

**1993/41. 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 precursor and essential chemicals, as specified in Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>11</sup> as well as other substances frequently used in the illicit manufacture of drugs,

*Recalling* that article 15 of the Convention provides that parties to the Convention shall take appropriate measures to ensure that means of transport operated by commercial carriers are not used for illicit trafficking, and that each Party shall require commercial carriers to take reasonable precautions to prevent the use of their means of transport for the purpose of illicit trafficking,

*Recognizing* the need constantly to improve the capacity of law enforcement agencies to target and intercept illicit drug trafficking, without hindering the free movement of innocent persons and legitimate international trade,

*Welcoming* the Declaration on the Further National Development of Memoranda of Understanding between Customs and the Trading Community aimed at Cooperation to prevent Drug Smuggling, which was adopted by the Customs Cooperation Council at Brussels in June 1992, and which recognizes and supports the principle of achieving cooperation between customs and other competent authorities and the international trading community, including commercial carriers, through memoranda of understanding,

*Recognizing* the significance of the use of memoranda of understanding concluded between the Customs Cooperation Council and international trade and transport organizations for the improvement of cooperation to combat illicit trafficking,

*Convinced* that such an international initiative needs to be enhanced by agreements at the national level, where the joint development and implementation of cooperative agreements can be most effective,

*Believing* that manufacturers, traders, shippers, carriers, port and airport authorities and others involved in the international supply chain can significantly cooperate with customs and other competent authorities in the gathering of information for risk assessment and targeting purposes,

*Believing also* that such a partnership should lead to the improvement of physical security, the streamlined clearance of persons and goods and the specialized training of both official and trade personnel,

*Recognizing* that the cooperation arising from memoranda of understanding may facilitate the use of controlled delivery, to the extent permitted by the basic principles and legal systems of the parties concerned,

*Noting* that a number of States have already implemented memoranda of understanding at national and local levels,

*Convinced* of the urgent need to accelerate the process of concluding memoranda of understanding,

1. *Urges* all States which 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 illicit traffic;

2. *Commends* the Customs Cooperation Council for the progress that it has made in developing the programme of memoranda of understanding, and for the memoranda that it has already concluded with major transport and trading organizations;

3. *Commends also* those Governments which have introduced national programmes of memoranda of understanding, and invites them to share their experiences with other Governments within regional drug cooperation groups and with the Customs Cooperation Council, the United Nations International Drug Control Programme and other appropriate international bodies;

4. *Invites* the Programme, in consultation with the Customs Cooperation Council and other appropriate international bodies, to monitor the effectiveness of programmes

of memoranda of understanding developed at the national, regional and international levels in combating illicit traffic;

5. *Also invites* the Programme to promulgate details of memoranda of understanding or measures which have been taken at the international or regional level to implement article 15 of the Convention, and which have been particularly effective;

6. *Requests* the Secretary-General to draw up model texts to assist those countries which require legislation in order to cooperate in controlled deliveries;

7. *Also requests* the Secretary-General to transmit the present resolution to all Governments for consideration and implementation as appropriate;

8. *Further requests* the Secretary-General to report to the Commission on Narcotic Drugs, at its thirty-eighth session, on the progress made in the implementation of the present resolution.

*43rd plenary meeting  
27 July 1993*