

1996/29. Action to strengthen international cooperation to control precursors and their substitutes used in the illicit manufacture of controlled substances, in particular amphetamine-type stimulants, and to prevent their diversion

The Economic and Social Council,

Deeply concerned about the economic and social consequences of the rapid and widespread increase in illicit manufacturing, trafficking and use of amphetamine-type stimulants throughout the world,

Concerned about the continued availability of chemicals listed in tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988³³ to drug traffickers for use in the illicit clandestine production of controlled substances,

Alarmed that in some cases traffickers have swiftly and successfully sought non-scheduled substitute chemicals for those scheduled chemicals that have become more scarce as a result of international control,

Concerned that clandestine laboratory operators are seeking international sources for substances listed in table I of the 1988 Convention, which are often contained in tablets and capsules, thus undermining the effectiveness of international controls of those products and thwarting the goals of article 12 of the Convention and of the international community,

Dismayed that despite concerted international control efforts, listed chemicals continue to be accessible to traffickers through the activities of producers of illicit drugs or unscrupulous brokers and intermediaries, who facilitate trade but are not themselves end-users,

Aware that many Governments lack adequate resources to enable them to conduct the in-depth investigations that may be needed to determine the legitimate need for an intended export or import of a listed chemical,

Aware of the progress in control of chemical shipments resulting from cooperation between competent national authorities in a number of countries, and with the assistance of the International Narcotics Control Board,

Recognizing the need for the international community to strengthen countermeasures against the illicit manufacturing, trafficking and use of amphetamine-type stimulants and their precursors,

Noting with appreciation the results of the expert forum on amphetamine-type stimulants held at Vienna from 12 to 16 February 1996,⁹²

Recognizing the important role of the Board in monitoring and facilitating implementation of the measures to strengthen international cooperation to prevent diversion of substances listed in table I of the 1988 Convention and used in the illicit manufacture of stimulants and other psychotropic substances, as detailed in its resolution 1995/20 of 24 July 1995,

Noting also with appreciation the publications entitled *Report of the International Narcotics Control Board for 1995*⁷⁰ and *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1995 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988*,⁷²

Recalling its resolution 1995/20,

Realizing that it may not be practical to schedule all chemicals and substances used to produce illicit drugs,

I

SPECIAL SURVEILLANCE OF SCHEDULED AND
NON-SCHEDULED SUBSTANCES

1. *Calls upon* all States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to enact any legislation necessary to provide their competent authorities with the legal basis fully to implement the chemical controls required or recommended by the Convention and all related resolutions;

⁹² E/CN.7/1996/CRP.3.

2. *Calls upon* the United Nations International Drug Control Programme and the International Narcotics Control Board, drawing upon the expertise of competent national authorities as needed, to establish a limited international special surveillance list of non-scheduled substances for which substantial information exists of their use in illicit drug trafficking, in order to allow, according to the nature and trade patterns of each product, for appropriate measures to prevent use by traffickers of those substances;

3. *Urges* all States parties to the 1988 Convention to establish arrangements, whether voluntary, administrative or legislative, whereby their domestic exporters, importers and distributors of the chemicals and substances included in the special surveillance list will report suspicious orders or thefts of such chemicals and cooperate with national enforcement and control authorities with regard to those chemicals and substances;

4. *Urges* States parties to the 1988 Convention, subject to their legal provisions, to take civil, criminal or administrative action, as appropriate, against suppliers of scheduled substances or, where possible, substances included in the special surveillance list for failure to cooperate with the authorities with regard to those substances;

5. *Strongly urges* States that export scheduled chemicals not to permit exports of such chemicals listed in tables I and II of the 1988 Convention in sensitive cases which may be identified by the Board, or to brokers or intermediaries who facilitate trade, but are not themselves end-users, unless prior identification of any genuine consignee and such inquiries as may be appropriate are also made;

6. *Further urges* States, in accordance with their legal provisions, not to permit the importation of chemicals listed in tables I and II of the 1988 Convention where a risk of diversion exists, until evidence establishes the legitimacy of the importer and the purpose of the chemical import;

7. *Urges* States, except in cases where a known risk of diversion exists, and prior to permitting the importation of chemicals listed in tables I and II of the 1988 Convention, to require, in accordance with their legal provisions, evidence of legitimacy of importers and domestic distributors of those chemicals which are intended for subsequent sale or delivery to bulk domestic distributors;

8. *Urges* Governments to consider ways of reinforcing international cooperation, including, where appropriate, bilateral and multilateral arrangements or agreements against the diversion of scheduled substances and their substitutes;

9. *Invites* Governments that have not yet done so to designate, as a matter of priority, authorities competent for the control of scheduled substances, to inform the Secretary-General that they have taken such action and to enhance the establishment of bilateral relations between importing, exporting and transit countries.

II

RECOMMENDATIONS FOR ACTION

1. *Urges* Governments to implement specific actions to control scheduled chemicals as requested in its resolution 1995/20;

2. *Requests* the International Narcotics Control Board to collect and compile data that would establish a pattern of trade in chemicals listed in tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, including any significant volume of transactions, to draw the attention of the competent authorities of countries concerned to any irregularities that the Board, in its judgement, may identify, and to invite those authorities to provide the Board with any additional information, as necessary, and to take appropriate action, especially preventive action; such action by Governments, both importing and exporting, ought to include:

(a) Consulting with and providing relevant data to the Board in conformity with legal requirements of confidentiality and data protection, where concern exists that an export or transshipment of such chemicals or substances may be diverted to the illicit traffic;

(b) Verification by the importing country of the legitimacy of transactions on the basis of pre-export notifications of such substances to be sent by the exporting countries as provided for in article 12 of the Convention of 1988;

(c) Not permitting the export of substances listed in tables I and II of the 1988 Convention and, where possible, substances included in the special surveillance list, to areas of special risk where it is known that they are commonly used to produce illicit drugs, until information is available to establish the legitimate purpose of the chemicals or substances to be imported;

3. *Requests* that, pursuant to the initiatives taken by the International Narcotics Control Board in accordance with paragraph 2 above, the Governments of exporting and importing countries and territories verify the legitimacy of the individual transactions concerned and prevent the release of such shipments until the competent authority of the importing country or territory has, in compliance with the time constraints of the exporting country, indicated that it has no objection to the transaction in question;

4. *Recommends* that, wherever possible, Governments should obtain early notification from operators of all proposed transactions of substances listed in table I of the 1988 Convention in order to check their legitimacy, and inform other countries and territories accordingly, in compliance with the provisions of that Convention;

5. *Requests* all Governments of countries and territories to alert other Governments, as appropriate, through

the Board, as soon as diversion attempts are identified, and to cooperate in controlled deliveries, if necessary, in order to prevent traffickers from turning to other countries or regions to obtain the precursors they require;

6. *Urges* Governments with free ports and free trade zones to closely monitor, in particular, the movement of amphetamine-type stimulants and scheduled substances under the 1988 Convention through such trading centres, pursuant to the Convention, and to provide for a mechanism to seize consignments when adequate grounds for suspicion have been established;

7. *Requests* Governments with free ports and free trade zones to provide information as requested by the Board in order to strengthen measures to monitor the movement of the amphetamine-type stimulants and scheduled substances under the 1988 Convention in those ports and zones;

8. *Encourages* Governments of countries and territories to examine the scope of their current controls over domestic distribution in order to prevent internal diversion of scheduled substances under the 1988 Convention, which could be subsequently smuggled to neighbouring countries where illicit manufacture of drugs takes place;

9. *Invites* Governments to consider monitoring the intermediaries and brokers who facilitate trade but are not themselves end-users by appropriate measures, such as applying the current control procedures and resorting to the sanctions applicable to other operators that handle or use controlled substances;

10. *Requests* the Secretary-General to convene, in accordance with the mandate established in Council resolution 1995/20, a second expert meeting of drug-control authorities and policy-making representatives of interested Governments in order to propose comprehensive countermeasures against illicit manufacturing, trafficking and use of amphetamine-type stimulants and their precursors;

11. *Requests* the Secretary-General, with the assistance of the Executive Director of the United Nations International Drug Control Programme and in consultation with the International Narcotics Control Board, to seek the views of interested Governments on the nature and content of the comprehensive countermeasures prior to the second expert meeting;

12. *Requests* the Commission on Narcotic Drugs to examine the proposed comprehensive countermeasures at its fortieth session, on the basis of the results of the second expert meeting;

13. *Requests* the Secretary-General to propose to the General Assembly, in order to implement the present resolution, any modification in the programme of work of the Secretariat that may be necessary for the allocation of adequate resources to the United Nations International Drug Control Programme in the programme budget for the biennium 1996-1997;

14. *Also requests* the Secretary-General, having in mind the recommendations of the Chemical Action Task Force established by the heads of State or Government of the seven major industrialized countries and the President of the Commission of the European Communities to consult in writing with the parties concerned:

(a) To examine to what extent those recommendations have been implemented;

(b) To suggest further measures to prevent diversions to the illicit manufacture of stimulants;

15. *Further requests* the Secretary-General to prepare a summary of the replies received and to submit a report, if possible, to the Commission on Narcotic Drugs at its fortieth session;

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

*48th plenary meeting
24 July 1996*