 5 and 7 of that article;
- (iii) the offence is one of those defined in article 2, paragraph 1, subparagraph (b)(iii) and is committed outside its territory with a view to the commission, within its territory, of an offence set forth in article 2, paragraph 1.

2. c/ Each Party:

(a) shall also take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 2, paragraph 1, when the alleged offender is present in its territory and it does not extradite him to another Party on the ground that the offence has been committed:

- (i) in its territory or on board a ship or aircraft which was registered under its laws at the time the offence was committed, or
- (ii) by a national or by a person who has his habitual residence in its territory;

(b) may also take such measures as may be necessary to establish its jurisdiction over the offences it has established in accordance with article 2, paragraph 1, when the alleged offender is present in its territory and it does not extradite him to another Party on any other ground than those specified in subparagraph (a) above.

3. This convention does not exclude any criminal jurisdiction exercised in accordance with domestic law.

Article 3

1. Proceeds, narcotic drugs and psychotropic substances, materials and equipment, and other instrumentalities derived from or used in offences established in accordance with article 2, paragraph 1, shall be liable to confiscation. To that end, each Party shall adopt such measures as may be necessary to enable confiscation of:

- (a) proceeds derived from offences established in accordance with article 2, paragraph 1, or property the value of which corresponds to that of such proceeds;
- (b) narcotic drugs and psychotropic substances used in or intended for use in the commission of offences established in accordance with article 2, paragraph 1;
- (c) materials and equipment used in or intended for use in the illicit production, processing or manufacture of such drugs or substances;

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c/ The revised draft text of article 2 bis, paragraph 2, was agreed to on a provisional basis with respect to both structure and substance, but it was recognized that it still required extensive review.

(d) other instrumentalities used in or intended for use in the commission of offences established in accordance with article 2, paragraph 1.

2. Each Party shall also adopt such measures as may be necessary to enable it to identify, trace, freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1, for the purpose of the eventual confiscation.

3. In order to carry out the measures referred to in this article, each Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

[4. (a) Following a request made by another Party having jurisdiction over an offence established in accordance with article 2, paragraph 1, and in conformity with the provisions of paragraphs [5, 6, 7, 8 and 11] of article 5, the Party in whose territory proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article are situated shall:

(i) seek an order of confiscation from its competent authorities and, if such an order is granted, give effect to it; or

(ii) submit to its competent authorities, with a view to giving effect to it, an order of confiscation issued by the requesting Party in accordance with paragraph 1, to the extent to which it relates to proceeds, property, instrumentalities or any other things referred to in paragraph 1 situated in the territory of the requested Party.

(b) Following a request made by another Party having jurisdiction over an offence established in accordance with article 2, paragraph 1, and in conformity with paragraphs [5, 6, 7, 8 and 11] of article 5, the requested Party shall take measures to identify, trace, freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1, for the purpose of an eventual confiscation to be ordered either in the requesting Party or, pursuant to a request under section (a), in the requested Party.

(c) The requested Party shall give effect to the request on the basis of and in accordance with its domestic law or bilateral or multilateral agreements, which may, at the discretion of the requested Party, include the present Convention.]

5. (a) Proceeds or property that have been confiscated by a Party pursuant to this article shall be disposed of by that Party according to its law and administrative procedures.

(b) When acting on the request of another Party in accordance with this article, the Parties may give special consideration to concluding agreements on:

(i) contributing the value of such proceeds and property, or funds derived from the sale of such proceeds or property, or a substantial part thereof, to intergovernmental bodies specializing in the fight against the illicit traffic in and abuse of narcotic drugs and psychotropic substances;

(ii) sharing, on a regular or case-by-case basis, such proceeds or property, or funds derived from the sale of such proceeds or property, with other Parties, in a manner provided by its law, administrative procedure or bilateral or multilateral agreements entered into for this purpose.

6. Proceeds [and property] [shall] [may] be subject to measures referred to in this article notwithstanding that they have been intermingled with property acquired from other sources, or have been transformed or converted into other property. Income or other benefits derived from such proceeds [or property] [shall] [may] also be subject to such measures.

7. Each Party may consider ensuring that the onus of proof be reversed regarding the legitimacy of proceeds or other property liable to confiscation, to the extent that such action is consistent with the principles of its domestic law and with the nature of the judicial proceedings.

8. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in conformity with and under the conditions established by the domestic law of a Party.

#### Article 4

1. This article shall apply to the offences established in accordance with paragraph 1 of article 2 of this Convention.

2. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

3. If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it [may] [at its option] [shall] consider this Convention as the legal basis for extradition in respect of any offence to which this article applies.

4. Parties which do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties.

6. d/ [For the purpose of co-operation between Parties under this Convention, [including, in particular, co-operation under articles 3, 4, 5 and 6,] offences established in accordance with this article shall not be considered as [political or fiscal offences] [offences political or fiscal in character] [or regarded as politically motivated] [unless the requested Party has substantial grounds for believing that such co-operation may lead to or assist in prosecuting or punishing a person on account of his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons].]

7. e/ Parties shall facilitate the extradition of persons accused or convicted of offences established in accordance with article 2, paragraph 1. To this end, a request for extradition by another Party with respect to any of the offences to which this article applies shall not be refused on the ground that the person sought is a national of, or has his habitual residence in the territory of, the requested Party, except in cases where refusal is required by the constitution or the [domestic legal system] [fundamental domestic law] [domestic law] of the requested Party. A Party may elect or decline to consider this convention as satisfying a requirement under its constitution or [domestic legal system] [fundamental domestic law] [domestic law] that extradition of nationals, or of persons having their habitual residence in its territory, be subject to the existence of a treaty.

8. f/ (a) Without prejudice to the exercise of any other jurisdiction established in accordance with article 2 bis, the Party in whose territory the alleged offender is present:

(i) shall, if it does not extradite him [to another Party] and if the offence is one in respect of which the requested Party has jurisdiction by virtue of article 2 bis, subparagraph 2(a), [at the request of the requesting Party] submit the case without undue delay to its competent authorities for the purpose of prosecution;

(ii) may, if it does not extradite him and if the offence is one in respect of which the requested Party has jurisdiction by virtue of article 2 bis, subparagraph 2(b), submit the case to its competent authorities for the purpose of prosecution.

(b) The competent authorities referred to in subparagraph (a) above shall take their decision in the same manner as in the case of any offence of a similar nature under the law of the requested Party.

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d/ Paragraph to be reconsidered in the context of article 2.

e/ The subparagraphs (b) and (c) of the former paragraph 5 (contained in working paper DND/DCIT/WP.36) were deleted, leaving a shortened renumbered paragraph 7. One expert formally objected to deletion of subparagraph (b).

f/ The revised draft text of paragraph 8 was agreed to on a provisional basis with respect to both structure and substance, but it was recognized that it still required extensive review.

9. If extradition, sought for purposes of enforcing a sentence, is refused on any of the grounds mentioned in paragraph [7], the requested Party shall, if its law so permits and upon application of the requesting Party, consider the enforcement of the sentence, or the remainder thereof, which has been imposed under the law of the requesting Party. The enforcement of the sentence thus transferred, shall be subject to the other conditions provided for by the law of the requested Party.

10. Parties shall endeavour to minimize procedural and evidentiary requirements for extradition with respect to offences established in accordance with article 2, paragraph 1. To that end, a valid arrest warrant or a final judgement of the requesting Party, together with an outline of the facts constituting the alleged offence, may be considered by Parties as sufficient to support a request for extradition.

11. The Parties shall seek to conclude bilateral and multilateral agreements to carry out or to enhance the effectiveness of extradition.

12. The Parties shall consider entering into bilateral or multilateral agreements, whether ad hoc or general, to facilitate the transfer of persons sentenced to imprisonment for offences to which this article applies, to their country of origin, in order that they may complete their sentences there.

#### Article 5

#### [MUTUAL [LEGAL] ASSISTANCE]

1. [Having due regard to their constitutional, legal and administrative systems as well as relevant treaties or arrangements,] the Parties shall afford one another the widest measure of mutual legal assistance [, subject to the conditions provided for by the laws of the requested Party,] in all investigations, prosecutions [and other [judicial] [criminal] [proceedings] relating to offences established in accordance with article 2, paragraph 1, [by both the requesting and the requested Parties,] [which fall within the jurisdiction of the requesting Party.] [The law of the requested Party shall apply.]

**Note:** reference to "[by both the requesting and the requested Parties]" can be deleted if the idea is included in paragraph 9 or paragraph 11.

2. The Parties undertake to adopt legislative and administrative measures as may be necessary within their domestic legal systems to ensure that effective assistance as envisaged in this article may be rendered to other Parties at their request.

3. [Mutual legal assistance shall include, [but not necessarily be limited to]:] [Mutual legal assistance shall be granted for evidentiary purposes and it may include:]

- (a) taking evidence[; and the statement of persons];
- (b) effecting service of judicial documents;
- (c) executing requests for searches and seizures[; of property];
- [(d) examining objects and sites;]

[(e) locating or identifying witnesses[, suspects or other persons];]  
[(f) exchanging information and objects;]  
[(g) providing originals or certified copies of relevant documents and records, including bank, financial, corporate and business records;]  
[(h) identifying, tracing, freezing and seizing proceeds or property derived from or used in the offences established in accordance with article 2, paragraph 1;];  
[(i) any other forms of assistance [allowed] [not prohibited] by the domestic law of the requested Party;]  
[(j) making persons, including persons in custody, available to give evidence or assist in investigations.]

Proposal: delete paragraph 3.

Proposal: delete at least (d), (e), (f) and (h) of paragraph 3.

Proposal: delete paragraph 3 but incorporate (g) and (h) into paragraph 1.

Proposal: divide paragraph 3 into two subparagraphs in the following manner:

3 (i) Mutual legal assistance shall include:  
(a) to (h)

(ii) Mutual legal assistance may also include:  
(i) to (j)

4. The Parties shall give favourable consideration to the possibility of:

(a) transferring to one another proceedings for criminal prosecution in cases where such transfer may help to ensure that all persons who commit offences punishable under this Convention are brought to justice;

Proposal: reword (a) as follows:

"(a) transferring to one another proceedings for criminal prosecution of offences enumerated in article 2, paragraph 1, of this Convention in cases where such transfer is to be considered in the interest of a proper administration of justice;"

(b) [temporarily] transferring for testimonial purposes persons in custody whose evidence is material to a prosecution or other judicial proceeding [and ensuring their safe conduct];

[(c) entering into agreements or arrangements to facilitate or compel the attendance of other persons resident in their territory to give evidence at prosecutions or other judicial proceedings in the territory of other Parties.]

Proposal: delete paragraph 4 and transfer (b) to paragraph 3. (Note: see also new (j) in paragraph 3.)

Proposal: insert new paragraph 5 reading as follows and renumber as appropriate:

5. Paragraphs 6 to 13 g/ shall apply only if the Parties are not bound by any treaty of mutual legal assistance or if such treaty exists but does not provide for different rules.

[5. [Each Party shall designate [an appropriate] [a central] authority] [Competent authorities shall be designated by each Party] to facilitate or execute requests for mutual legal assistance. [The authority] [The authorities] designated by each Party for this purpose shall be notified through the Secretary-General to all other Parties.]

Proposal: delete paragraphs 5 and 6.

Proposal: delete paragraphs 5, 6 and 7.

Proposal: delete paragraphs 5, 6, 7 and 8.

Proposal: redraft article 5 as suggested in paragraph 490 of DND/DCIT/WP.1.

Proposal: redraft paragraph 5 as in paragraphs 5 and 7 of article 5 in DND/DCIT/WP.44.

[6. The designated authorities may communicate [directly with each other] [through established diplomatic channels] for the execution of requests made under the provisions of this article.]

[7. Requests for mutual legal assistance shall be made in writing [in a language acceptable to the requested Party. In emergency situations, a request may be made orally, to be followed as soon as possible thereafter by a written request.]]

[8. Requests for mutual legal assistance shall contain:

- (a) the title of the authority making the request;
- (b) the object of, and the reason for, the request;
- (c) [except for requests for the service of documents,] [if necessary] a statement of facts [alleged or sought to be ascertained];
- [(d) an outline of any procedural requirements essential to the requesting Party;]
- (e) [a precise description of the assistance requested];
- (f) such other information or documents as the requested Party may require].

9. A request shall be executed in accordance with the law of the requested Party and, to the extent [not precluded] [permitted] by the law of the requested Party, in accordance with the procedural requirements specified in the request [, where possible].

10. The requesting Party shall not disclose or use information or evidence furnished by the requested Party for purposes other than those stated in the request without the prior consent of the requested Party. The requesting Party may require that the requested Party keep confidential the substance of the request except to the extent necessary to execute the request.

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g/ i.e. old paragraphs 5 to 12.



11. Mutual legal assistance may be refused:

(a) if the request is not made in conformity with the provisions of this article; or

(b) if the requested Party considers that execution of the request is likely to prejudice its sovereignty, security or other essential interests.

12. Mutual legal assistance may be postponed on the ground that it interferes with an ongoing investigation or prosecution. In such a case, the requested Party shall consult with the requesting Party to determine if the assistance can be given subject to such terms and conditions as the requested Party deems necessary.

13. The Parties shall carry out their obligations under the provisions of this article in conformity with any treaties of mutual legal assistance that may exist between them and consider, as may be necessary, the possibility of concluding bilateral or regional agreements that would serve the purposes, and give practical effect to the provisions of, this article.

#### Article 6

##### OTHER FORMS OF CO-OPERATION AND TRAINING

1. The Parties shall co-operate closely with each other, consistent with their respective national legal and administrative systems, with a view to enhancing the effectiveness of law enforcement action to suppress the illicit traffic. They shall, in particular:

(a) establish and maintain channels of communication between competent national agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of illicit traffic, including, if the Parties concerned deem it appropriate, links with other criminal activities;

(b) co-operate with one another in conducting enquiries with respect to the illicit traffic at the international level, the identification, whereabouts and activities of traffickers, and the movement of property that may be derived from or used in the illicit traffic;

(c) in appropriate cases and if not contrary to national law, establish joint teams, taking into account the need to protect the security of persons and of operations, to carry out the provisions of this paragraph. Officials of any Party taking part in such teams shall act as authorized by the appropriate authorities of the Party on whose territory the operation is to take place. In all such cases the Parties involved shall ensure that the sovereignty of the Party on whose territory the operation is to take place is fully respected;

(d) transfer, when appropriate, samples of controlled substances for analytical or investigative purposes.

2. Each Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement, customs and other personnel charged with the suppression of the illicit traffic. Such programmes shall deal, in particular, with the following:

- (a) methods used in the detection and suppression of the illicit traffic;
- (b) routes and techniques used by traffickers, particularly in transit States, and appropriate countermeasures;
- (c) monitoring of the import and export of controlled substances;
- (d) detection and monitoring of the flow of property derived from or used in the illicit traffic;
- (e) methods used for concealment of such property;
- (f) collection of evidence;
- (g) control techniques in free trade zones and free ports;
- (h) modern law enforcement techniques.

3. The Parties shall assist each other to plan and implement training programmes designed to share expertise in the areas referred to in paragraph 2 and, to this end, shall also, when appropriate, use regional and international conferences and seminars to stimulate co-operation and allow discussion on problems of mutual concern, including the special problems and needs of transit States.

4. The Parties shall facilitate effective co-ordination between their competent national agencies and services and, in that context, shall consider, where appropriate, allowing the posting of liaison officers from other Parties within their borders, on the basis of bilateral or other agreements or arrangements, and promoting the exchange of personnel and other experts on the illicit traffic.

5. The Parties shall endeavour, directly or through competent international organizations, to establish programmes of technical co-operation for the benefit of Parties, with due regard to the special problems and needs of those which are transit States, to improve channels of communication and to provide technical aid when requested and able to do so.

#### Article 6 bis

##### INTERNATIONAL CO-OPERATION AND ASSISTANCE FOR TRANSIT STATES

(1) Parties shall undertake, directly or through competent international or regional organizations, to assist and support transit States through a programme of technical co-operation and shall share appropriately the cost incurred by transit States, when requested, on drug interdiction activities.

- (2) The Parties shall also undertake, directly or through competent international or regional organizations, to provide financial assistance to augment the enforcement resources and infrastructure needed for effective prevention of transit traffic.

#### Article 7

##### CONTROLLED DELIVERY

1. Consistent with the basic principles of their respective national legal systems, the Parties shall take the necessary measures to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in illicit traffic and to taking legal action against them.
2. Decisions to use controlled delivery shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the Parties concerned.

#### Article 8

##### MEASURES TO MONITOR SUBSTANCES FREQUENTLY USED IN THE ILLICIT PROCESSING OR MANUFACTURE OF NARCOTIC DRUGS OR PSYCHOTROPIC SUBSTANCES

1. Parties shall take the measures they deem appropriate to prevent diversion of substances in List A and in List B, used for the purpose of illicit processing or manufacture of narcotic drugs or psychotropic substances, and shall co-operate with each other to this end.
2. If a Party or the Board has information which in its opinion may require the inclusion of a substance in List A or in List B, it shall notify the Secretary-General and furnish him with the information in support of that notification.
3. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where notification is made by a Party, to the Board. The Parties shall communicate their comments concerning the notification to the Secretary-General, and all supplementary information which may assist the Board in establishing an assessment and the Commission in reaching a decision.
4. If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit use and for the illicit processing or manufacture of narcotic drugs or psychotropic substances, finds:
  - (a) that the substance is frequently used in the illicit processing or manufacture of a narcotic drug or psychotropic substance; and

(b) that the volume and extent of the illicit processing or manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action, the Board shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either List A or List B on both licit use and illicit processing or manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the comments submitted by Parties and the comments and recommendation of the Board, whose assessment shall be determinative as to scientific matters, and also taking into due consideration any other relevant factors, may decide by a vote of two-thirds majority of its members to place a substance in List A or in List B.

6. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication.

7. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days after the date of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based.

(b) The Secretary-General shall transmit copies of the request for review and the relevant information to the Commission, to the Board and to all the Parties, inviting them to submit comments within 90 days. All comments received shall be submitted to the Council for consideration.

(c) The Council may confirm or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission and to the Board.

8. The procedure described in paragraphs 2-7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from List A or from List B, or the transfer of a substance from one list to the other.

9. Each Party shall, with respect to substances in List A and List B, take the following measures:

(a) establish and maintain a system to monitor international trade in substances in List A and List B in order to facilitate the identification of suspicious transactions. Such monitoring systems shall be applied in close co-operation with manufacturers, importers, exporters, wholesalers and retailers, who shall inform the competent national authorities of suspicious orders and transactions;

(b) provide for the seizure of any substance in List A or in List B if there is sufficient evidence that it is for use in the illicit processing or manufacture of a narcotic drug or psychotropic substance;

(c) notify, as soon as possible, the competent national authorities and services of the Parties concerned if there is reason to believe that the import, export or transit of a substance in List A or in List B is destined for the illicit processing or manufacture of narcotic drugs or psychotropic substances, including in particular information on the means of payment and on any other essential elements which led to that belief.

(d) require that imports and exports be properly labelled and documented. Commercial documents such as invoices, cargo manifests, bills of lading, customs documents and other shipping documents shall include the names as stated in List A or in List B of the substances being imported or exported, the quantity being imported or exported, and the name and address of the importer, the exporter and [, when available,] the consignee.

(e) ensure that documents referred to in subparagraph (d) are maintained for a period of not less than two years and may be made available for inspection by the competent national authorities.

10. (a) In addition to the provisions of paragraph 9, each Party from whose territory a substance in List A is to be exported shall ensure that, prior to such export, the following information is supplied by its competent authorities to the competent authorities of the importing country:

(i) the name and address of the exporter and importer;

(ii) the designation of the substance in List A;

(iii) the quantity of the substance exported;

(iv) the presumed point of entry and estimated date of despatch.

(b) A Party may adopt more strict or severe measures of control than those provided by this paragraph if, in its opinion, such measures are desirable or necessary.

11. Each Party shall furnish annually to the Board, in the form and manner provided for by it and on forms made available by it, information on:

(a) the amounts seized of substances in List A and in List B, and, when known, their origin;

(b) any substance not included in List A or List B which is identified as having been used in illicit processing or manufacture of narcotic drugs or psychotropic substances, and which is deemed by the Party to be sufficiently significant to be brought to the attention of the Board;

(c) methods of diversion and illicit processing or manufacture.

12. The Board shall report annually to the Commission on the implementation of this article and the Commission shall periodically review the adequacy and propriety of Lists A and B.

13. The provisions of this article shall not apply to pharmaceutical preparations, nor to other preparations containing substances in List A or List B that are compounded in such a way that such substances cannot be easily used or recovered by readily applicable means in sufficient quantity to permit significant illicit processing or manufacture of a narcotic drug or a psychotropic substance.

#### Tentative lists

(further definition of substances concerning salts, etc. to be made)

##### List A

Ephedrine  
Ergometrine  
Ergotamine  
Lysergic acid  
Phenyl-2-propanone  
Pseudo-ephedrine

##### List B

Acetic anhydride  
Acetone  
Anthranilic acid  
Ethyl ether  
Phenylacetic acid  
Piperidine

#### Article 9

##### MATERIALS AND EQUIPMENT

The Parties shall co-operate to suppress trade in materials and equipment for illicit manufacture of narcotic drugs and psychotropic substances.

#### Article 10

##### MEASURES TO ERADICATE NARCOTIC PLANTS CULTIVATED ILLICITLY AND TO ELIMINATE ILLICIT DEMAND FOR DRUGS

1. Each Party shall take appropriate measures to prevent the illicit cultivation of and to eradicate plants containing psychotropic or narcotic substances, such as opium poppy, coca bush and cannabis plants, cultivated illicitly in its territory. Such measures shall not be less stringent than the requirements applicable to the cultivation of narcotic plants under the provisions of the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961. The measures adopted shall respect fundamental human rights and shall take due account of traditional domestic uses of such plants as well as the protection of the environment.

2. The Parties may co-operate to increase the effectiveness of eradication efforts. Such co-operation may, inter alia, include support, when appropriate, for integrated rural development leading to economically viable alternatives to cultivation. Factors such as access to markets, the availability of resources and prevailing socio-economic conditions should be taken into account before such rural development programmes are implemented. Parties may agree on any other appropriate measures of co-operation. They

shall also facilitate the exchange of scientific and technical information and the conduct of research concerning eradication. Parties with common frontiers shall seek to co-operate in eradication programmes in areas along those frontiers.

3. The Parties shall adopt appropriate measures aimed at eliminating illicit demand for drugs, with a view to eliminating the financial incentives for illicit traffic.

#### Article 11

##### COMMERCIAL CARRIERS

1. The Parties shall take appropriate measures to ensure that means of transport operated by commercial carriers are not used in the illicit traffic; such measures may include special arrangements with commercial carriers.

2. Each Party shall require commercial carriers to take reasonable precautions to prevent the use of their means of transport for illicit traffic. Such precautions may include:

(a) if the commercial carrier has its principal place of business within the territory of the Party:

- (i) training of personnel to identify suspicious shipments or persons;
- (ii) promotion of employee integrity.

(b) if the carrier is operating within the territory of the Party:

- (i) provision of cargo manifests in advance, when possible;
- (ii) use of tamper-resistant individually verifiable seals on containers;
- (iii) reporting to the appropriate authorities at the earliest opportunity all suspicious incidents that may be related to illicit trafficking.

3. Each Party shall seek to ensure that commercial carriers and the appropriate authorities at points of entry and exit and other customs control areas co-operate, with a view to preventing unauthorized access to means of transport and cargo, and implementing appropriate security measures.

#### Article 11 bis

##### LABELLING AND COMMERCIAL DOCUMENTS

1. Each Party shall require that exports of narcotic drugs and psychotropic substances be properly documented. Commercial documents such as invoices, cargo manifests, bills of lading, customs documents and other shipping documents shall include the names of the narcotic drugs and psychotropic

substances being exported as designated in their respective schedules, the quantity being exported, and the name and address of the importer, the exporter and, when available, the consignee.

2. Each Party shall require that consignments of narcotic drugs and psychotropic substances being exported are not mislabelled.

#### Article 12

##### ILLICIT TRAFFIC BY SEA

1. The Parties shall co-operate to the fullest extent possible to suppress the illicit traffic by sea.

2. If a Party, which has reasonable grounds to suspect that a vessel flying its flag or not displaying a flag or markings of registry is being used for the illicit traffic, requests the assistance of other Parties in suppressing its use for that purpose, the Parties so requested shall render such assistance, within the means available to them.

3. Without prejudice to any rights provided for under general international law, a Party, which has reasonable grounds for believing that a vessel that is beyond the external limits of the territorial sea of any State and is flying the flag of another Party is engaged in illicit traffic, may, if that Party has received prior permission from the flag State, board, search and, if evidence of illicit traffic is discovered, seize such a vessel.

4. For the purposes of paragraph 3 of this article, a Party shall respond in an expeditious manner to requests from another Party to determine whether a vessel is registered under its laws and to requests for permission made pursuant to the provisions in that paragraph. At the time of adhering to the Convention, each Party shall designate an authority to receive and respond to such requests. The authority designated by each Party for this purpose shall be notified through the Secretary-General to all other Parties within one month of the designation.

5. Where evidence of illicit traffic is found, the Party having custody of the vessel shall take appropriate action with respect to the vessel and persons on board, in accordance with treaties, where applicable, or any prior agreement or arrangement otherwise reached with the flag State.

6. A Party which has taken any action contemplated in this article shall promptly inform the flag State concerned of the results of that action.

7. The Parties shall consider entering into bilateral and regional agreements or arrangements to carry out, or to enhance the effectiveness of, the provisions of this article.



### Article 13

#### FREE TRADE ZONES AND FREE PORTS

1. The Parties shall apply measures to suppress the illicit traffic in controlled substances in free trade zones and in free ports that are no less stringent than those applied in other parts of their territories.
2. The Parties shall endeavour:
  - (a) to monitor the movement and transshipment of goods in free trade zones and free ports, and, to that end, shall empower appropriate authorities to search cargoes and incoming and outgoing vessels, including pleasure craft and fishing vessels, as well as aircraft and vehicles;
  - (b) to establish a detection system to discover and identify suspicious substances passing in or out of those areas, including, when appropriate, the search of crew members and passengers and their baggage;
  - (c) to maintain patrols in harbour and dock areas and at airports and border control points in those areas.

### Article 14

#### SUPPRESSION OF THE USE OF THE MAILS FOR ILLICIT TRAFFIC

1. In conformity with their obligations under the Conventions of the Universal Postal Union, and consistent with the basic principles of their respective national legal systems, the Parties shall adopt measures to suppress the use of the mails for illicit traffic and shall co-operate with one another to that end.
2. Measures referred to in paragraph 1 of this article shall include, in particular:
  - (a) co-ordinated preventive and repressive action to discourage the use of the mails for illicit traffic;
  - (b) introduction and maintenance by authorized law enforcement personnel of investigative techniques designed to detect controlled substances in the mails;
  - (c) legislative measures designed to enable the use of appropriate means to secure evidence required for judicial proceedings.

DRAFT IMPLEMENTATION ARTICLES h/

Article I

GENERAL OBLIGATIONS

[ deleted ]

Article II

FUNCTIONS OF THE COMMISSION

The Commission may consider all matters pertaining to the aims of this Convention, and in particular:

- (a) make recommendations for the implementation of the aims and provisions of this Convention;
- (b) draw the attention of non-Parties to decisions and recommendations which it adopts under this Convention, with a view to their considering taking action in accordance therewith;
- (c) establish and modify lists A and B in accordance with article 8; and
- (d) call the attention of the Board to any matters which may be relevant to the functions of the Board.

Article III

REPORTS TO BE FURNISHED BY THE PARTIES

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions.
2. The Parties shall furnish the information referred to in paragraph 1 in such a manner and by such dates as the Commission may request.

Article IV

CO-ORDINATION AGENCY

Having due regard to their constitutional, legal and administrative systems, the Parties shall make arrangements at the national level for the co-ordination of preventive, investigative and repressive action against the illicit traffic, in particular for ensuring effective co-operation under article 6.

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h/ Text as amended by the Commission at its tenth special session.

## Article V

### MEASURES BY THE [BOARD] [COMMISSION] TO ENSURE THE EXECUTION OF THE PROVISIONS OF THE CONVENTION

1. (a) If, on the basis of its examination of information submitted by governments to the Secretary-General or to the Board or of information communicated by United Nations organs, the [Board] [Commission] has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of a State to carry out the provisions of this Convention, the [Board] [Commission] shall have the right to ask for explanations from the Government of the State in question.  
  
(b) After taking action under subparagraph (a), the [Board] [Commission], if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.  
  
(c) If the [Board] [Commission] finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under subparagraph (a), or has failed to adopt any remedial measures which it has been called upon to take under subparagraph (b), it may call the attention of the Parties, [and] the Council [and the Commission] to the matter.
2. The [Board] [Commission] shall publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. It shall also publish therein the views of the Government concerned if the latter so requests.
3. If in any case a decision of the [Board] [Commission] which is published under this article is not unanimous, the views of the minority shall be stated.
4. Any State shall be invited to be represented at a meeting of the [Board] [Commission] at which a question directly interesting it is considered under this article.
5. Decisions of the [Board] [Commission] under this article shall be taken by a two-thirds majority of the whole number of the [Board] [Commission].

## Article VI

### APPLICATION OF STRICTER MEASURES THAN THOSE REQUIRED BY THIS CONVENTION

A Party may adopt more strict or severe measures than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of the illicit traffic.

DRAFT FINAL CLAUSES i/

Article I

SIGNATURE, RATIFICATION AND ACCESSION

(variant A)

1. Members of the United Nations, States not Members of the United Nations which are members of a specialized agency of the United Nations or of the International Atomic Energy or Parties to the Statute of the International Court of Justice, and any other State invited by the Council, may become Parties to this Convention:

(a) by signing it; or

(b) by ratifying it after signing it subject to ratification; or

(c) by acceding to it.

2. The Convention shall be open for signature until ..... inclusive. Thereafter it shall be open for accession.

3. Instruments of ratification or accession shall be deposited with the Secretary-General.

(variant B)

1. The present Convention is open for signature by all States.

2. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General.

3. The present Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary General.

Article II

ENTRY INTO FORCE

(variant A)

1. The Convention shall come into force on the thirtieth/sixtieth/ninetieth day after twenty/thirty/forty of the States referred to in paragraph 1 of article I have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

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i/ Original text as drafted by the Secretariat and submitted to Governments for comment.

2. For any other State signing without reservation of ratification, or depositing an instrument of ratification or accession after the last signature or deposit referred to in the preceding paragraph, the Convention shall enter into force on the thirtieth/sixtieth/ninetieth day following the date of its signature or deposit of its instrument of ratification or accession.

(variant B)

1. This Convention shall enter into force on the thirtieth/sixtieth/ninetieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth/thirtieth/fortieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth/thirtieth/fortieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth/sixtieth/ninetieth day after the date of the deposit of its own instrument of ratification or accession.

### Article III

#### TERRITORIAL APPLICATION

(variant A)

The Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or required by custom. In such a case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when the consent is obtained the Party shall notify the Secretary-General. The Convention shall apply to the territory or territories named in such a notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

(variant B)

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General and shall take effect as from the thirtieth/sixtieth/ninetieth day after the day of receipt by the Secretary-General of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

#### Article IV

##### DENUNCIATION

##### (variant A)

1. After the expiry of two years from the date of the coming into force of this Convention any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article III, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July of any year, shall take effect on the first day of January of the succeeding year, and if received after the first day of July it shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. The Convention shall be terminated if, as a result of denunciations made in accordance with paragraphs 1 and 2, the conditions for its coming into force as laid down in paragraph 1 of article II cease to exist.

##### (variant B)

1. A State Party may denounce this Convention at any time by written notification addressed to the Secretary-General.

2. Such denunciation shall take effect for the State Party concerned one year after the date of receipt of the notification by the Secretary-General.

3. A State which has made a notification under article III may, at any time thereafter, by a notification to the Secretary-General, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

#### Article V

##### AMENDMENTS

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General, who shall communicate them to the Parties and to the Council. The Council may decide either:

(a) that a conference shall be called in accordance with paragraph 4 of Article 62 of the Charter of the United Nations to consider the proposed amendment; or

(b) that the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1(b) has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

#### Article VI

##### RESERVATIONS

1. A State may at the time of signature, ratification or accession make reservations in respect of the following provisions of the present Convention:

(a) Article .....

(b) Article .....

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted. A reservation shall be considered incompatible if at least two-thirds of the Parties to this Convention object to it.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 1 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have signed without reservation of ratification, ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing to the Secretary-General withdraw all or part of its reservations.

#### (variants of paragraphs 1 and 4)

1. At the time of signature, ratification or accession any State may make reservations to any article of the Convention other than articles ...

4. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw all or part of its reservation by a notification to that effect addressed to the Secretary-General.

Article VII

DISPUTES

(variant A)

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred, at the request of any one of the Parties to the dispute, to the International Court of Justice for decision.

(variant B)

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other State Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article VIII

NOTIFICATIONS

The Secretary-General shall notify to all the States referred to in paragraph 1 of article I:

- (a) signatures, ratifications and accessions in accordance with article I;
- (b) the date upon which this Convention enters into force in accordance with article II;
- (c) denunciations in accordance with article IV; and
- (d) declarations and notifications under articles III, IV and VII.



Annex III

PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTIONS AND DECISIONS ADOPTED  
BY THE COMMISSION ON NARCOTIC DRUGS AT ITS TENTH SPECIAL SESSION

Programme budget implications for the biennium 1988-1989:  
International Drug Control

Statements submitted by the Secretary-General in accordance with  
rule 28 of the rules of procedure of the functional  
commissions of the Economic and Social Council

A. Draft resolution I

PREPARATION OF AN INTERNATIONAL CONVENTION AGAINST ILLICIT TRAFFIC  
IN NACOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES\*

A. Request contained in the draft resolution

1. In operative paragraph 5 of draft resolution I, the Commission on Narcotic Drugs would request the Economic and Social Council that it take note of the report of the Commission on its tenth special session which, inter-alia, contains in annex II, texts of draft articles for the proposed convention.

2. In operative paragraph 6 of the same draft resolution, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it request the Secretary-General:

"to transmit by 15 March 1988 for consideration the relevant parts of this report of the Commission, with any relevant annexes and such background documentation as considered pertinent, to all States, the specialized agencies, the International Narcotics Control Board and the International Criminal Police Organization and other interested intergovernmental organizations".

3. In operative paragraph 7 of the same draft resolution, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it decide:

"to convene, in accordance with article 62, paragraph 4, of the Charter of the United Nations and within the provisions of General Assembly resolution 366(IV) of 3 December 1949, a conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances".

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\*For the text of the draft resolution, which was presented to the Commission in document E/CN.7/1988/L.18, see chapter I, section A, above. For the Commission's deliberations on the subject, see chapter II.

4. In operative paragraph 8 of the same draft resolution, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it further decide:

"to convene within available resources a review group for the conference to meet for a period of up to two weeks, preferably at Vienna, no later than mid-June 1988..."

5. In operative paragraph 10 of the same draft resolution, the Economic and Social Council would request the Secretary-General:

"(a) to call such a conference to be held in 1988 but no sooner than 4 months after the meeting of the review group".

B. Relationship of proposed requests to proposed programme of work

6. The proposed activities would fall under chapter 7 of the medium-term plan for the period 1984-1989 as extended through 1991, and are related to those contained in subprogramme 1 (Treaty Implementation and Commission Secretariat) of section 20B (International drug control, Division of Narcotic Drugs) of the programme budget for the biennium 1988-1989. Programme 8, chapter 30 of addendum 2 to the medium-term plan, and programme element 1.1 of section 29 of the programme budget of Conference Services, Vienna, would also be related to these activities.

C. Activities by which proposed requests will be implemented

7. A working document for transmittal to the plenipotentiary conference, together with the relevant parts of the Commission's report on its tenth special session and such background documentation as is considered pertinent, consolidating the draft of the convention prepared by the Secretary-General as reviewed and approved by the Commission at its tenth special session would be prepared and circulated to Member States by 15 March 1988 as requested in operative paragraph 6 of the draft resolution.

8. A two week review group meeting, open to all interested States, would be convened in Vienna in mid-June 1988 in accordance with the request contained in operative paragraph 8 of the draft resolution.

9. This meeting would review the draft texts of articles 1 to 6 referred to it by the Commission on Narcotic Drugs with a view to submitting them to the plenipotentiary conference. In addition, the meeting might review the remaining articles and related draft texts with a view to making those changes that may be necessary to achieve overall consistency of the draft text of the convention to be submitted to the plenipotentiary conference.

10. The review group would also consider organizational matters relating to the conference and the draft provisional rules of procedure to be prepared by the Secretary-General.

11. A final draft of the convention and related documents would be transmitted immediately following the review group meeting to all States and interested parties in accordance with the request contained in operative paragraph 10(c) of the draft resolution.

12. A four-week plenipotentiary conference, open to all Member States and States Parties, would be convened in the 4th quarter of 1988 at Vienna or at another location upon invitation of a Government for the meeting to be held within its territory in accordance with the provisions of paragraph 5 of General Assembly resolution 40/243.

**D. Modifications required in the approved programme of work**

13. A modification to the approved programme of work for 1988-1989 would be required to add the substantive servicing of the review group meeting to output (iii) of subprogramme 1.2 (Commission secretariat services and related activities arising from resolutions and decisions of legislative organs) of section 20B (Division of Narcotic Drugs). No change would be required in section 29 (Conference and library services, Vienna).

14. The review group meeting and the plenipotentiary conference would have to be included in the calendar of meetings for 1988 by the Economic and Social Council at its first regular session of 1988. The action necessary to ensure appropriate scheduling of these meetings would be taken at that session.

**E. Requirements at full cost**

15. It is anticipated that interested Member States who would participate in the review group meeting as well as those who would be attending the plenipotentiary conference would bear the travel costs of their own representatives.

16. The conference-servicing requirements for the proposed plenipotentiary conference were set out in annex II to the report of the Commission on Narcotic Drugs on its thirty-second session (E/1987/17) based on three week duration and on two teams of interpreters. They were reviewed by the Economic and Social Council in adopting its resolution 1987/27 and have been drawn to the attention of the General Assembly in the revised estimates resulting from decisions of the Council at its first and second sessions, 1987 (A/C.5/42/16) and also in A/C.3/42/L.46. In view of the requests contained in operative paragraphs 7 and 8 of the present draft resolution, the estimates for conference-servicing requirements would have to be revised to take into account the extension of the duration of the plenipotentiary conference from three weeks to four weeks with provision for the plenary and additional technical committees and the convening of a two week review group meeting.

17. The conference-servicing requirements for holding a two-week review group meeting in 1988 as envisaged in the draft resolution are estimated as follows, on a full cost basis:

Section 29United States dollars

(a)	Pre-session documentation (50 pages, 3 documents, languages: A, C, E, F, R, S)	50<400
(b)	Meeting servicing (20 meetings) (Languages: A, C, E, F, R, S)	121<700
(c)	In-session documentation (60 pages, 20 documents, languages: A, C, E, F, R, S)	61<200
(d)	Post-session documentation (80 pages, 1 document, languages: A, C, E, F, R, S)	80<300
(e)	Requirements of the Office of General Services	12<800
(f)	General operating expenses	<u>10&lt;500</u>
	Conference-servicing total:	336<900 =====

18. The conference-servicing requirements for holding a four-week plenipotentiary conference in 1988 as envisaged in the draft resolution are estimated as follows, on a full cost basis:

Section 29United States dollars

(a)	Pre-session documentation (200 pages, 5 documents, languages: A, C, E, F, R, S)	224<700
(b)	Meeting servicing (70 meetings) (Languages: A, C, E, F, R, S)	426<100
(c)	In-session documentation (250 pages, 15 documents, languages: A, C, E, F, R, S)	277<600
(d)	Post-session documentation (200 pages, 1 document, languages: A, C, E, F, R, S)	223<500
(e)	Summary records* (40 meetings, languages: A, C, E, F, R, S)	602<900
(f)	Requirements of the Office of General Services	152<400
(g)	General operating expenses	<u>114&lt;000</u>
	Conference-servicing total:	2<021<200 =====

19. The conference-servicing costs shown above have been estimated on a full cost basis at current Vienna rates and are subject to change at a later stage in the light of different unit rates which may be established for 1988.

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\*Required for legal codification conferences.

**F. Potential for absorption**

20. In accordance with established practice, these conference-servicing requirements were calculated on a full-cost basis for information purposes. However, as indicated in paragraph 29.6 of the programme budget for the biennium 1988-1989 (A/42/6), the requirements under temporary assistance for meetings have been estimated on the basis of a five-year average of appropriations and actual expenditures for the period 1982-1986, and included in the Secretary-General's initial estimates. In other words, provision has been made in the programme budget not only for the meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium is consistent with the pattern experienced over the past five years. On that basis, it is estimated that no additional appropriation would be required under section 29 of the programme budget for the biennium 1988-1989 as a result of the adoption of this present resolution by the Commission on Narcotic Drugs.

**B. Draft resolution II and resolution 3 (S-X)**

INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING  
INTERREGIONAL HONLEA\*

AND

ESTABLISHMENT OF AN INTERNATIONAL DRUG ABUSE ASSESSMENT SYSTEM\*\*

**A. Request contained in draft resolution II**

1. In operative paragraph 11 of draft resolution II, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it recommend that the Secretary-General should:

"convene a second interregional meeting of heads of national law enforcement agencies at an appropriate time following the adoption of the convention against illicit traffic in narcotic drugs and psychotropic substances, with a view to promoting further co-operation in the implementation of the convention".

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\*For the text of the draft resolution, which was presented to the Commission in document E/CN.7/1988/L.14/Rev.1, see chapter I, section A, above. For the Commission's deliberations on the subject, see chapter III.

\*\*For the text of the draft resolution, which was presented to the Commission in document E/CN.7/1988/L.19, see chapter X, section A, above. For the Commission's deliberations on the subject, see chapter VIII, section C.

B. Relationship of proposed request to approved programme of work

2. The proposed activity would fall under chapter 7 of the medium-term plan for the period 1984-1989 and is included under output (iii) of programme element 3.1 (Monitoring illicit drug traffic and facilitation of co-ordinated international countermeasures) of section 20B (International drug control, Division of Narcotic Drugs) of the programme budget for the biennium 1988-1989. Programme 8, chapter 30 of addendum 2 to the medium-term plan, and programme element 1.1 of section 29 of the programme budget of Conference Services, Vienna, would also be related to these activities.

C. Activities by which proposed request would be implemented

3. The second meeting of interregional HONLEA, of five days duration, would be convened in Vienna in 1989.

D. Modifications required in the approved programme of work, 1988-1989

4. No modification to the approved programme of work for 1988-1989 would be required as the organization of the second interregional HONLEA is provided for under programme element 3.1 output (iii). The meeting would, however, need to be included in the United Nations Calendar of Conferences.

E. Requirements at full cost

5. It is anticipated that interested Member States who would participate in interregional HONLEA would bear the travel costs of their own representatives.

6. The conference-servicing requirements for holding a five-day interregional meeting in 1989 as envisaged in the draft resolution are estimated as follows:

Section 29

United States dollars

(a) Pre-session documentation (120 pages, 10 documents, languages: A, C, E, F, R, S)	138<100
(b) Meeting servicing (10 meetings) (Languages: A, C, E, F, R, S)	61<400
(c) In-session documentation (30 pages, 1 document, languages: A, C, E, F, R, S)	33<400
(d) Post-session documentation (30 pages, 1 document, languages: A, C, E, F, R, S)	34<100
(e) Requirements of the Office of General Services	7<000
(f) General operating expenses	6<800
Conference-servicing total:	280<800 =====

7. The conference-servicing costs shown above have been estimated on a full cost basis at current Vienna rates and are subject to change at a later stage in the light of different unit rates which may be established for 1989.

#### F. Potential for absorption

8. In accordance with established practice, these conference-servicing requirements were calculated on a full-cost basis for information purposes. However, as indicated in paragraph 29.6 of the programme budget for the biennium 1988-1989 (A/42/6), the requirements under temporary assistance for meetings have been estimated on the basis of a five-year average of appropriations and actual expenditures for the period 1982-1986, and included in the Secretary-General's initial estimates. In other words, provision has been made in the programme budget not only for the meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium is consistent with the pattern experienced over the past five years. On that basis, it is estimated that no additional appropriation would be required under section 29 of the programme budget for the biennium 1988-1989 as a result of the adoption of this present resolution by the Commission on Narcotic Drugs.

\* \* \* \* \*

#### A. Request contained in the annex to draft resolution II

1. Paragraph 2(g) of the annex to draft resolution II states that:

"The Division on Narcotic Drugs should convene an expert group to make recommendations on the eradication of illicit plants using methods that are safe to the environment and to humans and using methods that preserve and protect the environment".

#### B. Relationship of proposed request to approved programme of work

2. The proposed activities would fall under chapter 7 of the medium-term plan for the period 1984-1989 and are related to those contained in programme element 1.2 (Commission secretariat services and related activities arising from resolutions and decisions of legislative organs) and programme element 3.2 (Prevention and reduction of illicit demand for drugs and facilitation of co-ordinated international action) of section 20B (Division of Narcotic Drugs) of the programme budget for 1988-1989. Programme 8, chapter 30 of addendum 2 to the medium-term plan, and programme element 1.1 of section 29 of the programme budget of Conference Services, Vienna, would also be related to these activities.

#### C. Activities by which proposed request would be implemented

3. A group of approximately 10-12 experts would meet for one week at Vienna in the first quarter of 1989 to study and recommend environmentally safe methods for eradicating illicit plants.

4. Two consultants would be hired for 5 work-months each to prepare a draft working paper for discussion at the expert group meeting. A general service staff member would also be hired for 5 work-months to assist the consultants.

5. In preparing for this project, the consultants would have to travel to headquarters of United Nations entities, Member States and other organizations where pertinent data bases concerning chemicals are located.

D. Modifications required in the approved programme of work, 1988-1989

6. No modification to the approved programme of work for 1988-1989 would be required as the activity requested has been foreseen under programme element 1.2 output (iv) and programme element 3.2 output (iii) of section 20B.

E. Requirements at full cost

7. The costs of undertaking the activities envisaged in the draft resolution are estimated as follows:

<u>A. Section 20B</u>	<u>United States dollars</u>
Consultants salary and DSA (total of 10 work-months)	50 000
Salary (general service staff, 5 work-months)	7 500
Travel and DSA for 10-12 experts	48 000
Staff travel	20 000
Sub-contracts (external data base searches)	4 000
Equipment and reference materials	1 500
Sundries (report of consultant and of expert group)	1 750
Support costs	<u>17 250</u>
Total:	150 000
	=====

8. The costs shown above have been estimated on a full cost basis at current rates and are subject to change at a later stage in the light of different unit rates which may be established for 1989.

9. It is assumed that the expert group meeting would be held in English only, in which case no interpretation would be required.

F. Potential for absorption

10. There is no potential for absorbing these costs under section 20B. Funding in pursuance of target 15 of the Comprehensive Multidisciplinary Outline and covering the full costs mentioned in paragraph 8 above will be sought from extrabudgetary resources.

\* \* \* \* \*

A. Request contained in draft resolution II  
and resolution 3 (S-X)

1. In operative paragraph 7 of draft resolution II, the Commission on Narcotic Drugs would recommend to the Economic and Social Commission that it request the Secretary-General:

"to review, within available resources, current information systems in the drug control units and to develop an information strategy, with its financial implications, for approval by the Commission on Narcotic Drugs at its thirty-third regular session, with a view to systematizing and



integrating information on the basis of national, regional and international input into a computerized data base within existing United Nations structures, so as to facilitate the linkage, retrieval and dissemination of information on all aspects of narcotic drugs, psychotropic substances and the chemicals used in their illicit processing and manufacturing".

2. In operative paragraph 3 of resolution 3 (S-X), the Commission on Narcotic Drugs would recommend that:

"the Secretary-General, through the reprogramming of available resources or through the use of voluntary contributions, should, within the ambit of the information strategy adopted by the Commission in its draft resolution on the International Conference on Drug Abuse and Illicit Trafficking and within existing United Nations structures, commence work to establish and maintain an international drug abuse assessment system for the collection, analysis, evaluation and assessment of drug abuse data and information. The system, which should be developed by the Division of Narcotic Drugs in consultation with the relevant United Nations agencies, should aim at improving the quality of information submitted to the Commission".

3. In operative paragraph 4 of the same resolution, the Commission on Narcotic Drugs would recommend to the Economic and Social Commission that the Secretary-General:

"should develop, as a part of the international drug abuse assessment system, data classification procedures that are based upon common definitions of terms that can distinguish between such concepts as occasional, regular and chronic abuse".

4. In operative paragraph 5 of the same resolution, the Commission would also recommend that, within available resources, the Secretary-General:

"should develop and field test methods and techniques for these purposes and should encourage their use as recommended standard procedures for data collection and processing".

5. In operative paragraph 6 of the same resolution, the Commission would recommend further that the Secretary-General:

"should build upon existing United Nations, World Health Organization and other relevant manuals and data collection procedures to develop guidelines and provide training for selected professionals in the collection, classification, analysis, evaluation and reporting of drug abuse data".

B. Relationship of proposed request to approved programme of work

6. The activities related to those envisaged in the draft resolutions would fall under programme element 2.5 output (iii) of section 20B (Division of Narcotic Drugs) and subsection 1 (EDP Services) of section 28J (Division of Administrative Services, Vienna) of the programme budget for the biennium 1988-1989.

C. Activities by which proposed request would be implemented

7. The establishment of an international drug abuse assessment system (IDASS) will be carried out in four phases, each consisting of 6 work-months. Phase one will deal with technical review of existing United Nations manuals, guidelines and procedures with the objective of identifying minimal data elements and recommending procedures for IDASS. Phase two will consist of procedural development and field testing during which a reporting system will be developed. Phase three will serve to evaluate the proposed system to make recommendations for its improvement. Phase four will be the implementation and training process and will include training of personnel in the reporting procedures of IDASS. A consultant will be hired for a total of six work-months during the first two phases of the project. Phase three will be carried out by both technical personnel and senior level country policy-makers. All phases will require consultation from time to time with a systems analyst and the services of a general service staff who will be trained in the execution of the reporting procedure.

D. Modifications required in the approved programme of work, 1988-1989

8. No modification to the approved programme of work for 1988-1989 would be required since the development of the Division's capacity to access computer data bases has already been foreseen in programme element 2.5 of section 20B (Division of Narcotic Drugs).

E. Requirements at full cost

9. The potential costs are estimated as follows:

	<u>United States dollars</u>
A. <u>Sub-Programme Element 2.5 (Section 20B)</u>	
Purchase and maintenance of EDP equipment	40 000
Consultant salary and DSA (P-4 level, 6 work-months)	50 000
Consultant travel	10 000
General service staff (part-time, 18 work-months)	<u>32 000</u>
Total:	132 000
	=====

10. The requirements shown above have been estimated on a full cost basis at current rates and are subject to change at a later stage in the light of different unit rates which may be established for 1988 and 1989.

F. Potential for absorption

11. The \$20,000 of the estimated cost of purchase and maintenance of EDP equipment may be absorbed under section 20B of the 1988-1989 programme budget. The remaining requirements are expected to be funded from extrabudgetary sources.

C. Draft resolution IV

CO-ORDINATION AT THE AFRICAN REGIONAL LEVEL\*

A. Request contained in the draft resolution

1. In operative paragraph 2 of draft resolution IV, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it request the Secretary-General:

"to establish, within the limits of the resources available and within the structure of the Economic Commission for Africa, a focal point to be responsible for co-ordinating and promoting measures to combat drug misuse and abuse and illicit traffic in drugs within the entire African region".

2. In operative paragraph 4 of the same draft resolution, the Commission on Narcotic Drugs would also recommend to the Economic and Social Council that it also request the Secretary-General to:

"report to the Commission on Narcotic Drugs at its next session on the measures taken to implement the present resolution".

B. Relationship of proposed request to approved programme of work

3. Activities related to those envisaged in the draft resolution are contained in programme element 1.2 (Co-operation in co-ordination of regional programmes and activities - Overall executive direction), programme element 2.2 (Co-ordination of reporting on work of the Commission and follow-up to intergovernmental decisions - Secretariat services to the Commission) and programme element 5.2 (Programme aspect of the budget - Programme planning and co-ordination) of section 13B (Executive Direction and Management - Economic Commission for Africa).

C. Activities by which proposed request would be implemented

4. The possibility of assigning a staff member at the P-4 level to undertake the co-ordination activities envisaged in operative paragraph 2 of the draft resolution, assisted by one general service staff member, will be taken up with the Economic Commission for Africa.

D. Modifications required in the approved programme of work, 1988-1989

5. The approved programme of work for 1988-1989 contained in programme elements 1.2, 2.2 and 5.2 of section 13B (Executive Direction and Management - Economic Commission for Africa) would have to be modified to include the activities envisaged in the draft resolution.

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\*For the text of the draft resolution, which was presented to the Commission in document E/CN.7/1988/L.1, see chapter I, section A, above. For the Commission's deliberations on the subject, see chapter VII.

E. Requirements at full cost

6. The salary and common staff costs of a P-4 and a local-level post at Addis Ababa, including the appropriate turnover deduction, are estimated as follows:

A. <u>Section 13B</u>	<u>United States dollars</u>
Salary (P-4 level, 18 work-months)	87 600
Salary (general service staff, 18 work-months)	<u>20 000</u>
Total:	107 600 =====

F. Potential for absorption

7. The possibility of absorbing the additional activities within the current staffing level of the Economic Commission for Africa is being investigated.

D. Draft resolution VII

ENLARGEMENT OF THE SUB-COMMISSION ON ILLICIT DRUG TRAFFIC  
AND RELATED MATTERS IN THE NEAR AND MIDDLE EAST\*

A. Request contained in the draft resolution

1. In operative paragraph 2 of draft resolution VII, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it:

"welcomes and authorizes the enlargement of the membership of the Sub-Commission".

2. In operative paragraph 3 of the same draft resolution, the Commission on Narcotic Drugs would further recommend to the Economic and Social Council that it:

"endorses the membership of Egypt, India and the Hashemite Kingdom of Jordan in the Sub-Commission".

B. Relationship of proposed request to approved programme of work

3. Activities related to those envisaged in the draft resolution are contained in subprogramme 1.2 (Commission secretariat services and related activities arising from resolutions and decisions of legislative organs) of

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\*For the text of the draft resolution, which was presented to the Commission in document E/CN.7/1988/L.22, see chapter I, section A, above. For the Commission's deliberations on the subject, see chapter VII.

section 20B (International drug control, Division of Narcotic Drugs) and to paragraph 20.4(b) of section A (International Drug Control, Policy-making organs) of the programme budget for the biennium 1988-1989.

C. Activities by which proposed request would be implemented

4. The Commission on Narcotic Drugs would invite representatives from Egypt, India and the Hashemite Kingdom of Jordan to participate in the meetings of the Sub-Commission.

D. Modifications required in the approved programme of work, 1988-1989

5. No modification to the approved programme of work for 1988-1989 would be required as the activities envisaged in the draft resolution are provided for under subprogramme 1 (Treaty Implementation and Commission Secretariat) of section 20B (International drug control, Division of Narcotic Drugs).

E. Requirements at full cost

6. The travel of representatives from Egypt, India and the Hashemite Kingdom of Jordan are estimated at US\$13,200.

F. Potential for absorption

7. The Secretariat would attempt to absorb additional travel costs in the current biennium.

E. Draft resolution VIII

REGIONAL MEETINGS OF HEADS OF NATIONAL DRUG LAW ENFORCEMENT  
AGENCIES (HONLEA): AFRICA, LATIN AMERICA AND  
THE CARIBBEAN, ASIA AND THE PACIFIC\*

A. Request contained in the draft resolution

1. In operative paragraph 1 of draft resolution VIII, the Economic and Social Council would confirm in the light of the terminology used at the first Interregional Meeting of Heads of National Drug Law Enforcement Agencies (Interregional HONLEA), convened at Vienna from 28 July to 1 August 1986, that:

"the title of all three regional meetings should in future be standardized as "Heads of National Drug Law Enforcement Agencies (HONLEA)", followed by an indication of the region".

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\*For the text of the draft resolution, which was presented to the Commission in document E/CN.7/1988/L.9, see chapter I, section A, above. For the Commission's deliberations on the subject, see chapter VII.

2. In operative paragraph 2 of the same draft resolution, the Economic and Social Council would request the Secretary-General:

"to adopt the necessary measures and to provide, within available resources, the financial resources required and, if necessary, to seek additional extrabudgetary resources for the holding of these three regional meetings:

"(a) In 1988, at the capitals of those States in the respective regions that may wish to act as host, or at the headquarters of the regional economic commission;

"(b) In future years, on an annual basis, excluding years in which an interregional meeting of Heads of National Drug Law Enforcement Agencies is held, under the same conditions as those already established for the holding of these meetings".

B. Relationship of proposed request to approved programme of work

3. Activities related to those envisaged in the draft resolution are contained in subprogramme 3 (Supply and demand reduction) of section 20B (International drug control, Division of Narcotic Drugs) and in section 29.B.3 (Conference and Library Services, Conference Service, Vienna) of the programme budget for the biennium 1988-1989.

C. Activities by which proposed request would be implemented

4. The fourteenth meeting of HONLEA, Asia and the Pacific Region, of five days duration, would be convened in late 1988 at the Headquarters of the Economic and Social Commission for Asia and the Pacific (ESCAP) or in a capital of the region upon invitation from a Member State in the region.

5. The second meeting of HONLEA, Latin American and Caribbean region, of five days duration, would be convened in the second half of 1988 in Lima upon invitation from the Government of Peru.

6. The second meeting of HONLEA, African Region, of five days duration, would be convened in the second half of 1988 in Dakar upon invitation from the Government of Senegal.

D. Modifications required in the approved programme of work, 1988-1989

7. No modification to the approved programme of work for 1988-1989 would be required as the organization of regional seminars for officials engaged in drug law enforcement is provided for under programme element 3.1(iii). The meetings would, however, need to be included in the United Nations Calendar of Conferences.

**E. Requirements at full cost**

8. On the basis of the experience gained with the regional meeting of operational heads of national narcotics law enforcement agencies, Far East region (HONLEA), it is estimated that \$50,000 would be needed to cover travel and subsistence costs of participants for each of the three meetings. It is expected that these funds would be provided from extrabudgetary resources.

9. On the assumption that pre- and post-session documentation would be prepared at Vienna, and that the costs for in-session documentation and meeting services to the extent that they would exceed costs at the conference-servicing headquarters (i.e. New York for Latin America and Asia, and Geneva for Africa) or at the nearest alternative meeting site (i.e. headquarters of regional commissions) would be funded by the host Governments, the conference-servicing costs are estimated as follows, on a full cost basis:

		<u>HONLEA meetings</u>		
		<u>Asia and</u>	<u>Latin America</u>	<u>Africa</u>
		<u>the Pacific</u>	<u>and the Caribbean</u>	<u>Africa</u>
Languages:		(E)	(E,F,S)	(A,E,F)
		----- <u>(United States dollars)</u> -----		
<b>A. <u>Section 29 C</u></b>				
(a)	Pre-session documentation (20 pages, 1 document)	2 200	10 600	10 600
(b)	Post-session documentation (20 pages, 1 document)	<u>2 200</u>	<u>10 600</u>	<u>10 600</u>
	Sub-total:	4 400	21 200	21 200
<b>B. <u>Regional commissions</u></b>				
(a)	Meeting servicing (10 meetings)	1 000	26 800	29 800
(b)	In-session documentation (20 pages, 1 document)	<u>2 000</u>	<u>10 200</u>	<u>10 200</u>
	Sub-total:	3 000	37 000	40 000
Total conference servicing costs:		7 400	58 200	61 200
		=====	=====	=====

10. The conference-servicing costs shown above have been estimated on a full cost basis at current Vienna rates and are subject to change at a later stage in the light of unit rates at the regional commissions which may be established for 1988.

**F. Potential for absorption**

11. These cost estimates are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent capacity of the Department of Conference Services and would require additional resources for temporary assistance for meetings. The extent to which the permanent capacity of the Department needs to be supplemented by temporary assistance resources can only be determined in the light of the

calendar of conferences to be approved by the General Assembly. However, as indicated in paragraph 29.6 of the programme budget [A/42/6 (Sect. 29)], the 1988-1989 requirements under temporary assistance for meetings have been estimated on the basis of a five-year average of appropriations and actual expenditures for the period 1982-1986, and included in the Secretary-General's initial estimates. In other words, provision has been made in the programme budget not only for the meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the next biennium is consistent with the pattern experienced over the past five years. Since in 1987 there were already three meetings of the regional HONLEAs, it may well be that no additional cost would be incurred under section 29 of the programme budget for the biennium 1988-1989 as a result of the adoption of this present resolution of the Commission on Narcotic Drugs and bearing in mind resolution 42/407 adopted by the General Assembly at its forty-second session on recommendation B of the Committee on Conferences (Official Records of the General Assembly, Forty-second Session, Supplement No. 32 (A/42/32)).

12. The actual additional conference-servicing costs that might be incurred in the regional commissions would be reported to the General Assembly in the context of the second performance report for the biennium 1988-1989.

#### F. Draft decision II

##### DURATION AND PROVISIONAL AGENDA OF THE THIRTY-THIRD SESSION OF THE COMMISSION ON NARCOTIC DRUGS\*

###### A. Request contained in the draft resolution

1. In paragraph (a) of draft decision II, the Commission on Narcotic Drugs would recommend to the Economic and Social Council that it decide that:

"the Commission on Narcotic Drugs shall extend the duration of its thirty-third regular session to 10 working days..."

###### B. Relationship of proposed request to approved programme of work

2. Activities related to those envisaged in the draft decision are contained in subprogramme 1 (Treaty Implementation and Commission Secretariat) of section 20B (International drug control, Division of Narcotic Drugs), in section 20A (International drug control, Policy-making organs) and in section 29 (Conference and Library Services) of the programme budget for the biennium 1988-1989.

###### C. Activities by which proposed request would be implemented

3. The thirty-third regular session of the Commission would be extended from 8 to 10 working days.

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\*For the text of the draft decision, which was presented to the Commission in document E/CN.7/1988/L.23, see chapter I, section B, above. For the Commission's deliberations on the subject, see chapter VIII, section E.



D. Modifications required in the approved programme of work, 1988-1989

4. No modification to the approved programme of work for 1988-1989 would be required as the activities envisaged in the draft resolution is provided for under subprogramme 1 (Treaty Implementation and Commission Secretariat) of section 20B (International drug control, Division of Narcotic Drugs) and in section 20A (International drug control, Policy-making organs). The duration of the meeting would, however, need to be included in the revised United Nations Calendar of Conferences.

E. Requirements at full cost

5. The conference-servicing requirements for extending the duration of the thirty-third regular session by two additional working days are estimated as follows:

<u>Section 29</u>	<u>United States dollars</u>
(a) Interpretation (4 additional meetings, all languages)	24<200
(b) Local staff - conference service	<u>600</u>
Total:	24<800 =====

6. The additional conference-servicing costs shown above have been estimated on a full cost basis at 1989 Vienna rates and on the assumption that no additional documentation would be required. The costs are subject to change at a later stage in the light of different unit rates which may be established for 1989.

F. Potential for absorption

7. In accordance with established practice, these conference-servicing requirements were calculated on a full-cost basis for information purposes. However, as indicated in paragraph 29.6 of the programme budget for the biennium 1988-1989 (A/42/6), the requirements under temporary assistance for meetings have been estimated on the basis of a five-year average of appropriations and actual expenditures for the period 1982-1986, and included in the Secretary-General's initial estimates. In other words, provision has been made in the programme budget not only for the meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium is consistent with the pattern experienced over the past five years. On that basis, it is estimated that no additional appropriation would be required under section 29 of the programme budget for the biennium 1988-1989 as a result of the adoption of this present resolution by the Commission on Narcotic Drugs.

G. Resolution 4 (S-X)

CONSIDERATION OF THE QUESTION OF RESOURCES AVAILABLE TO THE  
DRUG CONTROL UNITS OF THE UNITED NATIONS UNDER SECTION 20  
(INTERNATIONAL DRUG CONTROL) OF THE REGULAR BUDGET\*

A. Request contained in the draft resolution

1. In operative paragraph 2 of resolution 4 (S-X), the Commission on Narcotic Drugs would conclude that:

"any reduction below the approved total appropriation for Section 20 of the programme budget for the biennium 1986-1987 relating to the International Narcotics Control Board and the Division of Narcotic Drugs would be irreconcilable with the efforts of Governments and the United Nations to intensify the global struggle against drug abuse".

2. In operative paragraph 4 of the same resolution, the Commission on Narcotic Drugs requested:

"the Chairman of the Commission and the President of the International Narcotics Control Board to bring these conclusions in person to the attention of the Secretary-General of the United Nations as soon as possible, with a view to enabling him to undertake the necessary action for the implementation of these conclusions, and to inform the Economic and Social Council and the General Assembly".

B. Relationship of proposed request to approved programme of work

3. The activity related to that envisaged in the draft resolution is contained in section 20A (International Drug Control, Policy-making organs), in section 20B (Division of Narcotic Drugs) and in 20C (International Narcotics Control Board) of the programme budget for the biennium 1988-1989.

C. Activities by which proposed request would be implemented

4. The Chairman of the Commission and the President of INCB would travel to United Nations Headquarters in New York immediately after the tenth special session of the Commission for a maximum of three working days.

D. Modifications required in the approved programme of work, 1988-1989

5. No modification to the approved programme of work for 1988-1989 would be required since the travel costs may be absorbed under paragraphs 20.4 and 20.5 of section 20A, and the daily subsistence allowance may be absorbed under paragraphs 20.20(a) and 20.33 of sections 20B and 20C respectively.

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\*For the text of the resolution, which was presented to the Commission in document E/CN.7/1988/L.2, see chapter X, section A, above. For the Commission's deliberations on the subject, see chapter VIII, section D.

E. Requirements at full cost

6. The travel costs of the two representatives are estimated as follows:

	<u>United States dollars</u>
A. <u>Paragraph 20.4 (Section 20A)</u>	
Travel	3 700
B. <u>Paragraph 20.20(a) (Section 20 B)</u>	
Daily subsistence allowance	900
C. <u>Paragraph 20.33 (Section 20 C)</u>	
Daily subsistence allowance	<u>900</u>
Total:	5 500 =====

7. The travel costs shown above have been estimated on a full cost basis at current rates and are subject to change at a later stage in the light of different unit rates which may be established for 1988.

F. Potential for absorption

8. The estimated travel cost of \$3,700 would be absorbed under paragraph 20.4. The daily subsistence allowance of \$900 for the Chairman of the Commission on Narcotic Drugs would be absorbed under Section 20.B [paragraph 20.20(a)] and \$1,200 for the President of INCB would be absorbed under Section 20.C (paragraph 20.33) of the programme budget for the biennium 1988-1989.

Annex IV

VIEWS AND PROPOSALS OF THE COMMISSION ON NARCOTIC DRUGS ON ACHIEVING  
THE OBJECTIVES ENVISAGED IN RECOMMENDATION 8 OF THE GROUP OF  
HIGH-LEVEL INTERGOVERNMENTAL EXPERTS REGARDING ITS  
FUNCTIONING AND THAT OF ITS SUBSIDIARY MACHINERY

A. Identification of measures to rationalize and simplify the  
intergovernmental structure, avoiding duplication  
and overlapping activities

1. The Commission on Narcotic Drugs is the main policy-making body in the field of drug abuse control. As the only specialized intergovernmental body in this field, it is entrusted with both charter and treaty functions (see E/CN.7/1988/CRP.12). With regard to its treaty functions, it considers recommendations by the World Health Organization for amending the schedules to bring under control narcotic drugs and psychotropic substances. Its decisions on scheduling are not subject to review by the Economic and Social Council unless a Party objects within 90 days (1961 Convention, article 3, paragraphs 8 and 9) or within 180 days (1971 Convention, article 2, paragraph 8). The international conventions on narcotic drugs and psychotropic substances also assign functions to the International Narcotics Control Board (INCB), <sup>a/</sup> which reports to the Council through the Commission, which may make such comments on these reports as it sees fit. The Commission on Narcotic Drugs may also call the attention of INCB to any matters which may be relevant to the functions of the Board (articles 8 and 15 of the 1961 Convention; article 18 of the 1971 Convention).

2. Any changes to the mandate of the Commission on Narcotic Drugs can only be made through amendments to treaty provisions, an eventuality which was neither called for nor reasonable as their implementation was satisfactory.

3. The pattern of sessions of the Commission on Narcotic Drugs should be maintained: regular sessions every two years and special sessions in between, when and as required, in order to enable it to fulfil its treaty and other obligations.

4. Duplication of work or overlapping activities with other subsidiary bodies of the Economic and Social Council do not exist. The functions of the Commission and the Board are complementary.

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<sup>a/</sup> Full information concerning the constitution, composition, functions, of the Board is given in the Commentary on the Single Convention on Narcotic Drugs, prepared by the Secretary-General in accordance with paragraph 1 of resolution 914D (XXXIV) of 3 August 1962 of the Economic and Social Council (United Nations publication, Sales No. E.73.XI.1) and in the Commentary on the Convention on Psychotropic Substances (United Nations publication, Sales No. E.76.XI.5).

**B. Criteria for the establishment and duration of subsidiary bodies and periodic reviews of their work and mechanisms for implementing their decisions**

5. The criteria for the establishment of the Commission on Narcotic Drugs are to be found in its charter and treaty functions (see E/CN.7/1988/CRP.12). The Commission's treaty functions are expected to be enlarged when the draft convention against illicit traffic in narcotic drugs and psychotropic substances comes into force. The statutory functions of the Commission preclude a limitation in time of its mandate.

**C. Definitions in precise terms of the areas of responsibility for the various bodies**

6. The areas of responsibility of the Commission are defined in precise terms (resolution 9 (I) of the Economic and Social Council; 1961 Convention, article 8; 1971 Convention, article 17). The Commission has four subsidiary bodies (see E/CN.7/1988/CRP.12, pages 4-6) which have already been established on a regional or subregional level. The area of responsibility of these bodies is also defined in precise terms.

**D. Improving the system of reporting from subsidiary to principal organs**

7. The Commission reports to the Economic and Social Council. The subsidiary bodies of the Commission report to the Commission.

8. The Commission wishes to include on the agenda of its thirty-fourth regular session an item entitled "Review of the work and mechanisms for implementing the decisions of its subsidiary bodies".

**E. Conclusion**

9. The intergovernmental structure for the international drug control programme functions to the full satisfaction of Member States. The Commission on Narcotic Drugs recommends to the Special Commission that no change should be made with respect to the Commission or to its subsidiary organs.

10. Activities in the field of drug control have been recognized by Member States, in particular at the International Conference on Drug Abuse and Illicit Trafficking and by the General Assembly in its resolution 41/113, as being of high priority. There is therefore no contradiction between strong support of the membership for the ongoing cost reduction exercise throughout the United Nations system and the necessity to establish priorities among various programmes of the United Nations.

11. The Commission on Narcotic Drugs notes that, in view of the technical and scientific nature of its work, both its functioning and that of the INCB are dependent upon the availability of adequately staffed, specialized and technically qualified secretariats. In this connection, it brings to the attention of the Special Commission the resolution it adopted by consensus on the question of resources available to the drug control units of the United Nations under Section 20 (International drug control) of the regular budget. b/

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b/ For the text of the resolution, which was presented to the Commission in document E/CN.7/1988/L.2, see chapter X, section A, above.

Annex V

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS TENTH SPECIAL SESSION a/

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/1	2	Provisional agenda
E/CN.7/1988/1/Add.1	2	Annotated provisional agenda
E/CN.7/1988/2 (Part I) and Corr.1 b/	3	Preparation of the new convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Note by the Secretary-General
E/CN.7/1988/2 (Part II) and Corr.1 c/ and Corr.2 and Add.1	3	Report of the open-ended intergovernmental expert group meeting on the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances. 29 June-10 July 1987, 5-16 October 1987
E/CN.7/1988/2 (Part III) and Add.1-2	3	Preparation of the new convention against illicit traffic in narcotic drugs and psychotropic substances. Comments received from Governments
E/CN.7/1988/2 (Part IV) and Corr.1 d/ and Corr.2 and Add.1	3	Report of the open-ended intergovernmental expert group meeting on the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances. 25 January-5 February 1988
E/CN.7/1988/3	7	Report of the First Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), Africa, Addis Ababa, 30 March-3 April 1987
E/CN.7/1988/4 and Corr.1 and Add.1-3	4	Action to give effect to the relevant recommendations of the International Conference on Drug Abuse and Illicit Trafficking. Note by the Secretary-General

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/5	5	Implementation of the International Treaties on the Control of Narcotic Drugs and Psychotropic Substances. Note by the Secretary-General
E/CN.7/1988/6	6	Note by the Secretary-General on the Report of the International Narcotics Control Board
E/CN.7/1988/7	7	Report of the First Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), Latin America and the Caribbean, Santiago, Chile, 28 September-2 October 1987
E/CN.7/1988/8 and Corr.1 d/	7	Heads of National Drug Law Enforcement Agencies (HONLEA), Asia and the Pacific. Report of the Thirteenth Meeting, Tokyo, Japan, 30 November-4 December 1987
E/CN.7/1987/9	7	Recommendations of subsidiary organs of the Commission. Note by the Secretary-General
E/CN.7/1988/10	7	Scientific and Technical Assistance: Development of Laboratory Methodologies. Note by the Secretary-General
E/CN.7/1988/11	7	Note by the Secretary-General on the report of the United Nations Fund for Drug Abuse Control
E/CN.7/1988/12	7	Interim report of the United Nations Fund for Drug Abuse Control
E/CN.7/1988/13	7	Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East. Report on the twenty-third session, Vienna, Austria, 3-4 February 1988
E/CN.7/1988/CRP.1 d/	2	Provisional timetable
E/CN.7/1988/CRP.2 d/	2	Provisional list of documents
E/CN.7/1988/CRP.3 d/	7	Report of the Expert Group on rapid testing methods of drugs of abuse

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/CRP.4 d/	7	Report of the Expert Group on recommended methods for testing cocaine, opium, morphine and amphetamine-related compounds
E/CN.7/1988/CRP.5 d/	7	Report of the Expert Group on Guidelines for the Establishment of National Testing Programmes and Laboratories for Drugs of Abuse in Body Fluids
E/CN.7/1988/CRP.6 d/	7	Comprehensive Review of the Activities of the United Nations Fund for Drug Abuse Control in 1987
E/CN.7/1988/CRP.7 b/	7	Financial Report on Operations Financed by the United Nations Fund for Drug Abuse Control for 1987
E/CN.7/1988/CRP.8 b/	7	Data on the Illicit Traffic in Narcotic Drugs and Psychotropic Substances during 1986. Note by the Secretary-General
E/CN.7/1988/CRP.9 d/	7	Report on the Workshop on the Utilization of Community Resources for the Prevention and Reduction of Drug Abuse, Asia and the Pacific Region
E/CN.7/1988/CRP.10 d/	5	Proposed new computerized format of the cumulative index 1980-1985 of national laws and regulations relating to the control of narcotic drugs and psychotropic substances
E/CN.7/1988/CRP.11 (Multilingual E/F/S)	4	Keywords of the Comprehensive Multidisciplinary Outline of future activities in drug abuse control
E/CN.7/1988/CRP.12 d/	7	Functioning of the Commission on Narcotic Drugs and of its subsidiary bodies. Note by the Secretariat
E/CN.7/1988/CRP.13 d/	7	Consideration of the question of resources available to the drug control units of the United Nations under Section 20 (International Drug Control) of the regular budget. Note by the Secretariat



<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/CRP.14 d/ and CRP.16 d/	7	Consideration of the question of resources available to the drug control units of the United Nations under Section 20 (International Drug Control) of the regular budget. Note by the Secretariat
E/CN.7/1988/CRP.15 d/	7	Letter dated 12 January 1988 addressed to the Secretary-General by the Secretary-General of the European Parliament
E/CN.7/1988/CRP.17 d/	7	Document circulated at the request of the representative of France at the tenth special session of the Commission on Narcotic Drugs
E/CN.7/1988/CRP.18 d/	3	Note from the Permanent Mission of Venezuela requesting circulation of the Statement by the Delegation of Venezuela to the tenth special session of the Commission on Narcotic Drugs
E/CN.7/1988/NGO.1 and 2 d/	4	Intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council
E/CN.7/1988/INF.1		Information for participants
E/CN.7/1988/INF.2		Provisional list of participants
E/CN.7/1988/INF.2/Rev.2		List of participants
E/CN.7/1988/L.1/ and Add.1-14		Draft report on the tenth special session of the Commission
E/CN.7/1988/L.2	7	Consideration of the question available to the drug control units of the United Nations under section 20 (International Drug Control) of the regular budget.
E/CN.7/1988/L.3	7	Strengthening of co-ordination and co-operation between Governments.

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/L.4	3	Preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances
E/CN.7/1988/L.5	5	Decisions for inclusion in chapter X of the Report
E/CN.7/1988/L.6	7	Programme budget implications of draft resolution contained in document E/CN.7/1988/L.2
E/CN.7/1988/L.7	7	The role of pharmacists in the prevention of the abuse of narcotic drugs and psychotropic substances
E/CN.7/1988/L.8	7	Improved measures for demand reduction
E/CN.7/1988/L.9	7	Regional meetings of Heads of National Drugs Law Enforcement Agencies (HONLEA's)
E/CN.7/1988/L.10	7	Co-ordination at the African regional level
E/CN.7/1988/L.11*	7	A non-smoking policy during Commission meetings
E/CN.7/1988/L.12	7	Reduction of illicit supply of drugs
E/CN.7/1988/L.13	7	Reduction of illicit drug demand
E/CN.7/1988/L.14/Rev.1	4	International Conference on Drug Abuse and Illicit Trafficking
E/CN.7/1988/L.15	4	Crop eradication
E/CN.7/1988/L.16 and Corr.1	7	Tightening of controls on movement through official points of entry
E/CN.7/1988/L.17	6	Supply of and demand for opiates for medical and scientific purposes
E/CN.7/1988/L.18	3	Preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/L.19	4	Establishment of an international drug abuse assessment system
E/CN.7/1988/L.20	7	Utilization of community resources for the prevention and reduction of drug abuse
E/CN.7/1988/L.21	7	Reduction of illicit demand and supply of narcotic drugs and psychotropic substances
E/CN.7/1988/L.22	7	Enlargement of the membership of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East
E/CN.7/1988/L.23	7	Duration and provisional agenda of the thirty-third session of the Commission on Narcotic Drugs
E/CN.7/1988/L.24	3	Programme budget implications of draft resolution contained in document E/CN.7/1988/L.18
E/CN.7/1988/L.25	7	Programme budget implications of draft resolution contained in document E/CN.7/1988/L.9
E/CN.7/1988/L.26	7	Draft decision 9(S-X)
E/CN.7/1988/L.27	7	Draft decision 10(S-X)
E/CN.7/1988/L.28	7	Programme budget implications of draft resolution contained in document E/CN.7/1988/L.14/Rev.1
E/CN.7/1988/L.29	7	Programme budget implications of draft resolutions contained in document E/CN.7/1988/L.14/Rev.1 and L.15
E/CN.7/1988/L.30	7	Programme budget implications of draft resolutions contained in documents E/CN.7/1988/L.14/Rev.1 and E/CN.7/1988/L.19

<u>Document number</u>	<u>Agenda item</u>	<u>Title or description</u>
E/CN.7/1988/L.31	7	Programme budget implications of draft decision contained in document E/CN.7/1988/L.23
E/CN.7/1988/L.32	7	Programme budget implications of draft resolution contained in document E/CN.7/1988/L.22
E/CN.7/1988/L.33	7	Programme budget implications of draft resolution contained in document E/CN.7/1988/L.10

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a/ For various additional background documents, see list of documents in E/CN.7/1988/CRP.2.

b/ English only.

c/ French only.

d/ English, French and Spanish only.

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