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The International Drug Control Treaties

The control of narcotic drugs has been of global concern ever since the first international conference on the subject was held in Shanghai in 1909. The international control system has been built up step by step, continuing from 1920 under the auspices of the League of Nations, and since 1946 by the United Nations.

A series of treaties adopted under the auspices of the United Nations require that Governments exercise control over production and distribution of narcotic drugs and psychotropic substances, combat drug abuse and illicit traffic, maintain the necessary administrative **machinery** and report to international organs on their actions.

This international regime includes:

-- The **Single Convention on Narcotic Dregs**, adopted by Governments at a special international conference in 1961 and in force since 1964, replaces the treaties concluded before the Second World War on opiates, cannabis and cocaine. At present, control is exercised under this treaty over more than 116 narcotic drugs, including opium and its derivatives, as well as synthetic narcotics such as methadone and pethidine. As of 1 November 1994, it had 149 States parties.

-- The **Convention on Psychotropic Substances**, adopted in 1971 and in force since 1976, **was** intended to control drugs not covered by previous treaties, including hallucinogens, amphetamines, barbiturates, non-barbiturate sedatives and tranquilizers. Some 105 psychotropic substances are controlled under this Convention, most of them contained in pharmaceutical products acting on the central nervous system. It calls for substances that have been judged to be particularly dangerous, such as lysergic acid **diethylamide** (LSD) to be placed under even stricter control than narcotic drugs. It also calls for substances with very wide legitimate medical use to be controlled in a less stringent way not to hamper their availability for medical purposes but on the other hand to avoid their diversion and abuse. As of 1 November 1994, it had 132 States parties.

-- A supplementary instrument, known as the 1972 **Protocol Amending the Single Convention** -- in force since 1975 -- highlights the need for treatment and rehabilitation of drug addicts. As of 1 November 1994, it had 128 States parties.

-- The 1988 **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances** -- in force since 11 November 1990 -- is designed to

prevent the laundering of money obtained from illicit trafficking, and to provide concrete instruments for international law enforcement cooperation.

Among the contributions of the 34-article Convention to international drug control are provisions covering the tracing, freezing and confiscation of proceeds and property derived from drug trafficking. Courts are empowered to make available or to seize bank, financial or commercial records. Bank secrecy cannot be invoked in such cases.

The Convention aims at barring all havens to drug traffickers, particularly by providing for extradition of drug traffickers, mutual legal assistance between States on drug-related investigations, controlled deliveries and the transfer of proceedings for criminal prosecution. Under this Convention, parties also commit themselves to eliminate or reduce illicit demand for drugs, monitor precursors and essential chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances and ensure that commercial carriers are not used to transport illicit drugs. It also seeks to close off free trade zones and ports, international shipping and the mails from use in illicit drug trafficking.

As of 1 November 1994, 103 States and the European Union have become parties to the 1988 Convention.

The central objective of these treaties is to limit the supply of and demand for narcotic drugs and psychotropic substances to medical and scientific needs.

The measures of control that the above three Conventions prescribe vary in strictness from one group of drugs or chemicals to another. For this purpose, drugs and chemicals are listed in various schedules annexed to the Conventions according to the differences in their

dependence-producing properties, therapeutic value and risk of abuse, or in the case of chemicals, in relation to the impact the control measures would have on licit commercial trade and on their availability for illicit use.

The **Commission on Narcotic Drugs**, a subsidiary body of the Economic and Social Council, has the power to determine whether a new drug or chemical should be listed or whether a listed drug should be transferred to another schedule or deleted. In doing so, it must take into account the findings and recommendations of the World Health Organization (WHO) with respect to drugs and the INCB with respect to chemicals.

The **International Narcotics Control Board (INCB)** is the independent and quasi-judicial control organ for the implementation of the United Nations drug conventions, established in 1968 by the Single Convention. It replaces preceding international treaty bodies in the drug control field, carrying out tasks in two broad areas:

-- With regard to licit manufacture and trade in drugs, the Board seeks to ensure that adequate supplies are available for medical and scientific uses and that leakages to illicit traffic do not occur. To this end, it administers an "estimates system" for narcotic drugs and a voluntary assessment system for psychotropic substances, and monitors the cultivation, production and trade in drugs through a statistical returns system. The Board also monitors government control over chemicals used in the illicit manufacture of drugs and assists them in preventing diversion of these chemicals into illicit traffic.

-- The Board identifies weaknesses in national and international drug control systems and helps correct those situations. The Board is also **responsible for assessing**

new chemicals found to be used in the illicit manufacture of drugs, for possible international control. In cases where the INCB finds that Governments are not meeting their treaty obligations, it urges them to adopt remedial measures, and it may bring treaty violations to the attention of the parties, the Commission and the Council.

Under the 1988 Convention, the Board also monitors international trade in 22 substances listed in two tables, for the purpose of preventing their diversion for use in the illicit manufacture of narcotic drugs or psychotropic substances. States

parties to the Convention agree to take appropriate measures to monitor the manufacture and distribution of these substances within their territory, through such measures as licensing, facilitating the reporting of suspicious transactions and proper labeling of imports and exports of those substances. Parties commit themselves to furnish relevant information to other parties in this connection and to provide for the seizure of any substances found being diverted for the illicit purposes. The Convention spells out a procedure whereby further substances may be added to the Tables if they are found to be used to make illicit drugs.

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