

CHAPTER I

MATTERS REQUIRING ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

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

DRAFT RESOLUTION I

Improvement of the functioning of the subsidiary bodies of the Commission on Narcotic Drugs*

The Economic and Social Council,

Noting the report of the Executive Director of the United Nations International Drug Control Programme on the nature, frequency and duration of the meetings of heads of national drug law enforcement agencies, requested by the Commission on Narcotic Drugs at its thirty-fourth session, and the comments thereon by the Commission as reflected in the report on its thirty-fifth session, 1/

Welcoming the possibility of more active participation of the Customs Cooperation Council and the International Criminal Police Organization in the meetings of subsidiary bodies of the Commission on Narcotic Drugs,

Aware of the ongoing examination of possible ways of scheduling various regional drug-law-enforcement-related meetings of United Nations bodies and organizations and intergovernmental organizations so as to increase cooperation between those bodies and organizations and to avoid duplication of effort and overlapping,

I

1. Decides to approve the application by Iraq for membership in the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East;

2. Endorses in principle that membership in the regional meetings of heads of national drug law enforcement agencies should be based on membership in the respective regional economic commissions;

3. Reiterates that observer status in all subsidiary bodies of the Commission on Narcotic Drugs is open to all States requesting such status;

II

4. Decides that in future the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East shall, in principle, meet once annually for a period of five days in one of the countries covered by the region of the Sub-Commission;

* See paragraph 121 below.

5. Confirms that the Meeting of Heads of National Drug Law Enforcement Agencies, Africa, the Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, and the Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean, shall each continue to meet annually in a country of their respective regions;

6. Decides that the Second Meeting of Heads of National Drug Law Enforcement Agencies, Europe, shall convene in 1993 at the United Nations Office at Vienna;

7. Invites the Second Meeting of Heads of National Drug Law Enforcement Agencies, Europe, to review its schedule of future meetings, taking into account regional meetings organized by the International Criminal Police Organization;

III

8. Invites the Executive Director of the United Nations International Drug Control Programme to continue to explore possible means of rationalizing the schedule of regional drug-law-enforcement-related meetings so as to avoid duplication of effort and possibly free resources that could be used for other meetings;

9. Requests the Commission on Narcotic Drugs to further examine the functioning of its subsidiary bodies on a regular basis.

1/ Official Records of the Economic and Social Council, 1992, Supplement No. ... (E/1992/...), chap. IV, sect. E.

DRAFT RESOLUTION II

Measures to prevent diversion of precursor and essential chemicals to the illicit manufacture of narcotic drugs and psychotropic substances *

The Economic and Social Council,

Concerned about the diversion of precursor and essential chemicals from commercial channels to the illicit manufacture of heroin, cocaine and other narcotic drugs and psychotropic substances,

Recalling the provisions of articles 3 and 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 ^{1/} and Table I and Table II of that Convention,

Noting the constructive work of the Chemical Action Task Force established by the heads of State or Government of the Group of Seven major industrialized countries and the President of the Commission of the European Communities at the sixteenth annual economic summit, held at Houston, Texas, in July 1990, in developing effective procedures to prevent the diversion of precursor and essential chemicals,

Noting also the recommendations contained in the final report of the Chemical Action Task Force, in particular those on international and domestic trade in substances subject to international control, together with the practical measures for preventing chemical diversion and for developing international cooperation between the competent administrative and law enforcement authorities,

Noting furthermore the decision by the Commission on Narcotic Drugs at its thirty-fifth session to add ten substances to Table I and Table II of the 1988 Convention,

Welcoming the outcome of the Conference on Chemical Control Operations convened at Lyon in September 1991 by the Government of the United States of America, in association with the International Narcotics Control Board, the Customs Cooperation Council and the International Criminal Police Organization, and the work that has subsequently taken place on the establishment of mechanisms for sharing information between the databases of those organizations and the establishment of procedures to verify the authenticity of applications for export authorizations,

Recognizing the importance of close collaboration between Governments and the chemical industry in preventing chemical diversion,

1. Invites all Governments which have not already done so to establish effective legislative, procedural and cooperative measures to implement article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

2. Underlines the importance of applying suitable regulatory measures, in accordance with the provisions of article 18 of the 1988 Convention, to every stage of the receipt, storage, handling, processing and delivery of precursor and essential chemicals in free ports and free trade zones and in other sensitive areas such as bonded warehouses;

* See paragraph 143 below.

3. Invites the Secretary-General to develop suitable model texts for the implementation of articles 3 and 12 of the 1988 Convention, taking into account work already undertaken by organizations and bodies such as the European Economic Community, the Organization of American States and the Chemical Action Task Force;

4. Invites all chemical-manufacturing States to monitor routinely the export trade in precursor and essential chemicals in a way that will enable them to identify changes in export patterns that suggest the diversion of such chemicals into illicit channels;

5. Invites States in which precursor and essential chemicals are manufactured and States in regions in which narcotic drugs and psychotropic substances are illicitly manufactured to establish close cooperation in order to prevent the diversion of precursor and essential chemicals into illicit channels and, if necessary on a regional basis, to consider the establishment of bilateral agreements or arrangements where appropriate ;

6. Urges States that export chemicals essential to the illicit production of heroin and cocaine, namely acetic anhydride, acetone, ethyl ether, hydrochloric acid, methyl ethyl ketone (MEK), potassium permanganate, sulphuric acid and toluene, to establish suitable mechanisms to detect and prevent their diversion and illicit trafficking and, where there is a risk of diversion of or illicit trafficking in those substances, to ensure that:

(a) Exporters of those essential chemicals are identified;

(b) Exporters of those essential chemicals are required to keep detailed records of all export transactions, including details of ultimate consignees, and to make these available for inspection by the competent authorities;

(c) An export authorization is required in respect of any consignments of commercial quantities of those essential chemicals to any State that has been identified as being concerned by the illicit manufacture of heroin or cocaine on its territory or as sensitive as regards the possible diversion of essential chemicals, taking into account the relevant reports of the International Narcotics Control Board, the Customs Cooperation Council and the International Criminal Police Organization;

(d) Applicants for export authorizations are required to provide full details of ultimate consignees and transport arrangements;

(e) The competent authorities, in considering applications for export authorizations, take reasonable steps to verify the legitimacy of transactions, in consultation, where appropriate, with their counterparts in importing countries;

7. Recommends that, if permitted by the basic principles of their legal systems, States should strengthen law enforcement cooperation by applying the technique of controlled delivery at the international level in appropriate circumstances to suspect consignments of precursor and essential chemicals;

8. Requests the United Nations International Drug Control Programme, in preparing assistance programmes for law enforcement and other agencies in States and regions in which drugs are illicitly manufactured, to give priority to providing resources for improving communications, equipment and training in preventing chemical diversion;

9. Invites the United Nations International Drug Control Programme and national laboratories to consider how they might assist in developing reliable field and laboratory testing methods to be used by national law enforcement agencies and laboratories in identifying scheduled chemicals;

10. Invites Member States to consider how to fund the production and distribution of the field testing kit developed by the Laboratory of the United Nations International Drug Control Programme;

11. Invites the International Narcotics Control Board to consider, in consultation with Governments, the feasibility of compiling and making available to Governments information on the global pattern of trade in scheduled chemicals, bearing in mind the resource implications of such a requirement and the need to protect information of a commercially sensitive nature;

12. Also invites the International Narcotics Control Board to publish and maintain a directory containing the following information:

(a) The names, addresses and telephone and telefacsimile numbers of the administrative and law enforcement authorities responsible for regulating or enforcing national controls over precursor and essential chemicals;

(b) A summary of the regulatory controls that apply in each State, especially with regard to the importation and exportation of substances listed in Table I and Table II of the 1988 Convention;

13. Requests the General Assembly to allocate adequate resources from within the existing level of resources of the regular budget of the United Nations to enable the International Narcotics Control Board and the United Nations International Drug Control Programme to discharge their functions under the present resolution and article 12 of the 1988 Convention;

14. Commends the Customs Cooperation Council for its work in establishing a discrete tariff code in the Customs Nomenclature for each of the substances specified in Table I and Table II of the 1988 Convention;

15. Invites the Customs Cooperation Council to establish a discrete tariff code for any new substance commonly used in the manufacture of narcotic drugs and psychotropic substances, the monitoring of which the International Narcotics Control Board might consider to be justified;

16. Invites Governments to establish close cooperation with the chemical industry with a view to identifying suspicious transactions of precursor and essential chemicals and, where appropriate, to encourage the industry to establish codes of conduct to complement and enhance compliance with regulatory requirements;

17. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

1/ United Nations publication, Sales No. E.91.XI.6.

DRAFT RESOLUTION III

Demand for and supply of opiates for medical and scientific needs*

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, 1987/31 of 26 May 1987, 1988/10 of 25 May 1988, 1989/15 of 22 May 1989, 1990/31 of 24 May 1990 and 1991/43 of 21 June 1991,

Emphasizing once again that achieving a balance between licit supply of opiates and the legitimate demand for opiates for medical and scientific purposes constitutes an important aspect of the international strategy and policy of drug abuse control and that resolving the problem of excess stocks of opiate raw materials is an essential step in that direction,

Noting the fundamental need for international cooperation and solidarity in overcoming the problem of excess stocks, which has been imposing heavy financial and other burdens on the traditional supplier countries,

Having noted the valuable recommendations made by the International Narcotics Control Board in its special reports on the demand for and supply of opiates for medical and scientific needs, 1/, 2/

Having considered the report of the International Narcotics Control Board for 1991, 3/, in particular paragraphs 81 to 88 on the demand for and supply of opiates for medical and scientific needs,

1. Urges all Governments to continue to give serious consideration to ways to bring about rapid improvement in solving the problem of excess stocks of opiate raw materials held by the traditional supplier countries;

2. Requests all Governments to take measures to implement the Economic and Social Council resolutions on the demand for and supply of opiates for medical and scientific needs, particularly in the light of the cautionary note contained in paragraph 82 of the report of the International Narcotics Control Board for 1991 3/ to the effect that 'starting in 1992, projected figures show that world production of opiate raw materials may cease to be below global consumption of opiates';

3. Commends the International Narcotics Control Board for its efforts to monitor the implementation of the recommendations contained in its special report for 1989 on the demand for and supply of opiates for medical and scientific needs, prepared in conjunction with the World Health Organization 2/;

* See paragraph 175 below.

4. Encourages the International Narcotics Control Board to continue its informal discussions with the main producers of raw materials for opiates and the main importers about the supply and demand question during sessions of the Commission.

5. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

1/ United Nations publication, Sales No. E.82.XI.4.

2/ United Nations publication, Sales No. E.89.XI.5.

3/ United Nations publication, Sales No. E.91.XI.4.

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

2. At its 1076th meeting, on 15 April 1992, the Commission discussed its programme of future work and priorities under agenda item 6. It drew up the provisional agenda and list of documents for its thirty-sixth session, to be held in 1993, and decided by consensus to submit the following draft decisions to the Council for adoption:

I

**Provisional agenda and documentation for the thirty-sixth session
of the Commission on Narcotic Drugs***

At its ... plenary meeting, on ... 1992, the Economic and Social Council approved the following provisional agenda and documentation for the thirty-sixth session of the Commission on Narcotic Drugs:

1. Election of Officers.
2. Adoption of the agenda and other organizational matters.

Documentation

Provisional agenda
Annotated provisional agenda

3. General debate: Examination of the world situation with respect to drug abuse, including illicit demand, illicit trafficking and illicit supply:
 - (a) General statements;
 - (b) Substantive debate and conclusions.

Documentation

Reports by the Secretariat (as necessary)

Reports of the regional HONLEAs and of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East

Report of the International Narcotics Control Board (Relevant part)

Reports of intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council

4. Activities of the United Nations International Drug Control Programme.

Documentation

Report of the Executive Director on the work of the United Nations International Drug Control Programme

5. Implementation of the international drug control treaties:
 - (a) Changes in the scope of control of substances;

Documentation

Report of the Secretary-General (as necessary)

- (b) International Narcotics Control Board;

Documentation

Report of the International Narcotics Control Board for 1991
(relevant parts)

- (c) Other urgent action required under the international drug control conventions.

Documentation

Note by the Secretariat (as necessary)

6. Monitoring of the implementation of the Global Programme of Action and of the implementation and development of the United Nations System-Wide Action Plan on Drug Abuse Control.

Documentation

Note by the Secretariat

7. Administrative and budgetary matters.

Documentation

Note by the Secretariat

8. Draft agenda of the next session and future work.

Documentation

Note by the Secretariat

9. Other matters.

Documentation

(as necessary)

10. Adoption of the report of the Commission at thirty-sixth session.

3. At its 1069th and 1070th meetings, on 10 April 1992, the Commission discussed the report of the International Narcotics Control Board for 1991. The attention of the Council is drawn to the Commission's comments, contained in chapter V of the present report. In that connection, the Commission recommended to the Council the adoption of the following draft decision:

II

Report of the International Narcotics Control Board

At its ... plenary meeting, on ... 1992, the Economic and Social Council took note of the report of the International Narcotics Control Board for 1991.

4. At its 1076th meeting, on 15 April 1992, the Commission adopted by consensus the report on its thirty-fifth session, and requested the secretariat to submit the following draft decision to the Council for adoption:

III

Report of the Commission on Narcotic Drugs

At its ... plenary meeting, on ... 1992, the Economic and Social Council took note of the report of the Commission on Narcotic Drugs on its thirty-fifth session.