



## Economic and Social Council

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### Commission on Narcotic Drugs

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Item 7 (c) of the provisional agenda\*

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

#### **Germany\*\* and United States of America: draft resolution**

#### **Prevention of diversion of drug precursors**

*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 sets out the principles and mechanisms for 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 contracting parties to the 1988 Convention and mindful of the immense effectiveness of drug precursor control in disrupting the illicit manufacture of and trafficking in drugs,

*Alarmed* that, as reported by the United Nations Office on Drugs and Crime, seizures of precursors of amphetamine-type stimulants have reached record levels,

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

*Concerned*, in particular, by the continued threat posed by the diversion of ephedra, the plant material from which ephedrine and pseudoephedrine can be

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\* E/CN.7/2007/1.

\*\* 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.



extracted, which is being targeted by traffickers as it is used in the illicit manufacture of methamphetamine,

*Concerned also* by the increased threat posed by the diversion of phenylacetic acid, the precursor used to obtain 1-phenyl-2-propanone, which is the essential chemical substance frequently used in an alternative method for illicitly manufacturing 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,

*Concerned* that, as reported by International Narcotics Control Board, there has been a large number of attempts at diverting considerable amounts of ephedra in all regions, as well as an alarming increase in attempts at diverting 1-phenyl-2-propanone and phenylacetic acid,

*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 emphasized the importance of comprehensive strategies to prevent access to chemical precursors and other substances used in illicit drug manufacture,

*Recognizing* that regulatory and law enforcement authorities should exercise heightened vigilance in the monitoring of international trade in ephedra and phenylacetic acid,

*Stressing* that drug precursors, especially ephedra, are being trafficked on a global scale and in most regions of the world, thus requiring specific heightened vigilance by border control authorities,

*Concerned* that trafficking organizations are increasingly turning to the use of non-controlled substances, including derivatives and/or substitute chemicals, to replace controlled substances in illicit drug manufacture,

*Noting* the increased complexity of globalized trade and the rapidity of trade flows involving various economic sectors, as well as the various operators acting as intermediaries along the supply chain and transactions known as drop shipments, in which the substances being traded do not physically enter the territory where the broker is located,

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

*Recalling also* General Assembly resolution S-20/4 B, in which the Assembly emphasized the importance of substitute chemicals and called upon Member States to implement 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 all relevant sectors of industry and operators along the supply chain, need to be made aware of the use of those non-controlled substances in illicit drug manufacture and the relevant patterns of their diversion and to cooperate in order to be able to respond quickly to changing patterns and identify suspicious transactions,

*Stressing* that such comprehensive strategies also require different degrees of measures, namely, fully enacted legislative measures focusing principally on drug precursors that are essential to the drug manufacturing process, as well as flexible, voluntary monitoring systems that complement the legal requirements and that focus on non-controlled substances, in particular those substances that have common, licit uses, that are traded in very large quantities and that are easily replaceable, in order to enable 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,

*Concerned* that non-scheduled substances, including derivatives and/or substitute chemicals, found in illicit drug laboratories differ according to their State or region, thus requiring, in addition to the further development of the limited international special surveillance list and international guidelines for operators, instruments for voluntary cooperation at the national level, the regional level or both,

*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, law enforcement and health authorities, as well as to policymaking,

*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 cases involving the cross-border transfer of samples of precursors for analysis, in which import and export restrictions should not be applied or, when required, an import or export permit should be issued,

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

1. *Calls upon* Member States to recognize the heightened threat posed by the diversion of ephedra by traffickers for use in the illicit manufacture of methamphetamine, as well as phenylacetic acid, the main precursor used to obtain the precursor 1-phenyl-2-propanone, which is used in an alternative method for manufacturing methamphetamine and amphetamine;

2. *Encourages* Member States to exercise increased vigilance in monitoring the movements of trade in ephedra 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 and phenylacetic acid to enable the authorities in the countries of destination to verify whether the transactions are for legitimate purposes and to react accordingly;
3. *Calls upon* importing and transit countries, in particular their border control authorities, to exercise increased vigilance with respect to consignments of ephedra 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 and to use form D to provide the International Narcotics Control Board information on trafficking and licit trade in ephedra;
5. *Calls upon* Member States to further develop voluntary monitoring systems to complement their national laws and regulations by further fostering cooperation between competent authorities and all economic sectors and intermediaries concerned, including for those transactions known as drop shipments, in which substances do not physically enter the territory where the broker is located, 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, to apply at the national or regional 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 the relevant industries and operators along the supply chain;
7. *Invites* Member States to exchange national and regional voluntary monitoring lists of relevant non-scheduled substances, where appropriate, in order to increase awareness of the risk of diversion of exports of those substances to those States and their regions;
8. *Calls upon* Member States to provide the International Narcotics Control Board with information on trafficking and diversion patterns of non-controlled substances in order to further develop the limited international special surveillance list;
9. *Also calls upon* Member States that have not already done so, where appropriate, to further develop, in cooperation with the International Narcotics Control Board and the United Nations Office on Drugs and Crime, national and/or regional guidelines and training programmes for operators in order to facilitate and enhance legal and voluntary cooperation with all industries concerned by making operators aware of their responsibilities and by providing practical advice to identify suspicious transactions and orders;
10. *Further calls upon* Member States to put in place internal arrangements and appropriate training programmes to ensure that relevant measures are implemented among the authorities concerned in order to enhance the results achieved in preventing the diversion of drug precursors and non-controlled substances;

11. *Further calls upon* Member States to fully cooperate by allowing the transfer of samples of precursors to authorized drug and precursor analysis laboratories without the application of import or export restrictions or, when required, by issuing import or export permits;

12. *Further calls upon* Member States to extend, to the extent possible and within the scope of existing legislation, agreements and arrangements providing for controlled deliveries in order to cover investigations relating to the use 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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