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Draft report

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Addendum

Implementation of the international drug control treaties

A. Structure of the debate

1. At its 1214th and 1215th meetings, on 11 March 2002, the Commission considered item 8 (b) of its agenda, entitled "Implementation of the international drug control treaties: International Narcotics Control Board". The Commission had before it the following documents:

(a) Report of the International Narcotics Control Board for 2001 (E/INCB/2001/1);

(b) Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2001 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (E/INCB/2001/4).

2. An introductory statement was made by the President of the International Narcotics Control Board. Statements were made by the representatives of [...].

B. Deliberations

1. Report of the International Narcotics Control Board for 2001

3. The President of the International Narcotics Control Board, introduced the report of the Board for 2001, highlighting the effects of new technologies on drug



trafficking and the challenges to drug law enforcement. He stated that, while globalization and new technologies had brought innumerable benefits to society, the beneficial effects of those phenomena were being undermined by individuals and criminal groups for illicit gain. He called on Governments to enact legislation and establish adequate organizational structures for the investigation and prosecution of drug-related crime committed in electronic environments. He referred to the operation of the international treaty system, in particular with regard to the situation in Afghanistan, where opium poppy cultivation was beginning to resume. He invited the Commission to consider the issue of cannabis control in detail in order to ensure the consistent application of the provisions of the 1961 Convention across the globe.

4. The Commission commended the Board and its secretariat for the preparation of its report for 2001, which provided a comprehensive picture of recent trends in the control of licit movement 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 in that regard. Some Governments acknowledged that, in their countries, the report had been the subject of widespread debate at the political level and in the media. Several representatives provided additional information on the situation with regard to drug abuse and illicit trafficking in their countries and on the drug control strategies pursued by their Governments to reduce illicit drug supply and demand.

5. Appreciation was expressed to the Board for its examination of the challenges that globalization and new technologies presented to drug law enforcement in the twenty-first century. Several Governments informed the Commission of action that they had taken at the national level to deal with crime committed in an electronic environment. At the international level, the Council of Europe's Convention on Cybercrime was cited as an example of legislative harmonization and international cooperation in the investigation and prosecution of cross-border crime committed or facilitated by electronic means. The Commission noted the Board's suggestion to consider developing a United Nations convention on cyber crime. Some participants observed, however, that the development of such an instrument would be premature and that experience with existing legal instruments at the regional level should be taken into account. In the meantime, Governments should make every effort to counteract cyber crime. The Internet should also be used to disseminate objective information about drugs, Governments were invited to take steps to promote safer use of the Internet. It was suggested that the Commission examine the issue of new technologies and drug trafficking under a separate agenda item.

6. The Commission shared the concern of the Board on the resurgence of opium poppy cultivation in Afghanistan. The international community should support the efforts of the Interim Administration of Afghanistan in establishing law enforcement and drug control capacities to combat opium poppy cultivation and illicit drug production, processing, abuse and trafficking.

7. Representatives expressed concern about the growing gap between government policy and actual implementation of the international drug control treaties with respect to cannabis. The view was expressed that relaxation of controls on cannabis was not the right way to deal with drug abuse problems in many countries. There were serious health and social problems associated with the abuse of cannabis, and any relaxation of control measures would no doubt increase the abuse of that drug and its harmful consequences. Efforts to reduce the cultivation

and abuse of cannabis would be jeopardized by policies in contravention of the letter and spirit of the international drug control treaties, as well as the Political Declaration (Assembly resolution S-20/3, annex) and action plans (Assembly resolution S-20/4 A-E) adopted by the General Assembly at its twentieth special session, and might have repercussions for the control of other illicit drugs. The representative of the Philippines, speaking on behalf of the Group of 77 and China, requested the Commission to address that issue in order to guarantee the integrity of the entire international drug control regime. One representative stated that the decriminalization of drug abuse and the replacement of mandatory penal sanctions by administrative sanctions that included programmes for the treatment and social reintegration of drug addicts were, in his country, a step towards social cohesion and away from the dysfunctional world of drug abuse.

8. The observer for the World Health Organization stated that his organization would be pleased to review the relevant data on cannabis if a party to the 1961 Convention would submit a notification to the Secretary-General, in accordance with article 3 of the 1961 Convention; however, as the decision to control cannabis was essentially a policy issue, a medical and scientific review could only be of limited value as the answer to such a policy issue should come from the Commission on Narcotic Drugs, the main policy-making body in the United Nations system dealing with drug control.

9. The Commission agreed that it should maintain its position that, in accordance with the relevant provisions of the 1961 Convention, cannabis should not be used for medical purposes until such time as solid scientific proof of its medical usefulness became available.

10. 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 1961 Convention. The Board was commended for arranging informal meetings with the main States importing and producing opiate raw materials. The Board should continue to advise Governments on action to be taken to ensure a worldwide balance between the supply of and the demand for opiates for licit use.

11. The role of the Board in ensuring the availability of opiates for medical purposes was stressed and Governments were encouraged to continue their efforts in removing obstacles to the availability of opiates for the relief of pain and suffering while preventing the diversion of opiates for illicit use. The Commission noted the intensified collaboration of the Board and the World Health Organization in that area.

12. The Commission recognized the increase in the number of parties to the international drug control treaties. It was emphasized that the objectives of the 1988 Convention could not be achieved without adherence to and implementation of the provisions of the 1961 Convention and the Convention on Psychotropic Substances of 1971.

13. The Commission was informed of the results of the meeting of the group of experts to develop guidelines for national regulations concerning travellers under treatment with internationally controlled drugs, held in Vienna from 12 to 14 February 2002 pursuant to Commission resolution 44/15.

14. The Commission noted the increasing levels of abuse of, and illicit traffic in, psychotropic substances in some regions, as reported by the Board. The Commission reiterated its call to Member States to implement the provisions of the 1971 Convention and Economic and Social Council resolutions on substances listed in schedule III and IV of that convention. One representative warned the Commission of the increasing trend in the diversion of licit pharmaceuticals containing narcotic drugs or psychotropic substances, to be abused in combination with other internationally controlled substances or alcohol.

15. The Commission took note of the findings of the Board regarding the consumption of buprenorphine, its use in substitution treatment and the call for considering whether it might be more appropriate to place that substance under the control of the 1961 Convention instead of the 1971 Convention.

2. Report of the International Narcotics Control Board for 2001 on the implementation of article 12 of the 1988 Convention

16. The President of the Board introduced the report of the Board for 2001 on the implementation of article 12 of the 1988 Convention. The Board was commended for its report, which constituted a comprehensive review of the global situation regarding precursor chemical control. The Commission noted the efforts by the Board to assist Governments in preventing the diversion of such chemicals.

17. The Commission, noting with concern the increasing reports of illicit manufacture of amphetamine-type stimulants in many countries, welcomed the initiative by the Board to convene an international meeting on precursors for amphetamine-type stimulants. Recognizing the need to devise working mechanisms and standard operating procedures to prevent the diversion of precursors used in the illicit manufacture of those substances, the Commission urged Governments to work with the Board in developing and implementing concrete proposals.

18. The Commission expressed satisfaction at the fact that positive results were already being reported by participants in Operation Topaz, the international programme for tracking individual shipments of acetic anhydride, a critical chemical used in the illicit manufacture of heroin. The Commission also noted the successes reported under Operation Purple, the international programme for tracking shipments of potassium permanganate, a key chemical used in the illicit manufacture of cocaine. In particular, the Commission endorsed the findings by the Board, the international focal point for the exchange of information in those operations, that efforts should be made by Governments to make greater use of investigative techniques such as controlled delivery, the back-tracking of intercepted consignments to identify the actual source and the initiation of intelligence-driven investigations to identify drug trafficking networks responsible for diversion attempts.

19. The Commission was informed that, as a result of the transfer of both acetic anhydride and potassium permanganate from Table II to Table I of the 1988 Convention, pursuant to Commission decisions 44/5 and 44/6, many Governments were introducing stricter measures for monitoring the international trade in those substances. The Commission recognized the need for all Governments to institutionalize the procedures and mechanisms utilized during Operation Purple,

which had proven so successful in preventing the diversion of potassium permanganate.

20. Several representatives confirmed the use of pre-export notifications as an effective tool to prevent the diversion of controlled chemicals. It was emphasized that there was a need to provide feedback to such notifications in a timely manner. Pre-export notifications were an essential component of both Operation Purple and Operation Topaz. It was noted that the Board played an important role in assisting Governments with the exchange of essential information in order to verify the legitimacy of individual transactions.

21. The Commission was informed that, to ensure that the changing trends in the diversion of precursor chemicals were adequately addressed, current control measures and, in some cases, existing legislation were being reviewed by Governments. In particular, concern was expressed over the increasing trend in the diversion of precursor chemicals from domestic distribution channels; it was noted that efforts to prevent such diversion were urgently required. The Commission was informed of reviews and initiatives being made by Governments in that area.
