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Agenda item 7 (a), (b) and (c)

Draft report

Rapporteur: Mr. Hae-moon **Chung** (Republic of Korea)

Implementation of the international drug control treaties

A. Structure of the debate

1. The Commission considered item 7 of its agenda, entitled “Implementation of the international drug control treaties: (a) Changes in the scope of control of substances; (b) International Narcotics Control Board; (c) International cooperation in order to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes; (d) Follow-up to the twentieth special session; and (e) Other matters arising from the international drug control treaties”, at its 1195th and 1196th meetings, on 20 March 2001. The Commission had before it the following documents:

(a) Note by the Secretariat on changes in the scope of control of substances (E/CN.7/2001/6);

(b) Report of the International Narcotics Control Board for 2000 (E/INCB/2000/1);

(c) Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2000 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (E/INCB/2000/4);

(d) First biennial report of the Executive Director on the implementation of the outcome of the twentieth special session of the General Assembly, devoted to countering the world drug problem together (E/CN.7/2001/2).

2. The Commission considered item 7 (a) of its agenda at its 1195th meeting, on 20 March 2001. Introductory statements were made by the President of the International Narcotics Control Board and by the observer for the World Health Organization (WHO). Statements were made by the representatives of Australia, Belgium, Cuba, Egypt, Japan, the Lao People's Democratic Republic, Peru, Switzerland, Thailand, Ukraine, the United States of America and Venezuela.

3. The Commission considered item 7 (b) of its agenda at its 1195th and 1196th meetings on 20 March 2001. An introductory statement was made by the President of the International Narcotics Control Board. Statements were made by the representatives of Colombia, Nigeria, Turkey, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Pakistan, Japan, Mexico, Ukraine, Egypt, Australia, Argentina, China, the Republic of Korea, Portugal, the Islamic Republic of Iran, Germany, Spain, Slovenia, Malaysia, Hungary, Denmark, Belgium, Canada, Venezuela and Cuba.

4. Statements were also made by the observers for the Holy See, the Council of Europe and the Council of Arab Ministers of the Interior.

B. Deliberations

1. Report of the International Narcotics Control Board for 2000

5. The Commission commended the Board and its secretariat for the preparation of its report for 2000,¹ which provided an all-embracing and balanced picture of recent trends in controls over the licit movements of narcotic drugs, psychotropic substances and precursors and in the illicit use of and trafficking in those substances, and which reviewed the measures taken by Governments. The report continued to be an excellent basis for the formulation of policies at both national and international levels. Some Governments provided additional information on the situation with regard to drug abuse and illicit trafficking in their countries, and on their strategies to reduce the illicit supply of and demand for drugs.

6. The Commission welcomed the examination of the problem of overconsumption of controlled substances contained in the first chapter of the report. Ensuring the availability of narcotic drugs and psychotropic substances, on one hand, and preventing the excessive consumption of substances, on the other, were at the core of the mandate of the Board. Overconsumption of controlled substances was a concern that often extended to psychoactive substances not under international control. Excessive consumption of such drugs should be addressed by Governments, in cooperation with the manufacturing industry and others in the drug distribution chain.

7. The Commission took note of the recommendations made by the Board in its report to reduce excessive consumption of controlled substances. Governments should carefully monitor the supply and consumption of controlled drugs and ensure that adequate legislation and administrative arrangements that could be adapted to new trends and developments were in place. It was critical to be observant of unusual trends, in order to react in a timely manner when drugs with previously

¹ United Nations publication, Sales No. E.01.XI.1.

limited medical use gained in popularity. Governments should also assess national needs as accurately as possible.

8. Continuous education of both prescribers and consumers of controlled substances was an important element in achieving a reduction of excessive consumption of psychotropic substances. Such initiatives should target groups that were particularly vulnerable to abuse of those substances. In cooperation with the manufacturing industry, Governments should counteract sales and promotion practices that interfered with a sound health policy and ensure the observance of the ethical norms developed by both the pharmaceutical industry and WHO for the promotion of medicinal drugs. Governments were requested to strictly enforce the provisions of article 10 of the Convention on Psychotropic Substances of 1971,² which prohibits the advertisement of psychotropic substances to the general public. International efforts could also bring about a change in consumption patterns, and the efforts of the Pompidou Group of the Council of Europe on the rational use of benzodiazepines in Europe were acknowledged in that regard.

9. While recognizing the benefits of modern information technology, it was noted that the rapid growth of the Internet posed new challenges to international drug control. It was noted with concern that the Internet was increasingly used for the illicit advertisement and sale of controlled substances. Recipes for making a wide range of synthetic drugs were available on the Internet. Governments were encouraged to develop effective measures to prevent the misuse of the Internet for the illegal distribution of controlled substances before the problem reached alarming levels. Several Governments reported on action taken to curb the spread of illegal information on the Internet. Governments were encouraged to use the Internet and other electronic media as tools to prevent drug abuse and counteract the flow of negative information through cyberspace.

10. Several Governments shared their concern over the widespread illicit manufacture, trafficking and abuse of amphetamine-type stimulants and other synthetic drugs. Abuse of those substances had spread to almost all regions of the world and had added another menacing dimension to the drug problem. New synthetic drugs appearing on the market were easy to manufacture clandestinely and posed a challenge to established monitoring systems. The Board was urged to further its support to national authorities in the prevention of diversion of drugs and precursors.

11. The country missions undertaken by the Board were welcomed as a valuable opportunity for the exchange of information, ideas and views on matters of mutual importance. Some Governments that had received missions of the Board informed the Commission of action taken to implement the recommendations made by the Board.

12. The Commission welcomed the efforts of the Board in promoting the maintenance of a global balance between the supply of and demand for opiates used for medical and scientific purposes, as required under the provisions of the Single Convention on Narcotic Drugs of 1961,³ and requested it to continue its work in that field. Monitoring the available supply, including stocks, was essential in order to

² United Nations, *Treaty Series*, vol. 1019, No. 14956.

³ *Ibid.*, vol. 520, No. 7515.

ensure that no shortages occurred in years with unexpectedly poor harvests. Governments of all producing countries should adhere strictly to the provisions of the 1961 Convention and take effective measures to prevent illicit production or diversion of opiate raw materials to illicit channels.

13. The Commission was informed of the work done by the Board pursuant to Commission on Narcotic Drugs resolution 43/11, entitled "Provisions regarding travellers under treatment involving the use of medical preparations containing narcotic drugs". Some Governments called for a pragmatic solution of the problem to facilitate travelling when under treatment. An initiative to develop guidelines for national authorities concerning international travellers under treatment with internationally controlled drugs was suggested.

2. Report of the International Narcotics Control Board for 2000 on the implementation of article 12 of the 1988 Convention

14. The President of the Board introduced the report of the Board for 2000 on the implementation of article 12 of the 1988 Convention.⁴ The Board was commended for its report and for the comprehensive and authoritative survey contained therein of the current status of precursor control worldwide. The report also provided a global overview and analysis of recent trends in seizures, illicit traffic and diversion of precursor chemicals, thereby assisting Governments in their efforts to prevent illicit manufacture of drugs.

15. The Commission expressed concern at the global increase in manufacture, trafficking and consumption of synthetic drugs, in particular the amphetamine-type stimulants. It noted the need to be aware of new trends in the manufacture of synthetic drugs, and to adopt new approaches to counter those trends. With regard to the use of non-controlled substitute chemicals in the illicit manufacture of drugs, the substances and guidelines included in the limited international special surveillance list established by the Board were a useful tool for Governments, promoting awareness and cooperation with the chemical industry to prevent diversion of those substances.

16. The Commission noted the continued success of Operation Purple, the international tracking programme for potassium permanganate, a key chemical used in the illicit manufacture of cocaine, and welcomed the actions of the Board to initiate a similar programme for acetic anhydride, a critical chemical used in the illicit manufacture of heroin. The initiative, known as Operation Topaz, commenced on 1 March 2001. The Commission urged Governments to give their full support to both operations. Furthermore, the decision of the Commission to include the substances acetic anhydride and potassium permanganate in Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988⁵ was widely recognized as an important measure to prevent diversions of those substances.

17. The Commission reiterated the importance of the supply of data to the Board by Governments on licit trade in chemicals under international control. The analysis

⁴ United Nations publication, Sales No. E.01.XI.4.

⁵ See *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

of such data by the Board is an essential tool for the identification of suspicious transactions and possible diversions. Furthermore, it was also important to make use of the system of pre-export notifications under the 1988 Convention, article 12, paragraph 10 (a). Such pre-export notifications provided by exporting to importing countries allowed more effective monitoring of movements of trade in those chemicals, and enhanced the ability of Governments to prevent diversions. Exporting countries emphasized the need for timely feedback from the notifications to ensure that the mechanism worked effectively. The Board played an essential role in facilitating such an exchange of information between Governments.

18. The Commission noted the continuing problems associated with the storage and disposal of the increasing amount of chemicals seized by Governments, in particular the need to identify safe, affordable and environmentally friendly means for such disposal. It supported the efforts of the Board to collect information and provide practical solutions to that issue.

19. The Commission expressed concern about the increased availability of precursors, recipes and equipment for the illicit manufacture of drugs via the Internet, and called for concrete action to be taken to investigate ways and means of regulating those activities.

20. To supplement the information given in the report on the implementation of article 12, a number of representatives provided the Commission with updated information on seizures of precursors and new precursor legislation and control measures either in place or planned in their countries.

21. The Commission reiterated the importance of actions to be taken at the regional and international level to tackle the trafficking of precursor chemicals more effectively. To that end, a number of Governments reported regional initiatives, bilateral agreements and memoranda of understanding in the fields of law enforcement, training, monitoring of precursor chemicals and the exchange of information.

3. Changes in the scope of control of substances

(a) Inclusion of 2C-B in Schedule II, 4-MTA in Schedule I and GHB and zolpidem in Schedule IV of the Convention on Psychotropic Substances of 1971

22. The note verbale of the Secretary-General on changes in the scope of control of substances, dated 2 November 2000, contained the recommendations of WHO that the substances 4-bromo-2,5-dimethoxyphenylethylamine (2C-B), be included in Schedule II, 4-methylthioamphetamine (4-MTA) in Schedule I, and gamma-hydroxybutyric acid (GHB) and zolpidem (INN) in Schedule IV of the 1971 Convention. Comments were received from Governments concerning the possible scheduling of the four substances in response to the note verbale of the Secretary-General.

23. The observer for WHO made a statement substantiating the recommendations formulated by his organization, which were based on the technical advice of the meeting of the Expert Committee on Drug Dependence held in September 2000. Prior to the meeting of the Expert Committee, the Executive Board of WHO had also adopted new guidelines for the scheduling criteria. While most representatives supported the recommendations of WHO concerning 4-MTA, GHB and zolpidem,

many representatives expressed concern about the recommendation by WHO to include 2C-B in Schedule II and not in Schedule I of the 1971 Convention. In the view of several representatives, 2C-B should be included in Schedule I of the Convention, given its similarity with mescaline, a substance already listed in Schedule I. In addition, in the view of some representatives, GBL, a precursor chemical of GHB, should also be placed under international control.

24. The Commission, pursuant to article 17, paragraph 2, of the 1971 Convention, decided by 37 votes to none, with no abstentions, to include 4-bromo-2,5-dimethoxyphenylethylamine (2C-B) in Schedule II, by 39 votes to none, with no abstentions, to include 4-methylthioamphetamine (4-MTA) in Schedule I, by 42 votes to none, with no abstentions, to include gamma-hydroxybutyric acid (GHB) in Schedule IV, and by 44 votes to none, with no abstentions, to include zolpidem (INN) in Schedule IV of the 1971 Convention.

(b) Transfer of acetic anhydride and potassium permanganate from Table II to Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

25. Two notes verbales of the Secretary-General, dated 3 and 4 May 2000, transmitted to all Governments, contained notifications with the assessment, findings and recommendations of the Board that acetic anhydride and potassium permanganate should be transferred from Table II to Table I, of the 1988 Convention.

26. The Commission, on the recommendation of the Board, and in accordance with article 12, paragraph 5, of the 1988 Convention, decided, by 44 votes to none, with one abstention, to transfer acetic anhydride from Table II to Table I, and by 40 votes to none, with one abstention, to transfer potassium permanganate from Table II to Table I of the 1988 Convention.
