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Implementation of the international drug control treaties

United States of America: draft resolution

Intensifying efforts to address the proliferation of uncontrolled and designer precursors used in the illicit manufacture of drugs

The Commission on Narcotic Drugs,

Reaffirming the guiding principles of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,¹ the Convention on Psychotropic Substances of 1971² and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,³ and the system of control that they embody,

Reiterating its deep concerns about the magnitude of and rising trend in the illicit production of, demand for and traffic in narcotic drugs and psychotropic substances, which pose a serious threat to the health and welfare of human beings and adversely affect the economic, cultural and political foundations of society,

Recognizing that the world drug problem remains a common and shared responsibility that should be addressed in a multilateral setting through effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing, balanced, scientific evidence-based and comprehensive approach,

Reiterating its resolve, in the framework of existing policy documents, inter alia, to prevent, significantly reduce and work towards the elimination of the diversion of and trafficking in precursors,

Concerned by the challenges that uncontrolled chemicals, including designer precursors, pose to international drug control efforts, and recognizing that while adding priority chemicals to the tables of the 1988 Convention remains the most effective measure to achieve global action in this regard, international scheduling is often followed by a decrease in the number of seizure incidents involving those chemicals and the emergence of alternative uncontrolled precursors,

* E/CN.7/2022/1.

¹ United Nations, *Treaty Series*, vol. 976, No. 14152.

² Ibid., vol. 1019, No. 14956.

³ Ibid., vol. 1582, No. 27627.



*Taking note of the Report of the International Narcotics Control Board for 2021,*⁴ in which the Board recognized that there were virtually no limitations to the range of chemicals and manufacturing methods that could potentially be employed in illicit drug manufacture, especially synthetic drug manufacture, and that the persisting appearance of non-scheduled chemicals and designer precursors in illicit drug manufacture is widely understood as a key challenge to the international precursor control system,

Mindful of its treaty-mandated functions under article 21 of the 1988 Convention, which include reviewing the operation of that Convention, making suggestions and general recommendations and, in conformity with the procedures laid down in article 12, amending Table I and Table II of that Convention, as well as periodically reviewing the adequacy and propriety of Table I and Table II, in accordance with article 12,

Underscoring, in accordance with article 2, paragraph 8, of the 1961 Convention as amended and article 2, paragraph 9, of the 1971 Convention, that the parties to those conventions shall use their best endeavours to apply to substances which do not fall under those conventions, but which may be used in the illicit manufacture of drugs or psychotropic substances, respectively, such measures of supervision as may be practicable,

Underscoring also, in accordance with article 3 of the 1988 Convention, that each party to that Convention shall adopt such measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, inter alia, the manufacture, transport or distribution of equipment, materials or substances listed in Table I and Table II, knowing that they are to be used in or for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances,

Underscoring further, in accordance with article 13 of the 1988 Convention, that the parties to that Convention shall take such measures as they deem appropriate to prevent trade in and the diversion of materials and equipment for illicit production or manufacture of narcotic drugs and psychotropic substances and shall cooperate to that end,

Bearing in mind the treaty-mandated responsibility of the International Narcotics Control Board under article 12 of the 1988 Convention, if it finds that a substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance, or that the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems so as to warrant international action, to communicate to the Commission an assessment of the substance, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment,

Recalling the outcome document of the thirtieth special session of the General Assembly, held in 2016, entitled “Our joint commitment to effectively addressing and countering the world drug problem”,⁵ in particular the recommendation to take appropriate measures to address the diversion and illicit manufacturing of and trafficking in as well as misuse of precursors under international control and to tackle the misuse of pre-precursors and substitute or alternative precursors for illicit drug manufacturing, and enhance voluntary efforts, including voluntary codes of conduct in cooperation with relevant industries and commerce at the national, regional and international levels, including through the use of relevant International Narcotics Control Board tools,

Recalling also the Joint Ministerial Statement of the 2014 high-level review by the Commission on Narcotic Drugs of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an

⁴ E/INCB/2021/1.

⁵ General Assembly resolution [S-30/1](#), annex.

Integrated and Balanced Strategy to Counter the World Drug Problem,⁶ in which the Commission noted that diversion of precursor chemicals, including pharmaceutical preparations containing those chemicals, continued to be a major challenge in curbing the illicit production and manufacture of drugs, emphasized the need to further strengthen control of precursor chemicals by Member States and highlighted the need for Member States to work more closely with the International Narcotics Control Board by exchanging information on trafficking in precursor chemicals and other non-scheduled substances used in the illicit manufacture of drugs, including on new methods for their diversion, as mandated in article 12, paragraph 12, of the 1988 Convention, and to increase monitoring of trade in non-scheduled substances listed in the Board's limited international special surveillance list of non-scheduled substances,

Recalling further the 2009 Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,⁷ in which Member States recognized that non-controlled precursor chemicals and/or substitute chemicals, as well as pharmaceutical preparations containing precursors, had been used in the illicit synthesis of drugs, and recommended that Member States should further strengthen mechanisms, as appropriate, for the timely identification, collection and exchange of information on non-scheduled substances, including derivatives specifically designed to circumvent existing controls, especially by making use of the updated international special surveillance list of non-scheduled substances, and focus greater attention on the use of non-scheduled substances and substitute chemicals for the manufacture of traditional precursors,

Recalling the Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem,⁸ adopted at the ministerial segment of its sixty-second session, in 2019, in which Member States expressed their concern, inter alia, that the abuse, illicit cultivation and production and manufacture of narcotic drugs, as well as the illicit trafficking in those substances and in precursors, had reached record levels, and that the illicit demand for and the domestic diversion of precursor chemicals were on the rise,

Welcoming the efforts of the International Narcotics Control Board to raise awareness, advance international policy dialogue and build momentum for global action in relation to uncontrolled and designer precursors, including through the preparation of the guidance document entitled "Proliferation of non-scheduled chemicals and designer precursors: options for global action",

Welcoming also the Synthetic Drug Strategy of the United Nations Office on Drugs and Crime, in particular sphere 2, on early warning on emerging synthetic drug threats, and sphere 4, on strengthening counter-narcotics capacity and supporting international operations to disrupt trafficking in synthetic drugs,

Recalling its resolution 60/5 of 17 March 2017 on increasing international coordination relating to precursors and non-scheduled precursor chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances, in which it expressed concern that worldwide efforts to reduce the illicit supply of narcotic drugs and psychotropic substances and maintain effective control of scheduled substances were being undermined by drug traffickers, who were increasingly using non-scheduled precursor chemicals as substitutes for scheduled substances in the illicit manufacture of narcotic drugs and psychotropic substances, and invited Member

⁶ See *Official Records of the Economic and Social Council, 2014, Supplement No. 8 (E/2014/28)*, chap. I, sect. C.

⁷ See *Official Records of the Economic and Social Council, 2009, Supplement No. 8 (E/2009/28)*, chap. I, sect. C.

⁸ See *Official Records of the Economic and Social Council, 2019, Supplement No. 8 (E/2019/28)*, chap. I, sect. B.

States to take a range of forward-looking measures with respect to non-scheduled precursor chemicals,

Recalling also its resolution 62/1 of 22 March 2019, on strengthening international cooperation and comprehensive regulatory and institutional frameworks for the control of precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, in which it urged Member States to further strengthen national legislation, administrative measures and institutional frameworks relating to the control of precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, pursuant to the 1988 Convention, and emphasized the need for Member States to strengthen monitoring and control systems, including at the domestic distribution level and at the points of entry and exit of precursor chemicals, and to adopt measures to promote the secure transport of such substances,

Recalling further its resolution 63/1 of 6 March 2020 on promoting efforts by Member States to address and counter the world drug problem, in particular supply reduction-related measures, through effective partnerships with private-sector entities, in which it noted with concern that drug traffickers continued to exploit tools of modern commerce, including financial transfer services and platforms, to traffic in precursors, pre-precursor chemicals and synthetic drugs, and welcomed efforts by the private sector to safeguard their supply chains, products and platforms from such exploitation,

Concerned that controlled precursors can be replaced by an almost infinite number of substitutes, including many that have no legitimate uses and are designed purely to circumvent controls, and recognizing that it is neither feasible nor desirable to include such an ever-growing number of chemicals in the tables of the 1988 Convention, in particular if the legitimate flows of those chemicals do not lend themselves to monitoring,

Convinced of the need for Member States, in conjunction with the United Nations Office on Drugs and Crime and, within their treaty-mandated roles, the International Narcotics Control Board and the World Health Organization, to implement proactive and innovative approaches to more effectively address the proliferation of uncontrolled and designer precursors used in the illicit manufacture of narcotic drugs and psychotropic substances,

1. *Urges* Member States to intensify their efforts to address the proliferation of uncontrolled and designer precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, including those chemicals that are not currently under international control but that may be converted to or used as a substitute for a controlled precursor;

2. *Calls upon* Member States to take all necessary measures, in accordance with articles 3 and 13 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, to prevent the manufacture, transport, distribution, trade in and diversion of materials for the illicit production or manufacture of narcotic drugs and psychotropic substances, including substances not currently included in Table I or Table II of that Convention;

3. *Urges* Member States to apply the recommendations contained in the International Narcotics Control Board guidance document entitled “Proliferation of non-scheduled chemicals and designer precursors: options for global action” in the design and implementation of national drug control strategies and to share the results of those efforts, including through the Commission on Narcotic Drugs and the International Narcotics Control Board, to promote the adoption of effective measures;

4. *Requests* the United Nations Office on Drugs and Crime, and invites the International Narcotics Control Board, to provide recommendations, technical assistance and capacity-building to Member States, upon request, to implement, within their national contexts, the recommendations contained in the guidance document entitled “Proliferation of non-scheduled chemicals and designer precursors: options for global action”;

5. *Requests* the International Narcotics Control Board, when communicating to the Commission its assessment of a substance that it recommends be placed in Table I or Table II of the 1988 Convention, to simultaneously provide the Commission with relevant information, if any, about derivatives and related chemicals, including isomers, esters, ethers, salts, amides, carbamates and the products of other minor chemical substitutions or modifications that may readily be converted to or substituted for the substance in question during illicit manufacture, or otherwise used to circumvent controls, as well as recommendations of monitoring measures for those chemicals, if any, that would be appropriate in the light of its assessment, while bearing in mind possible impacts on legitimate manufacturing and research, as appropriate;

6. *Encourages* Member States, when placing domestic controls on a substance pursuant to a decision by the Commission to add a substance to Table I or Table II, to consider also implementing domestic control measures on related chemicals that may readily be converted to or substituted for that substance, in accordance with national legislation and taking into account any information provided by the International Narcotics Control Board on those chemicals, as well as possible impacts on legitimate manufacturing and research;

7. *Calls upon* Member States to enhance data collection on precursors, to understand emerging trends, such as the use of substitute chemicals, and to identify the use of any substance not included in Table I or Table II of the 1988 Convention in illicit manufacture of narcotic drugs or psychotropic substances, and to share the results of such data collection, including through the annual report questionnaire and with the International Narcotics Control Board in accordance with article 12, paragraph 12, of the 1988 Convention;

8. *Urges* Member States, as appropriate, to take legislative measures to prevent the exploitation of legitimate industries for the purposes of illicit manufacture of and trafficking in drugs and precursors, such as implementing laws that prevent the import and export of uncontrolled precursors to known drug traffickers and preventing said traffickers from conducting business with legitimate private sector entities;

9. *Encourages* Member States to continue making use of the *Guidelines for a Voluntary Code of Practice for the Chemical Industry*,⁹ the limited international special surveillance list of the International Narcotics Control Board and any similar lists maintained by Member States, as appropriate, as well as the Board's model memorandum of understanding between Governments and private sector partners, in order to promote responsible commercial practices and sale of chemicals and to prevent the diversion of chemicals into illicit drug manufacturing channels;

10. *Also encourages* Member States to apply the "Guidelines to prevent and investigate the diversion of materials and equipment essential for illicit drug manufacture in the context of article 13 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988", developed by the International Narcotics Control Board;

11. *Further encourages* Member States to continue contributing to the efforts of the International Narcotics Control Board within its treaty-based mandate, in particular through the Pre-Export Notification Online system for pre-export notifications of precursor chemicals;

12. *Invites* Member States to take appropriate measures to strengthen international cooperation and the exchange of information regarding the identification of new routes and the *modi operandi* of organized criminal groups involved in the diversion or smuggling of uncontrolled and designer precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, including by registering with and using the Precursors Incident Communication System of the International

⁹ United Nations publication, Sales No. 09.XI.17.

Narcotics Control Board as a means of systematically sharing information on incidents involving precursor chemicals;

13. *Encourages* Member States to use existing subregional, regional and international cooperation mechanisms to combat all forms of drug-related crime, wherever they are committed, including, in some cases, diversion or smuggling of uncontrolled and designer precursors used in the illicit manufacture of narcotic drugs, including by enhancing international cooperation to successfully counter and dismantle organized criminal groups, including those operating transnationally;

14. *Also encourages* Member States to educate the relevant staff of competent authorities about the tools developed by the International Narcotics Control Board through which competent authorities may learn about the extent and level of legal controls in participating States, as made available by the Board, and invites the competent authorities of Member States to provide such information as they deem appropriate to the trusted relevant stakeholders in the chemical industry, with a view to increasing their level of awareness of the legal and regulatory requirements of transit and destination States;

15. *Encourages* the United Nations Office on Drugs and Crime, together with the International Narcotics Control Board and the World Health Organization, within their existing mandates, to continue to develop the United Nations Toolkit on Synthetic Drugs in order to include information and resources on measures to address the proliferation of uncontrolled and designer precursors, and to operationalize and disseminate the information about the interventions included in the Toolkit by incorporating it, as appropriate, into the technical assistance and capacity-building programmes of the Office;

16. *Requests* the United Nations Office on Drugs and Crime, and invites the International Narcotics Control Board and the World Health Organization, within their existing mandates, to provide capacity-building, recommendations and technical assistance to Member States upon request in order to facilitate the identification and appropriate control of uncontrolled or designer precursors used in the illicit manufacture of narcotic drugs and psychotropic substances;

17. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.
