



## Economic and Social Council

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### Commission on Narcotic Drugs

#### Fiftieth session

Vienna, 12-16 March 2007

Agenda item 7 (c)

#### Implementation of the international drug control treaties: follow-up to the twentieth special session of the General Assembly

**Germany,\* Japan, Switzerland and United States of America: revised draft  
resolution**

#### **Prevention of diversion of drug precursors and other substances used for the illicit manufacture of narcotic drugs and psychotropic substances**

*The Commission on Narcotic Drugs,*

*Recalling* the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>1</sup> in particular article 12, which lays down the principles and mechanisms for the international cooperation and control of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, hereinafter referred to as “drug precursors”,

*Noting* with satisfaction the increasing number of parties to the 1988 Convention, and mindful of the immense effectiveness of drug precursor control in disrupting the illicit manufacture of and illicit trafficking in narcotic drugs and psychotropic substances,

*Alarmed* by the number of stopped shipments and seizures of amphetamine-type-stimulant precursors, as reported by the International Narcotics Control Board,

*Concerned* by the constantly changing modus operandi of diversion and illicit trafficking in drug precursors involving changing methods of drug manufacture with recourse to new or different chemical substances and new trafficking routes,

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\* On behalf of the States Members of the United Nations that are members of the European Union.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.



*Concerned* in particular by the continued threat of diversion of ephedra (as plant material or in processed form) which is being targeted by traffickers with the aim of using it in the illicit manufacture of methamphetamine,

*Concerned also* by the increased threat of diversion of phenylacetic acid, the precursor of 1-phenyl-2-propanone, which is the essential chemical substance frequently used in the illicit manufacture of amphetamine and methamphetamine,

*Recalling* its resolution 49/3 on strengthening systems for the control of precursor chemicals used in the manufacture of synthetic drugs, in which it emphasized the physical and psychological damage caused by synthetic drugs, especially methylenedioxymethamphetamine (commonly known as “ecstasy”), methamphetamine and amphetamine,

*Alarmed* that large numbers of diversion attempts involving considerable amounts of ephedra (as plant material or in processed form) in all regions of the world, as well as alarming increases of diversion attempts involving 1-phenyl-2-propanone and phenylacetic acid, have been reported by the International Narcotics Control Board,

*Recalling* General Assembly resolution 59/162 of 20 December 2004 on follow-up on strengthening the systems of control over chemical precursors and preventing their diversion and trafficking, in which the Assembly recommended that Member States develop or further adapt regulatory and operational control procedures to counter the diversion of chemical substances into illicit drug manufacture and reaffirmed the importance of using all available legal means or measures to prevent the diversion of chemicals from legitimate trade to illicit drug manufacture as an essential component of comprehensive strategies against drug abuse and trafficking and of preventing access to chemical precursors by those engaged in or attempting to engage in the processing of illicit drugs,

*Recognizing* that regulatory and law enforcement authorities should exercise heightened vigilance in the monitoring of international trade in ephedra (as plant material or in processed form) and phenylacetic acid,

*Stressing* that drug precursors and other substances used for illicit drug manufacture, especially ephedra (as plant material or in processed form), are being trafficked on a global scale, involving most regions of the world and requiring border control authorities to exercise specific heightened vigilance,

*Concerned* that trafficking organizations may be turning to the use of non-controlled substances, involving also the use of derivatives and/or substitute chemicals, to replace controlled substances in illicit drug manufacture in order to circumvent controls,

*Noting* the increased complexity of globalized trade and the rapidity of trade flows with different sectors of industry involved, as well as operators along the supply chain, including intermediaries involved in those transactions where the substances do not physically enter the territory where the intermediaries are located (drop shipments),

*Recalling* article 12, paragraph 9 (a), of the 1988 Convention, which underlines the importance of cooperation between competent authorities and different industries in the identification of suspicious transactions,

*Recalling* General Assembly resolution S-20/4 B of 10 June 1998, in which the Assembly emphasized the importance of substitute chemicals and called upon Member States to apply monitoring mechanisms, whether voluntary, administrative or legislative, in cooperation with the chemical industry to prevent diversion from licit channels,

*Recognizing* that competent authorities, as well as relevant sectors of industry and relevant operators along the supply chain, need to be made aware of the use of those non-controlled substances in the illicit manufacture of drugs and the relevant diversion patterns and cooperate in order to be able to quickly respond to changing patterns and to identify suspicious transactions,

*Stressing* that such comprehensive strategies also require different degrees of measures, namely fully enacted legislative measures that should principally focus on drug precursors essential to the drug manufacturing process, as well as flexible, voluntary monitoring systems to complement the legal requirements, focusing on non-controlled substances, in particular those substances with common licit uses that are traded in very high quantities and that are easily replaceable, in order to allow regulatory and law enforcement authorities, as well as industries, to quickly respond to changes in diversion patterns,

*Recalling* Economic and Social Council resolution 1993/40 of 27 July 1993,

*Recalling also* Economic and Social Council resolution 1996/29 of 24 July 1996, in section I of which the Council called upon, inter alia, the International Narcotics Control Board, to establish a limited international special surveillance list of non-scheduled substances, and section II of that resolution, entitled "Recommendations for action", and the requests made in that section to the International Narcotics Control Board, which were subsequently fulfilled, in close cooperation with Member States,

*Concerned* that non-controlled substances, including derivatives and/or substitute chemicals, found in illicit drug laboratories differ depending on the State, therefore requiring, in addition to further development of the limited international special surveillance list and recommended actions, voluntary cooperation instruments at the national level,

*Recognizing* the important role of precursor analysis laboratories as part of national drug control systems and the value of laboratory results and data to criminal justice systems and law enforcement and health authorities, as well as in making decisions on policy,

*Recalling* article 2 of the 1988 Convention, which states that the purpose of the Convention is the promotion of cooperation among the parties so that they may address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances having an international dimension,

*Noting* the need for international cooperation among precursor analysis laboratories and relevant national competent authorities, especially in the case of sending samples of precursors across borders for analysis,

*Recalling* its resolution 45/4, in which it invited Governments to conclude agreements and arrangements authorizing the effective use of the investigative technique of controlled delivery,

1. *Calls upon* Member States to recognize the heightened threat of diversion of ephedra (as plant material or in processed form), which is targeted by traffickers for use in the illicit manufacture of methamphetamine, as well as phenylacetic acid, the precursor of 1-phenyl-2-propanone, which is the essential chemical substance frequently used in the illicit manufacture of amphetamine and methamphetamine;
2. *Calls upon* Member States to exercise increased vigilance in the monitoring of the trade movements of ephedra (as plant material or in processed form) and phenylacetic acid by sending pre-export notifications, where possible, using the Pre-Export Notification Online system of the International Narcotics Control Board for all consignments of ephedra (as plant material or in processed form) and phenylacetic acid, in order to enable the authorities in the countries of destination to verify the licit purposes of the transaction and to react adequately, and invites Member States that are countries of destination to provide timely responses to those pre-export notifications;
3. *Calls upon* Member States that are exporting, importing and transit countries, in particular through their border control authorities, to exercise increased vigilance with respect to consignments of ephedra (as plant material or in processed form) and phenylacetic acid, in order to identify suspicious consignments that were not subject to pre-export notification;
4. *Invites* Member States to ensure that mechanisms are in place to collect information on ephedra (as plant material or in processed form) and to use form D<sup>2</sup> to provide to the International Narcotics Control Board information on licit trade and illicit trafficking in ephedra (as plant material or in processed form);
5. *Calls upon* Member States to develop further, and to the extent possible, voluntary monitoring systems to complement their national laws and regulations by further fostering cooperation between competent authorities and industrial sectors concerned and operators along the supply chain, including intermediaries involved in those transactions where the substances do not physically enter the territory where the intermediaries are located (drop shipments), thereby providing the flexibility required to quickly respond to changing modus operandi in the diversion of drug precursors;
6. *Invites* Member States that have not already done so, where appropriate and possible, to apply at the national level the monitoring measures associated with the limited international special surveillance list of non-scheduled substances, set up by the International Narcotics Control Board through voluntary cooperation with industrial sectors concerned and operators along the supply chain;
7. *Invites* Member States to interchange national voluntary monitoring lists of relevant non-controlled substances, where appropriate and possible, in order to create increased awareness of the risk of diversion in the case of exports of those substances to those States;
8. *Calls upon* Member States to provide the International Narcotics Control Board with information on trafficking and diversion patterns of non-controlled

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<sup>2</sup> Entitled "Annual information on substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances".

substances in order to further develop the limited international special surveillance list;

9. *Calls upon* Member States that have not already done so, and where appropriate, to further develop national guidelines and training programmes for operators, in cooperation with the International Narcotics Control Board and the United Nations Office on Drugs and Crime, in order to facilitate and to enhance legal and voluntary cooperation with the industrial sectors concerned, making them aware of their responsibilities and providing practical advice to identify suspicious transactions and orders;

10. *Calls upon* Member States to put in place internal arrangements and appropriate training programmes to ensure that relevant measures are implemented between the authorities concerned in order to improve the results achieved in preventing the diversion of drug precursors and non-controlled substances;

11. *Encourages* Member States to review their national legislation with a view to facilitating the exchange of samples of precursors with authorized drug and precursor analysis laboratories without application of import or export restrictions or, when one is required, facilitating the issuing of such an import or export permit;

12. *Further calls upon* Member States to extend, to the extent possible and within the scope of existing legislation, agreements and arrangements authorizing controlled deliveries in investigations relating to the misuse of non-controlled substances in the illicit manufacture of drugs;

13. *Invites* Member States and relevant international organizations to cooperate closely with the International Narcotics Control Board, in particular its Project Prism and Project Cohesion, in order to enhance the success of those international initiatives.

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