

CHAPTER I

MATTERS REQUIRING ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

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

DRAFT RESOLUTION I

Integration of demand reduction initiatives into a cohesive strategy to combat drug abuse*

The Economic and Social Council,

Recalling the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control adopted by the International Conference on Drug Abuse and Illicit Trafficking 1/ and Economic and Social Council resolution 1991/46 of 21 June 1991,

Acknowledging the Political Declaration and Global Programme of Action adopted by the General Assembly at its seventeenth special session, 2/ on 23 February 1990,

Reaffirming the importance of Council resolution 1993/35 of 27 July 1993, concerning demand reduction as part of balanced national strategic plans to combat drug abuse, and the need to ensure its implementation,

Recognizing that demand reduction encompasses prevention, treatment and rehabilitation as well as social reintegration,

Further recognizing the particularly important role of prevention within demand reduction,

Reminding Governments of article 22, paragraph 1 (b), of the Convention on Psychotropic Substances of 1971, 3/ of article 36 paragraph 1 (b), of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, 4/ and of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) adopted by the General Assembly in its resolution 45/110 of 14 December 1990 which offer the possibility of applying to drug abusers, in appropriate cases of a minor nature, alternatives to, or measures in addition to, conviction and punishment, such as treatment,

* See paragraph 54 below.

Stressing the importance of a long-term global commitment to alleviating the serious consequences of drug abuse for the health and the social, economic, political and cultural fabric of communities,

Believing that optimum effectiveness in drug abuse control would best be achieved through a balanced approach, applying the appropriate emphasis and resources to initiatives involving both demand and supply reduction, and integrating such initiatives into a cohesive and comprehensive strategy,

Also believing that effectiveness in combating drug abuse is enhanced by cooperation and the combined efforts of all sectors of society, including those of voluntary and non-governmental organizations in the ownership of problems and the quest for solutions,

Stressing the importance of evaluating programmes for drug abuse control and sharing information on their effectiveness,

1. Requests the Executive Director of the United Nations International Drug Control Programme, in consultation with Governments, appropriate United Nations agencies and non-governmental organizations, to clearly define their global strategy for demand reduction, specifying their aims, priorities and responsibilities, and to report to the Commission on Narcotic Drugs at its thirty-ninth session;

2. Also requests the Executive Director to develop, in consultation with Governments as well as organizations represented in the Commission by observers, a draft declaration on the guiding principles of demand reduction, for submission to the Commission at its thirty-ninth session, and subsequently, through the Economic and Social Council, to the General Assembly for adoption;

3. Further requests the Executive Director, in preparing such a draft declaration, to take into account the relevant recommendations contained in the Global Programme of Action and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, with due regard to flexibility in approach and cost effectiveness;

4. Further requests the Executive Director to report to the Commission at its thirty-ninth session on the implementation of Economic and Social Council resolution 1994/3 of 20 July 1994, with particular attention to progress made in the development of innovative methods of data collection and analysis, the identification of reliable and comparable data regarding the nature, extent and consequences of drug abuse, and the revision of the annual reports questionnaire;

5. Requests that demand reduction be a permanent item on the agenda at each session of the Commission;

6. Encourages Governments, regional organizations and multilateral agencies to work together in developing knowledge of the social and economic costs of drug abuse as a contribution

towards the objective assessment of the cost benefits of policy and programme options in order to achieve established goals or aims of strategies to reduce the supply of and demand for drugs;

7. Also encourages Governments to adopt comprehensive national strategies that reflect the reality and necessity of a balance between supply and demand reduction efforts, with operational linkages between those two areas, taking into account the social, economic and cultural conditions of individual countries;

8. Encourages the Executive Director of the United Nations International Drug Control Programme to continue to facilitate and promote the dissemination of information and the sharing of the benefits of experience gained in the development and implementation of balanced national strategies integrating comprehensive initiatives aimed at supply and demand reduction;

9. Invites the International Narcotics Control Board to continue to report on progress and deficiencies in demand reduction programmes at the national level, in a manner that will provide a more comprehensive understanding of the illicit drug problem;

10. Encourages intergovernmental cooperation regarding demand reduction at the regional and international level through various means, including meetings for the exchange of information and experiences;

11. Stresses the need for cooperation among all Governments and the importance of involving and assisting voluntary and non-governmental organizations as well as mobilizing community participation in demand reduction;

12. Requests the United Nations International Drug Control Programme to update, in consultation with other United Nations agencies, the Resource Book on Measures to Reduce Illicit Demand for Drugs 5/ and to develop a glossary of terms to ensure a common understanding of terms.

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

1/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

2/ See resolution S-17/2, annex.

3/ United Nations, Treaty Series, vol. 1019, No. 14956.

4/ Ibid., vol. 976, No. 14152.

5/ AR/INF/1982.5.

DRAFT RESOLUTION II

Enhanced regional cooperation to reduce
the risks of drug abuse*

The Economic and Social Council,

Alarmed at the escalation of drug abuse problems and at the increase in the range of substances being abused in all regions,

Recognizing that the negative implications of drug abuse have global, regional and national dimensions,

Also recognizing the negative consequences caused by the abuse of licit drugs,

Alarmed at the increasing rate of infection by the human immunodeficiency virus (HIV), hepatitis C and other blood-borne viruses associated with injecting drug use,

Deeply concerned that illicit demand for, production of, and trafficking in narcotic drugs and psychotropic substances are taking on new dimensions that threaten public health and the social, economic and political conditions in affected countries and areas,

Reaffirming the determination of the international community to fight against drug abuse and illicit trafficking in accordance with international law and, in particular, with respect for the principle of sovereignty and territorial integrity of States,

Recognizing that the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control adopted by the International Conference on Drug Abuse and Illicit Trafficking 1/ and the Global Programme of Action adopted by the General Assembly at its seventeenth special session, 2/ on 23 February 1990, serve as useful guidelines for developing and implementing strategies to fight against the problems of drug abuse and illicit trafficking,

Recalling its resolution 1993/35 of 27 July 1993 on demand reduction as part of balanced national strategic plans to combat drug abuse,

Commending the initiatives and collaborative efforts of many countries and the establishment of regional coordinating bodies,

Recognizing the progress achieved by the United Nations International Drug Control Programme in the development and implementation of subregional strategies, and commending it for its efforts,

* See paragraph 54 below.

Noting the success of the Asia Pacific Conference on Drug Abuse: a Balanced Approach, held at Sydney, Australia, from 29 May to 2 June 1994, and the declaration adopted by that Conference, in which countries of the region reaffirmed their commitment to the following goals: coordinating and implementing comprehensive measures in both supply and demand reduction; a partnership between health, law enforcement and other relevant agencies, including non-governmental organizations; and effectively addressing the health and social consequences of substance abuse,

Aware of the need for a more comprehensive, integrated and collaborative approach to control the supply of, and demand for, all drugs of abuse, in close cooperation with relevant organizations of the United Nations system and other regional and international organizations,

Recognizing that the complexity of the drug problem requires all sections of the community and Government to work together,

Also recognizing the importance of developing and implementing comprehensive national strategic plans that incorporate a range of supply and demand reduction measures and take into account the social, economic and cultural conditions of individual countries, of establishing national coordinating mechanisms with the involvement of personnel responsible for both law enforcement and demand reduction, of identifying national priorities and coordinating the implementation of strategic plans, and of providing mechanisms for evaluation and where necessary, redirection of strategies,

Recognizing the need for countries to adopt a range of culturally appropriate prevention strategies, including treatment, education, information and rehabilitation, and addressing the social and family problems that may lead to drug abuse and the transmission of infectious diseases, such as acquired immunodeficiency syndrome and hepatitis, through the use of shared injecting equipment,

1. Urges all States and relevant organizations to strengthen their efforts to cooperate with the United Nations International Drug Control Programme in the development and implementation of subregional strategies and to give meaning and substance to the United Nations Decade against Drug Abuse;

2. Urges all States to ratify or accede to and effectively implement the international drug control conventions or, until ratification or accession thereto, and to the extent that they are able to do so, to apply provisionally the terms of those conventions;

3. Encourages regions to explore the need for, and cost benefits of, mechanisms designed to support multi-agency approaches, such as regional conferences that periodically bring together health, law enforcement and other relevant agencies, including non-governmental organizations;

4. Encourages initiatives and projects designed to establish effective regional networking to combat drug abuse;

5. Urges those States with expertise to share their knowledge and experience with other States in their region, having particular regard to priorities in the field of drug abuse control in the States concerned.

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

1/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

2/ See resolution S-17/2, annex.

DRAFT RESOLUTION III

Promoting the use of memoranda of understanding to facilitate cooperation between customs authorities and other competent administrations and the international trading community, including commercial carriers*

The Economic and Social Council,

Deeply concerned about the unlawful use of commercial carriers for the illicit traffic in narcotic drugs and psychotropic substances and in precursors and essential chemicals,

Recalling Economic and Social Council resolution 1993/41 of 27 July 1993 on promoting the use of memoranda of understanding to facilitate cooperation between customs authorities and other competent administrations and the international trading community, including commercial carriers,

Recalling also article 15 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 1/ which provides for cooperation between appropriate authorities, including customs and commercial carriers,

Recognizing the importance of the use of memoranda of understanding concluded between the World Customs Organization, originally established as the Customs Cooperation Council, and international trade and transport organizations, as a means to improving cooperation in combating illicit drug trafficking,

Noting that a review undertaken by the World Customs Organization of the effectiveness of the programme of memoranda of understanding has revealed that both customs operations and trade have benefited from the adoption of such a programme,

Noting also that an increasing number of States have implemented memoranda of understanding,

Noting further that the adoption of a programme of memoranda of understanding has enabled States to improve the capacity of their law enforcement agencies to target and intercept illicit drug trafficking without hindering the free movement of innocent persons and legitimate international trade,

1. Commends the World Customs Organization for its work in demonstrating the effectiveness of the programme of memoranda of understanding developed at both national and international levels to combat illicit drug trafficking;

* See paragraph 76 below.

2. Commends also the cooperation of those Governments which shared their experiences with the World Customs Organization, and thereby demonstrated the wide support of the programme of memoranda of understanding;

3. Invites those Governments to further promote the effectiveness of the programme of memoranda of understanding, notably as reflected in the practical benefits of enhanced cooperation and understanding, and to actively support the efforts of the World Customs Organization by sharing their experiences with other Governments;

4. Further invites more countries and trade organizations to take part in the programme of memoranda of understanding;

5. Urges all States that have not already done so to implement fully article 15 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, by taking appropriate measures to prevent the use of commercial means of transport for the trafficking of illicit drugs.

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

1/ 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).

DRAFT RESOLUTION IV

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, 1991/43 of 21 June 1991, 1992/30 of 30 July 1992, 1993/37 of 27 July 1993 and 1994/5 of 20 July 1994,

Emphasizing that the need to balance the global licit supply of opiates against the legitimate demand for opiates for medical and scientific purposes is central to the international strategy and policy of drug abuse control,

Noting the fundamental need for international cooperation and solidarity with the traditional supplier countries in drug abuse control in general and in the universal application of the provisions of the Single Convention on Narcotic Drugs of 1954 in particular,

Having considered the Report of the International Narcotics Control Board for 1994, 2/ which points out that in 1993 the consumption of opiates was higher than the production of opiate raw materials, and that in 1994 there was a shortage of supply,

Noting that the traditional supplier countries held very limited stocks of opiate raw materials at the end of 1994,

Noting the importance of opiates in pain relief therapy as advocated by the World Health Organization,

1. Urges all Governments to continue contributing to the establishment and maintenance of a balance between the licit supply of and demand for opiates for medical and scientific needs, the achievement of which would be facilitated by maintaining, in so far as their constitutional and legal systems permit, support to the traditional supplier countries, and to cooperate in preventing the proliferation of sources of production and manufacture for export;

2. Urges Governments of all producing countries to adhere strictly to the provisions of the Single Convention on Narcotic Drugs of 1954 and to take effective measures to prevent diversion to illicit channels or otherwise not engage in licit production of opiate raw materials;

* See paragraph 122 below.

3. Urges all Governments to fully comply with relevant recommendations contained in the Report of the International Narcotics Control Board for 1994 in this respect;

4. Commends the International Narcotics Control Board for its efforts in monitoring the implementation of the relevant Economic and Social Council resolutions and, in particular:

(a) In urging the Governments concerned to restrict global production of opiate raw materials to a level corresponding to the actual licit needs and to avoid any proliferation of production;

(b) In convening meetings for establishing a balance between licit demand for and supply of opiates, during sessions of the Commission on Narcotic Drugs, with the main States importing and producing opiate raw materials;

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

1/ United Nations, Treaty Series, vol. 520, No. 7515.

2/ United Nations publication, Sales No. E.95.XI.4.

DRAFT RESOLUTION V

Measures to strengthen international cooperation to prevent diversion of substances listed in Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and used in the illicit manufacture of stimulants and other psychotropic substances*

The Economic and Social Council,

Concerned about the recent discovery of worldwide diversion of vast quantities of ephedrine and pseudoephedrine from licit manufacture and trade to be used for the illicit manufacture of methamphetamine,

Recognizing the rapid increase in illicit trafficking and use of stimulants throughout the world, and the need for the international community to strengthen countermeasures against the illicit trafficking in stimulants and their precursors,

Taking note of the proliferation of the illicit manufacture of a variety of drugs, especially stimulants, which has occurred throughout the world, and the fact that such massive production depends upon an equally massive diversion of substances in Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 1/,

Realizing that brokers frequently serve as mediators in transactions involving substances in Table I which are ultimately diverted,

Recognizing the need for the international community to renew its commitment to cooperation through the exchange of information and to strengthen countermeasures against the illicit traffic in and abuse of psychotropic substances, in particular stimulants, and their precursors,

Noting with appreciation the publication entitled Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1994 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 2/ and welcoming the initiative taken jointly by the International Narcotics Control Board and the Pompidou Group of the Council of Europe to hold a meeting of experts to review the issue of brokers dealing with precursors and psychotropic substances and to consider concrete measures to effectively control the operations of brokers,

Recalling its resolutions 1981/7 of 6 May 1981, 1992/29 of 30 July 1992 and 1993/40 of 27 July 1993,

* See paragraph 141 below.

1. Urges that Governments, where appropriate, invoke article 12, paragraph 10(a), of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, in order to give importing countries advance notice of any shipment of substances in Table I of that Convention;

2. Requests the Government of an exporting country, subject to its legal provisions, to provide the following information to the competent authorities of the importing country prior to any export, even when the importing countries have not yet formally requested such notification under article 12, paragraph 10(a), of the 1988 Convention:

(a) Name and address of the exporter and importer and, when available, of the consignee;

(b) Name of the substance in Table I of the 1988 convention;

(c) Quantity of the substance to be exported;

(d) Expected point of entry and expected date of dispatch;

(e) Such other information as the exporting Government may deem relevant;

3. Requests that, for any substance in Table I of the 1988 Convention, the Government of an importing country, upon receipt of any form of pre-export notification from the exporting country, should undertake, through its regulatory authorities and in cooperation with the law enforcement authorities, an investigation of the legitimacy of the transaction, and, with the possible assistance of the International Narcotics Control Board, convey information thereon to the exporting country;

4. Urges exporting Governments at the same time to conduct their own investigation in questionable cases and to seek information and views from the Board, international organizations and Governments as appropriate, in as much as additional facts establishing suspicion may be available to them;

5. Further requests Governments, where there is sufficient evidence that a substance may be diverted into illicit channels, to stop the shipments or, where circumstances warrant, to cooperate in controlled deliveries of suspicious shipments in special circumstances if the security of the shipment can be sufficiently ensured, if the quantity and nature of the chemical involved is such that it can be managed feasibly and safely by the competent authorities, and if all States whose cooperation is necessary, including transit States, agree to the controlled delivery;

6. Urges Governments to exercise, as a matter of urgency, increased vigilance over the activities of brokers handling substances in Table I of the 1988 Convention, in view of the

special role that some of them play in the diversion of such substances, and to subject them to licensing or other effective control measures as necessary;

7. Urges Governments to ensure, as far as possible, that shipments entering or leaving free ports, free zones and bonded warehouses, be subject, where permitted, to the controls necessary to safeguard against diversion;

8. Urges Governments, subject to the provisions of national legislation on confidentiality and data protection, to inform the Board on a regular basis, upon request of the Board and in the form and manner provided for by it, of the quantities of substances in Table I of the 1988 Convention that they have imported, exported or transshipped, and encourages them to estimate their annual licit needs;

9. Requests the Board, drawing upon the capabilities of the United Nations International Drug Control Programme, to collect information pursuant to paragraph 8 above, and to further develop and strengthen its database in order to assist Governments in preventing diversion of substances in Table I of the 1988 Convention, and the Commission on Narcotic Drugs in discussing the control of illicit manufacture of, trafficking in and use of psychotropic substances, especially of stimulants and their precursors, and in formulating policy recommendations in this field;

10. Requests all Governments to provide the Secretary-General, subject to the provisions of national legislation on confidentiality and data protection, with names and addresses of the manufacturers, within their countries, of substances in Table I of the 1988 Convention, and further requests the Secretary-General to include that information in the publication entitled Manufacture of Narcotic Drugs and Psychotropic Substances under International Control;3/

11. Requests the Secretary-General, with the assistance of the Executive Director of the Programme and in consultation with the Board, to convene, drawing upon voluntary contributions from Governments, expert meetings in 1995 and 1996 of regulatory and law enforcement authorities of interested Governments, in order to discuss countermeasures against illicit manufacture of and trafficking in psychotropic substances, particularly stimulants, and the illicit use of their precursors on the basis of the study to be prepared in accordance with paragraph 12 below;

12. Requests the Secretary-General, with the assistance of the Executive Director of the Programme and in consultation with the Board, to undertake within existing resources a thorough study on stimulants and the use of their precursors in the illicit manufacture of and trafficking in drugs, and to prepare a report thereon for submission to the Commission, taking into account any comments that may be made on the study at the expert meetings referred to in paragraph 11 above;

13. Encourages Governments to consider strengthening, where necessary, the working mechanisms to prevent diversion of

substances listed in Table II of the 1988 Convention, as described in this resolution;

14. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation, and asks the Board, in cooperation with the Programme, to report on its implementation to the Commission at its thirty-ninth session.

1/ E/CONF.82/15 and Corr.2

2/ United Nations publication, Sales No. E.95.XI.1.

3/ ST/NAR.4/1994/1.

B. Draft decisions

2. At its 1120th and 1121st meetings, on 21 March 1995, the Commission discussed its programme of future work and priorities under agenda item 10. It drew up the provisional agenda and list of documents for its thirty-ninth session, to be held in 1996, and recommended to the Council the adoption of the following draft decision:

DRAFT DECISION I

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

At its plenary meeting, on 1995, the Economic and Social Council approved the following provisional agenda and documentation for the thirty-ninth session of the Commission on Narcotic Drugs:

AGENDA

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

Documentation

Annotated provisional agenda

3. General debate: Government action to implement the Global Programme of Action and policy directives addressed to the United Nations International Drug Control Programme, including follow-up to General Assembly resolution 48/12.

Documentation

Report of the Executive Director on the activities of the Programme

Report of the Secretary-General on the Global Programme of Action

4. Principles and practice of primary and secondary prevention in demand reduction programmes.

Documentation

Report of the Secretariat on the world drug abuse situation

Report of the Secretariat on the state of knowledge in primary and secondary prevention

Report of the Secretariat on regional cooperation in demand reduction

5. Illicit drug traffic and supply, including reports from the subsidiary bodies.

Documentation

Report of the Secretariat on illicit drug trafficking

Reports from subsidiary bodies

6. Crops from which drugs are extracted and appropriate strategies for their reduction.

Documentation

Report of the Secretariat

7. Stimulants and the use of their precursors in the illicit manufacture of and trafficking in drugs.

Documentation

Report of the Secretariat

8. Consideration of national drug control plans

Documentation

Report of the Executive Director

9. Implementation of the international drug control treaties.

(a) Changes in the scope of control of substances;

Documentation

Report of the Executive Director (as necessary)

(b) International Narcotics Control Board;

Documentation

Report of the International Narcotics Control Board for 1995

Report of the International Narcotics Control Board on article 12 of the 1988 Convention

(c) Other matters arising under the international drug control conventions.

Documentation

Note by the Secretariat (as necessary)

10. Monitoring of the United Nations System-Wide Action Plan on Drug Abuse Control and other coordination matters.

Documentation

Report of the Executive Director

11. Administrative and budgetary matters.

Documentation

Note by the Executive Director

12. Provisional agenda for the fortieth session of the Commission and future work.

Documentation

Note by the Secretariat

13. Other matters.

Documentation

(as necessary)

14. Adoption of the report of the Commission at its thirty-ninth session.

3. At its 1115th and 1116th meetings, on 17 March 1995, the Commission considered the report of the International Narcotics Control Board for 1994, and recommended to the Council the adoption of the following draft decision:

DRAFT DECISION II

Report of the International Narcotics Control Board

At its plenary meeting, on 1995, the Economic and Social Council took note of the report of the International Narcotics Control Board for 1994.

4. At its 1122nd meeting, on 23 March 1995, the Commission adopted by consensus the report on its thirty-eighth session, and recommended to the Council the adoption of the following draft decision:

DRAFT DECISION III

Report of the Commission on Narcotic Drugs

At its plenary meeting, on 1995, the Economic and Social Council took note of the report of the Commission on Narcotic Drugs on its thirty-eighth session.