

4th Intersessional Meeting of the 62nd CND

24 June 2019

UNODC responses to questions directed to it by Member States

- **Question by Jamaica on whether UNODC and the INCB had plans to assist Member States in the application or implementation of the recommendations, in the event that those are successfully adopted:**

UNODC is ready to support Member States, upon request and availability of resources, in the implementation of the international drug control conventions and of decisions and resolutions by the Commission on Narcotic Drugs. After decisions on scheduling have been made by the Commission, and if Member States are of the view that they require assistance in implementing them, UNODC would be in a position to assess needs in order to plan and provide the required technical assistance.

- **Questions by the Russian Federation on whether there were precedents for moving substances from one convention to the other, and on the use of the similarity criterion for the recommendation to delete substances from Schedule IV of the 1961 Single Convention on Narcotic Drugs:**

- The Commission on Narcotic Drugs has not considered any recommendation to move substances from schedules of the 1961 Single Convention on Narcotic Drugs to schedules of the 1971 Convention on Psychotropic Substances or from the 1971 Convention to the 1961 Convention. The World Health Organization is mandated to make scheduling recommendations under both the 1961 and the 1971 Conventions. The 1971 Convention does not contain provisions on a possible relationship with the 1961 Convention, although during the negotiation process for an instrument on psychotropic substances, one issue under discussion was whether to elaborate a protocol to the 1961 Convention or a separate treaty. If the Commission would deem it necessary to obtain more information on the relationship between the above-mentioned treaties under applicable principles and rules of public international law, it may consider formulating a specific question and requesting, through the secretariat, a legal opinion from the United Nations Office of Legal Affairs.
- While the similarity criterion would be fundamental to include a substance in Schedule I of the 1961 Convention (pursuant to its article 3, paragraph 3), the requirement for a drug – already contained in Schedule I – to also be placed in Schedule IV of the 1961 Convention can be found in its article 3, paragraph 5, i.e. a finding by the World Health Organization that a drug in Schedule I *“is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV”*. Similarity to the substances already included in Schedule IV is not listed as a requirement. Such consideration is also not explicitly excluded, as long as the recommendation is based on the above-mentioned requirement. The criteria to be taken into account in the deletion of a drug from a Schedule, pursuant to article 3, subparagraph 6(b) of the 1961 Convention, are the same employed under the preceding paragraphs for the inclusion of drugs. Reference is made to the response by the World Health Organization on how it has addressed this issue in its recommendation.