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### Commission on Narcotic Drugs

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#### Draft report

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#### Addendum

### Implementation of the international drug control treaties

1. At its 2nd and 5th meetings, on 8 and 10 March, the Commission considered agenda item 9, which read as follows:

“Implementation of the international drug control treaties:

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

“(b) International Narcotics Control Board;

“(c) International cooperation to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes;

“(d) Other matters arising from the international drug control treaties”.

2. For its consideration of item 9, the Commission had before it the following:

(a) Report of the Executive Director on activities of the United Nations Office on Drugs and Crime (E/CN.7/2010/3-E/CN.15/2010/3);

(b) Report of the Executive Director on the proposal concerning quality evaluation of the performance of drug analysis laboratories (E/CN.7/2010/9);

(c) Note by the Secretariat on changes in the scope of control of substances (E/CN.7/2010/12);

(d) Report of the International Narcotics Control Board for 2009 (E/INCB/2009/1);

(e) Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics



Control Board for 2009 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (E/INCB/2009/4);

(f) Competent National Authorities under the International Drug Control Treaties (ST/NAR.3/2009/1);

(g) Note by the Executive Director on drug control, crime prevention and criminal justice: a human rights perspective (E/CN.7/2010/CRP.6-E/CN.15/2010/CRP.1).

3. At its 2nd meeting, the Chairman made an introductory statement on agenda item 9 (a), explaining the background and voting procedure, and the President of the International Narcotics Control Board provided detailed information on the recommendation of the Board to transfer phenylacetic acid from Table II to Table I of the 1988 Convention.

4. At the same meeting, the President of the International Narcotics Control Board made an introductory statement on agenda item 9 (b). Statements were made by the representatives of Spain (on behalf of the European Union), Argentina, Thailand, China, France, Venezuela (Bolivarian Republic of), Switzerland, the Sudan, the United States, Italy, Brazil, the Russian Federation, Germany, Switzerland, the United Kingdom, the Netherlands and Colombia.

5. Statements were also made by the observers of the Republic of Korea, Japan, Mexico, Norway, the Syrian Arab Republic, Mauritania, Saudi Arabia and Indonesia, as well as by the observer for the World Health Organization (WHO) and the observer for Human Rights Watch, who was also speaking on behalf of the International Union against Cancer.

## **A. Deliberations**

### **1. Changes in the scope of control of substances**

#### **Transfer of phenylacetic acid from Table II to Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988**

6. In 2006, the International Narcotics Control Board carried out a review of phenylacetic acid and concluded that information was available that might require the transfer of the substance from Table II to Table I of the 1988 Convention. The Board therefore transmitted a notification and relevant information to the Secretary-General on 16 January 2007. The Secretary-General transmitted to all Governments a note verbale dated 27 April 2007, containing the text of the Board's notification and all the information submitted by the Board in support of that notification, as well as a questionnaire on phenylacetic acid. The Board assessed the replies to the questionnaire and other relevant information and on 18 November 2009 transmitted to the Chair of the Commission on Narcotic Drugs a notification recommending the transfer of phenylacetic acid from Table II to Table I.

## **2. Report of the International Narcotics Control Board for 2009**

7. The President of the International Narcotics Control Board informed the Commission that Tatyana Dmitrieva, First Vice-President of the Board, had passed away on 1 March 2010. The Chairman, on behalf of the Commission, requested the President to convey its condolences to the family of Ms. Dmitrieva.

8. The President introduced the report of the Board for 2009. With reference to chapter I of the report, which focused on the primary prevention of drug abuse, the President stressed that the challenge facing Governments was to systematically take measures to protect young people, particularly the most vulnerable. She encouraged Governments to strengthen and develop partnerships with civil society at the local, national and international levels in order to maximize the use of scarce resources and effectively reduce drug abuse. The President expressed concern regarding the use of drugs and other intoxicating substances to commit sexual crimes and encouraged Governments to raise public awareness of that problem. She welcomed the adoption by the Commission of resolution 52/8, in which it had urged Member States to adopt measures to address the use of substances to facilitate sexual crimes. The President drew the attention of the Commission to a special section of the 2009 report of the Board devoted to the commemoration of the first multinational initiative on drug control, the International Opium Commission, which had been convened in Shanghai, China, in 1909.

9. Many speakers expressed their appreciation to the Board for the preparation of its comprehensive and balanced report on the global drug control situation. Several speakers noted that the report was an important source of information for Governments in addressing the world drug problem and that it pinpointed current challenges. Several speakers called on Governments to implement the recommendations made by the Board in its report for 2009.

10. Many representatives welcomed chapter I of the 2009 report of the Board, on primary prevention of drug abuse. Several speakers noted that primary prevention strategies based on evidence had considerable potential to reduce illicit drug demand. A number of representatives informed the Commission about primary prevention programmes in their countries.

11. Concern was expressed about the increasing trend of cultivation and use of cannabis in the world. Speakers also expressed concern about the abuse of prescription drugs, in particular the risks associated with the non-medical use of medication for the treatment of pain. The speakers appreciated the call of the Board to raise awareness of that problem. A number of representatives expressed their concern about the spread of ketamine abuse and informed the Commission about new legislation and control measures that had been put in place in their countries to address that problem.

12. Several representatives expressed their appreciation for the continued cooperation between the Board and WHO to improve the availability of controlled substances for medical purposes through the Access to Controlled Medications Programme. The Board and WHO were encouraged to continue to cooperate and conduct research to support Governments in their efforts to better assess their medical needs for such substances, ensuring the availability of affordable medications and adopting legislation to ensure the availability of such medications for the treatment of pain.

13. Some speakers welcomed the conclusion by the Board that overly restrictive policies were contrary to one of the principles of the international drug control treaties, namely, that the medical use of narcotic drugs was crucial for the treatment of pain and adequate provisions must be made to ensure the availability of such substances. The Board and the United Nations Office on Drugs and Crime were encouraged to assist States in developing regulatory responses to prevent diversion without hampering access to drugs needed for medical purposes.

14. Many representatives reiterated the importance of adhering to the international drug control conventions. The Board was commended for its efforts to promote universal adherence to those conventions.

15. Two representatives expressed their Governments' reservations with respect to the comments in the 2009 report of the Board regarding the fact that measures were being taken in their countries to decriminalize the unauthorized possession of controlled substances for personal use. The speakers proposed to explain to the Board the framework within which those measures were being taken. The President of the Board welcomed the proposal.

16. One speaker welcomed the country missions undertaken by the Board as an important opportunity for the exchange of information on matters relating to the implementation of the provisions of the international drug control conventions. The speaker informed the Commission of steps that had been taken to implement the recommendations made by the Board following its mission to the speaker's country, including the establishment of an inter-ministerial committee and a national working group.

17. Several representatives informed the Commission of notable achievements in addressing the issue of drug trafficking, such as strategies to reduce illicit drug supply and demand in their countries. Some noted that, as a result of such strategies, large quantities of drugs had been seized.

18. Some speakers stressed that the partnership between government and civil society was a vital element that helped to ensure the efficient use of resources and the effectiveness of drug control activities.

19. Several representatives shared the Board's concern about the increasing number of illegal transactions involving internationally controlled substances made using information and communication technologies. The representatives appreciated the launching of the *Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet*<sup>1</sup> as a tool to assist Governments in putting into place control measures to tackle that problem more effectively. The Commission was informed that measures had already been taken by one Government to combat such illegal sales and that those measures included the use of an early warning system to monitor suspicious websites.

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<sup>1</sup> United Nations publication, Sales No. E.09.XI.6.

**3. Report of the International Narcotics Control Board for 2009 on the implementation of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988**

20. The President of the International Narcotics Control Board introduced the 2009 report of the Board on the implementation of article 12 of the 1988 Convention (E/INCB/2009/4) and drew the attention of the Commission to the accomplishments of the international initiatives Project Prism and Project Cohesion, such as helping Governments to be more effective in monitoring suspicious transactions involving substances used in illicit drug manufacture and in identifying trafficking trends and networks. The President noted that pursuant to Commission resolution 49/3, over 120 Governments had provided the Board with estimates of their legitimate requirements for precursors of amphetamine-type stimulants. Encouraged by the positive results achieved under Project Cohesion in monitoring acetic anhydride in Asia, the President urged Governments to use that experience to formulate similar strategies against chemicals used in the illicit manufacture of cocaine. The President stressed the importance of Governments establishing cooperation with industry in precursor control and invited all Governments to make use of the *Guidelines for a Voluntary Code of Practice for the Chemical Industry*.<sup>2</sup>

21. Many speakers congratulated the Board on its 2009 report on the implementation of article 12 of the 1988 Convention, which was considered to be a valuable practical tool for assisting Governments in preventing the diversion of precursor chemicals.

22. Several representatives expressed their strong support for the recommendation of the Board to transfer phenylacetic acid from Table II to Table I of the 1988 Convention. Some speakers supported the recommendation by the Board to control safrole-rich oils in the same manner as safrole.

23. Appreciation was expressed for the vital role of the Board as the global focal point under Project Prism and Project Cohesion. Speakers expressed support for Project Prism, the international initiative to address the diversion of chemicals used in the illicit manufacture of amphetamine-type stimulants, noting that it could be used to complement existing control measures. Several representatives informed the Commission of significant results achieved in detecting suspicious shipments of pharmaceutical preparations containing ephedrine and pseudoephedrine. Regarding Project Cohesion, the international initiative to address the diversion of chemicals used in the illicit manufacture of heroin, speakers welcomed and supported the recommendation by the Board to develop similar strategies to counter the diversion of chemicals used in the illicit manufacture of cocaine. Representatives expressed their Governments' readiness to continue to support such initiatives in close cooperation with the Governments of relevant countries, particularly countries in Latin America. One representative informed the Commission about the alarming increase in seizures of pharmaceutical preparations containing pseudoephedrine used in the illicit manufacture of methamphetamine. That representative called on the Board to continue to monitor the smuggling of pharmaceutical preparations containing pseudoephedrine and to explore measures to control the diversion of such preparations.

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<sup>2</sup> United Nations publication, Sales No. E.09.XI.17.

24. Many representatives expressed support for the recommendation by the Board to utilize Pre-Export Notification Online (PEN Online), the system for the online exchange of pre-export notifications. PEN Online was commended as an essential tool and a very efficient way for exporting and importing Governments to exchange information.

25. Some speakers expressed concern regarding the continued diversion of and trafficking in acetic anhydride and highlighted action taken to deal with those problems, as well as significant achievements made in preventing the diversion of acetic anhydride.

26. A number of representatives noted the need to be vigilant with regard to substances not under international control. Some representatives informed the Commission of measures currently in place to control such substances at the national level.

**4. International cooperation to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes**

27. Several speakers welcomed the fact that the Commission had, for the past two years, included on its agenda a sub-item entitled “International cooperation to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes”. It was noted that one of the purposes of the international drug control conventions was to ensure the availability of such substances for licit use, in order to alleviate human suffering and promote health. Several speakers noted with appreciation the work that the Board, WHO and the United Nations Office on Drugs and Crime had been doing to promote the availability of controlled substances used for medical and scientific purposes. Reference was made to the fact that there were many reasons why such substances were not available in many countries; those reasons included lack of training or knowledge on the part of health-care professionals and, in some cases, misconceived perceptions about the prescribing of those substances and the legislative and regulatory controls restricting their availability. Several speakers encouraged Governments to make health-care professionals more aware of those problems.

28. Representatives mentioned the good work being done as part of the Access to Controlled Medications Programme, the Framework of which had been prepared by WHO in cooperation with the Board. Governments were encouraged to support the Programme. It was noted that, most of the licit use of narcotic drugs to reduce moderate and strong pain took place only in a small number of countries. For that reason, Governments were encouraged to review their national requirements and to implement measures to ensure that such substances were used solely for pain relief. It was noted that access to narcotic drugs used to relieve pain was seen as a basic right of patients.

29. One speaker encouraged the United Nations Office on Drugs and Crime to collect and analyse national laws and regulations in order to identify those that made it difficult for Governments to ensure the availability of controlled substances for medical and scientific purposes. The same speaker encouraged the Office to study model laws on drug control matters to ensure that they provided appropriate guidelines to enable Governments to ensure access to such substances. Another speaker reminded Member States to report to the Board on their licit requirements

for and use of narcotic drugs for medical and scientific purposes, as well as on cases involving the diversion of such drugs.

30. Some speakers noted that the problems regarding the increasing diversion and abuse of pharmaceutical preparations should be addressed without having a negative effect on the availability of those preparations for medical and scientific purposes. In this connection, a number of speakers noted that the problem of the diversion of such preparations needed to be tackled separately and that finding a solution to that problem should not be viewed as creating an obstacle to efforts to make those preparations available for medical and scientific purposes.

## **5. Other matters arising from the international drug control treaties**

31. The Director of Policy Analysis and Public Affairs highlighted issues related to human rights in the report of the Executive Director on the activities of the United Nations Office on Drugs and Crime (E/CN.7/2010/3-E/CN.15/2010/3) and the note by the Executive Director entitled “Drug control, crime prevention and criminal justice: a human rights perspective” (E/CN.7/2010/CRP.6-E/CN.15/2010/CRP.1).

32. One speaker welcomed the proposals contained in the report of and note by the Executive Director as a first step towards moving from a commitment to human rights to fully realizing that commitment and stressed the need for the Commission to keep returning to the issue of human rights in the context of drug control at its sessions.

33. One speaker, referring to the report of the Executive Director, drew attention to a proposal concerning quality evaluation of the performance of drug analysis laboratories. She acknowledged the added value of the support of the United Nations Office on Drugs and Crime on international quality assurance issues, in terms of improving the quality and performance of drug-testing laboratories worldwide, and stressed the importance of the international collaborative exercises, a proficiency testing scheme of the Office, in enabling the confidential evaluation of laboratories’ results. She expressed her full support for the quality assurance work of the United Nations Office on Drugs and Crime and recognized the financial implications of maintaining its services in order to ensure the sustainability, growth and self-sufficiency of the quality assurance programme. She called on the international community to decide on the best way to provide support to the United Nations Office on Drugs and Crime, in the form of financial resources and expertise, in that endeavour.

34. Another speaker expressed concern regarding the resources required for the continuation and expansion of the quality assurance services available to Member States. The secretariat was requested to transmit suggestions in that regard for further consideration by Member States. Another speaker invited the United Nations Office on Drugs and Crime to consider the feasibility of collaborating on quality issues with laboratories of the World Anti-Doping Agency.

## **B. Action taken by the Commission**

35. At its [...] meeting, on [...] March 2010, the Commission, on the recommendation of the Board and in accordance with article 12, paragraph 5, of the 1988 Convention, decided by 44 votes to none, with no abstentions, to transfer phenylacetic acid from Table II to Table I of the 1988 Convention (for the text of the decision, see chap. [...], sect. [...], decision 53/[...]).

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