

Resolution 53/15

Strengthening international cooperation and regulatory and institutional frameworks for the control of substances frequently used in the manufacture of narcotic drugs and psychotropic substances

The Commission on Narcotic Drugs,

Recalling the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,¹⁰³ in which it was stated that while legislative and regulatory controls had prevented the diversion into illicit channels of substances frequently used in the manufacture of narcotic drugs and psychotropic substances, such substances continued to reach clandestine drug laboratories,

Also recalling that in the Political Declaration and Plan of Action, States decided to establish 2019 as a target date for eliminating or reducing significantly the illicit cultivation of opium poppy, coca bush and cannabis plant and the diversion of and trafficking in substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances,

Further recalling national and international measures to counter the diversion of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances adopted pursuant to the Single Convention on Narcotic Drugs of 1961,¹⁰⁴ that Convention as amended by the 1972 Protocol,¹⁰⁵ the Convention on Psychotropic Substances of 1971¹⁰⁶ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹⁰⁷ in particular its article 12,

Noting that in the Political Declaration and Plan of Action, Member States reiterated the need to further strengthen legislation on the control of precursors and the criminalization of their diversion and to emphasize the importance of the instruments provided for in article 12 of the 1988 Convention and promote and further enhance their effective implementation,

Also noting the United Nations resolutions calling on Member States to increase international and regional cooperation in order to counter the illicit production of and trafficking in drugs, including by strengthening the control of the international trade in precursor chemicals frequently used in the production of illicit drugs and preventing attempts to divert the substances from licit international trade for illicit use,

Recalling General Assembly resolution 59/162 of 20 December 2004, on follow-up on strengthening the systems of control over precursor chemicals and preventing their diversion and trafficking, in which the Assembly recommended that

¹⁰³ A/64/92-E/2009/98, sect. II.A.

¹⁰⁴ United Nations, *Treaty Series*, vol. 520, No. 7515.

¹⁰⁵ *Ibid.*, vol. 976, No. 14152.

¹⁰⁶ *Ibid.*, vol. 1019, No. 14956.

¹⁰⁷ *Ibid.*, vol. 1582, No. 27627.

Member States develop or further adapt their regulatory and operational control procedures to counter the diversion of chemical substances into illicit drug production or manufacture, and reaffirmed the importance of using all available legal means or measures to prevent the diversion of chemicals from legitimate trade to illicit drug manufacture as an essential component of comprehensive strategies against drug abuse and trafficking and of preventing access to chemical precursors by those engaged in or attempting to engage in the processing of illicit drugs,

Reaffirming its resolution 51/10, entitled “Strengthening international cooperation for the control of precursor chemicals used in the manufacture of synthetic drugs”, in which it urged Member States to further strengthen, update or, if they had not yet done so, establish national legislation and mechanisms relating to the control of precursors used in the illicit manufacture of drugs and emphasized the need for Member States to strengthen monitoring and control systems at the points of entry of precursors and to promote the secure transport of such substances,

Noting with concern that, despite the efforts made by States and relevant international and regional organizations, trafficking in substances frequently used in the manufacture of narcotic drugs and psychotropic substances continues to be a problem that States must deal with as a matter of priority, if they have not yet done so,

Concerned about the alarming scale of the illicit manufacture of heroin and cocaine and production of cannabis worldwide and of the illicit manufacture of amphetamine-type stimulants, the associated diversion of substances used in the illicit manufacture of narcotic drugs and psychotropic substances, and the emergence of new methods used by organized criminal groups to divert such chemical substances from licit trade,

Emphasizing the importance of further strengthening existing international cooperation mechanisms for the control of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances and the need for States to participate in international operations and projects such as Project Cohesion, the Targeted Anti-trafficking Regional Communication, Expertise and Training (TARCET) initiative, Project Prism and other relevant initiatives to counter the diversion of and trafficking in such chemical substances,

Noting the information contained in the annual report of the International Narcotics Control Board for 2009 on precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances,¹⁰⁸ in particular the recognition by the Board of the need to monitor, to the extent possible, compounds that contain such substances and their movements,

Recognizing the legitimate need, in particular of the industry and trade sectors, to have access to substances frequently used in the manufacture of narcotic drugs and psychotropic substances, as reflected in the Political Declaration and Plan of Action, and the important role of those sectors in preventing diversion from the licit manufacture of and trade in such substances,

¹⁰⁸ *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* (United Nations publication, Sales No. E.10.XI.4).

Appreciating the efforts made by Member States to control substances frequently used in the manufacture of narcotic drugs and psychotropic substances with a view to preventing their diversion and thus preventing the illicit manufacture of narcotic drugs and psychotropic substances,

Recognizing the important work of the International Narcotics Control Board as the principal body and global focal point for the international control of trade in chemical substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances,

1. *Invites* Governments to continue contributing to the efforts of the International Narcotics Control Board, especially through the system for pre-export notification, so as to favour rapid identification of new patterns of diversion of substances used in the illicit manufacture of narcotic drugs and psychotropic substances, such as in the case of phenylacetic acid, in particular through the Pre-Export Notification Online system, Project Cohesion, Project Prism and other relevant initiatives, in order to ensure the successful outcome of those efforts;

2. *Calls upon* the International Narcotics Control Board to further strengthen communication with Member States and to work with them in identifying opportunities for more effective control and monitoring of the trade in precursor chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances;

3. *Encourages* Member States, if they have not yet done so, to adopt and implement the necessary measures, in accordance with article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹⁰⁹ to monitor the manufacture, shipment, marketing and distribution of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, including a system for issuing licences to deal with such substances, while ensuring that the legitimate trade in and use of those substances are not adversely affected;

4. *Invites* Member States to consider, as appropriate, expanding the list of substances under international control that are frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, in accordance with the procedure set out in article 12 of the 1988 Convention and taking into account the actions recommended by competent national authorities in relation to the limited international surveillance list;

5. *Calls upon* Member States, in conformity with the provisions of the 1988 Convention and their national legislation, to review their criminal and administrative measures and, in accordance with the provisions of article 3 of the 1988 Convention, to counter trafficking in substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, including, if they have not yet done so, establishing as an offence the unlawful manufacture, shipment, marketing or distribution of precursor chemicals under international control and sanctions for non-compliance with the administrative control measures adopted pursuant to the present resolution;

¹⁰⁹ United Nations, *Treaty Series*, vol. 1582, No. 27627.

6. *Urges* Member States to continue to focus on the problem of the diversion of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances and the related problem of the alarming scale of the illicit manufacture of narcotic drugs and psychotropic substances;

7. *Encourages* Member States to consider strengthening, in accordance with their national legislation, overall control over and monitoring of the trade in precursor chemicals that can be easily used in, or recovered by readily applicable means for use in, the illicit manufacture of narcotic drugs and psychotropic substances and to monitor, to the extent possible, the legitimate trade in such chemicals;

8. *Also encourages* Member States, if they have not yet done so, in accordance with their respective national legislation, to do the following:

(a) Consider establishing or implementing mechanisms that facilitate the identification of transactions suspected of involving diversion and that require operators to report such transactions, including, to the extent possible, transactions involving chemicals that contain substances frequently used in the manufacture of narcotic drugs and psychotropic substances;

(b) Consider requiring, or implementing the requirement, that all transactions of substances frequently used in the manufacture of narcotic drugs and psychotropic substances carried out by authorized operators be reported to the competent authority and that that information be stored in an appropriate manner to ensure its availability for the competent authority;

9. *Further encourages* Member States to adopt measures to improve international controls over the movement of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances on the basis of pre-export notifications and notifications of re-export or resale to third countries and the licensing of activities relating to deliveries of such substances;

10. *Emphasizes* the need for Member States to strengthen monitoring and control systems at the points of entry and exit of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, including airports, seaports, river ports and customs posts, and to promote the secure transport of such substances;

11. *Encourages* States from which substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances are exported and those into which such substances are imported to maintain, to the extent possible, updated annual estimates of their legitimate requirements for such substances, in accordance with General Assembly resolution 64/182 of 18 December 2009;

12. *Encourages* Member States to work closely, to the extent possible, with the relevant industry and trade sectors and to establish, where necessary, effective national procedures and mechanisms for the control and monitoring of the trade in chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, making use of the International Narcotics Control Board *Guidelines for a Voluntary Code of Practice for the Chemical Industry*¹¹⁰ and

¹¹⁰ United Nations publication, Sales No. E.09.XI.17.

public-private partnerships for the preparation and implementation of those procedures and mechanisms;

13. *Invites* Member States with experience in the investigation of offences relating to the diversion of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, the International Narcotics Control Board and the United Nations Office on Drugs and Crime to continue to work together to provide, where possible, the relevant training to States, upon request, and invites Member States and other donors to consider providing extrabudgetary contributions for those purposes in accordance with the rules and procedures of the United Nations;

14. *Encourages* States to provide the International Narcotics Control Board and the Member States concerned with timely information on the identification of any new substances replacing substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances and on the manufacture of such new substances;

15. *Invites* Member States to take appropriate measures so as to strengthen international cooperation and exchange of information regarding the identification of new routes and *modi operandi* of criminal organizations dedicated to the diversion or smuggling of substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances, in particular with respect to trafficking via the Internet, and to continue to notify the International Narcotics Control Board of such information;

16. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to transmit the text of the present resolution to all Member States.

Decision 53/1

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

At its 2nd meeting, on 8 March 2010, the Commission on Narcotic Drugs, on the recommendation of the International Narcotics Control Board, decided by 44 votes to none, with no abstentions, to transfer phenylacetic acid from Table II to Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.¹¹¹

¹¹¹ United Nations, *Treaty Series*, vol. 1582, No. 27627.

