

**Commission on Narcotic Drugs****Sixty-second session**

Vienna, 14–22 March 2019

Agenda item 9 (c)

**Implementation of the international drug control treaties: International Narcotics Control Board****Azerbaijan, Bangladesh, Belarus, Nicaragua, Russian Federation and Viet Nam: revised draft resolution\*\*****Supporting the International Narcotics Control Board in fulfilling its treaty-mandated functions in cooperation with Member States, and in collaboration with the CND and the WHO***The Commission on Narcotic Drugs,*

*Recognizing* that the mandate of the INCB is stated in the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,<sup>1</sup> the Convention on Psychotropic Substances of 1971<sup>2</sup> and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>3</sup> which together with other relevant international instruments constitute the cornerstone of the international drug control system,

*Reaffirming* our commitment to effectively addressing and countering the world drug problem in full conformity with the purposes and principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, with full respect for the sovereignty and territorial integrity of States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States,

*Recognizing* the abiding concern of all Parties to the three international drug control conventions for ensuring respect for those treaties,

*Recognizing* that the abiding concern of the three international drug control conventions is for the health and welfare of humankind,

*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,

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\* Reissued for technical reasons on 25 March 2019.

\*\* Issued without formal editing.

<sup>1</sup> United Nations, *Treaty Series*, vol. 976, No. 14152.

<sup>2</sup> *Ibid.*, vol. 1019, No. 14956.

<sup>3</sup> *Ibid.*, vol. 1582, No. 27627.



mutually reinforcing, balanced, scientific evidence-based and comprehensive approach,

*Recalling with satisfaction* that the three drug control conventions are among the most widely ratified legally binding international instruments, benefiting from near-universal accession, which allow for sufficient flexibility for States parties to design and implement national drug policies according to their priorities and needs, consistent with the principle of common and shared responsibility and applicable international law

*Welcoming* the efforts of Parties to implement and non-parties to apply the three international drug control conventions, recognizing that adherence by all States is essential to the functioning of the international drug control system

*Recalling* that the Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence and during their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions and the ECOSOC shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions,

*Recalling* also that ECOSOC, with due regard to the principle of equitable geographical representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries,

*Recalling* that the Board, in co-operation with governments, and subject to the terms of the Single Convention of 1961, shall endeavor to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure the availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs,

*Recalling* that all measures taken by the Board under the Single Convention of 1961 shall be those most consistent with the intent to further co-operation of governments with the Board and to provide the mechanism for a continuing dialogue between governments and the Board, which will lend assistance to and facilitate effective national action to attain the aims of this Convention,

*Recalling further* that Article 14 of the Single Convention and Article 19 of the Convention on Psychotropic Substances set out measures by the Board to ensure the execution of the provisions of these Conventions, and Article 22 of the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances set out the functions of the Board under that Convention; and noting with appreciation the efforts of the INCB to assist Member States in achieving and protecting the aims of the Conventions

*Recalling also* that the Conventions are respectful of the constitutional, legal and administrative systems of the Parties, in particular with regard to penal provisions, measures to be taken by Parties to prevent and counter illicit traffic in controlled substances, establishment of national agencies to oversee cultivation of controlled substances, establishment of regional centers for scientific research and education as well as provisions regarding prohibition of advertising of psychotropic substances to general public;

*Recalling* that in the Ministerial Declaration adopted in 2019 in Vienna, Member States noted with concern inter alia persistent and emerging challenges related to the world drug problem, including responses not in conformity with the three international drug control conventions and not in conformity with applicable international human rights obligations, which pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility

*Also noting with concern* that the availability of internationally controlled drugs for medical and scientific purposes, including for the relief of pain and suffering, remains low to non-existent in many countries, and highlighting the need to enhance national efforts and international cooperation at all levels to address that situation by promoting measures to ensure their availability and accessibility and address existing barriers in this regard including affordability for medical and scientific purposes, within the framework of national legal systems, while simultaneously preventing their diversion, abuse and trafficking, in order to fulfil the aims and objectives of the three international drug control conventions and recognizing the important role of INCB in this regard,

*Acknowledging* the important treaty-mandated role of the International Narcotics Control Board, as an independent body responsible for monitoring the control of substances pursuant to the three international drug control conventions and assisting Member States in their efforts to implement those conventions implementation

*Acknowledging* also the important treaty-mandated functions entrusted to the Commission, including to amend the Schedules, to call the attention of the INCB to any matters which may be relevant to the functions of the Board, to make recommendations for the implementation of the aims and provisions of the conventions and to draw the attention of non-parties to the conventions to its decisions and recommendations;

*Underscoring* the treaty-mandated functions of the WHO, provides medical and scientific findings and assessments and recommendations to the Commission on Narcotic Drugs on scope of control of narcotic drugs and psychotropic substances and recognizing the importance of dialogue between the WHO and the INCB including as appropriate the Expert Committee on drug dependence, with due regard to their independence, within its competence related to the conventions, inter alia on the accessibility and availability of controlled substances for medical and scientific purposes

1. *Welcomes and supports* the contribution of the INCB, within its treaty-mandated functions, to international efforts to address and counter the world drug problem.

2. *Encourages* Member States and the Board to further develop their dialogue about implementation of the drug control conventions, including through regular consultations and the Board's country missions, to lend assistance to and facilitate effective national action to attain the aims of the conventions;

3. *Encourages* the Board to review its working process in order to further strengthen coordination with Member States, including by giving due regard to the need to allow sufficient time for the preparation by the government concerned with respect to upcoming INCB country missions and by considering consulting the Member State concerned about the factual accuracy of the information gathered before finalizing the conclusions and recommendations of the mission and also invites the Secretariat to periodically inform the Commission of its efforts in this regard;

3. *Urges* States that have not done so to consider ratifying or acceding to the drug control conventions, and also urges Parties to continue to effectively implement, as a matter of priority, those conventions;

4. *Welcomes* the efforts of the Board to promote universal accession to the drug control conventions and encourages the Board to continue promoting application of the conventions by their Parties as well as non-parties

5. *Invites* the Board to engage in a dialogue with those Parties permitting the licit cultivation of crops for medical and scientific purposes to offer assistance to them, in applying provisions related to such cultivation set forth in the Single Convention of 1961 taking into consideration the challenges currently facing them and to facilitate the exchange of best practices;

6. *Reaffirms* its determination, while acknowledging the independence of the Board, to continue to call the attention of the Board to any matters which may be relevant to its functions, according to the Conventions ;

7. *Invites* the Board to continue diligently performing all the functions entrusted to it under the three drug control conventions, adhering to and mindful of its mandates, taking into consideration, as appropriate, the constitutional limitations, legal systems and domestic law of Parties, and to regularly update the Commission on the global situation with regard to the implementation of the conventions by providing a briefing to the Commission on its annual report and activities at the Commission's regular sessions, as well as on other occasions by request of the Commission,

8. *Requests* the Board, in cooperation with the Commission and the World Health Organization, within their treaty mandates, to continue to facilitate informed scheduling decisions on the most persistent, prevalent and harmful substances, including synthetic drugs and new psychoactive substances, precursors, chemicals and solvents, while ensuring their availability for medical and scientific purposes, bearing in mind the need to accelerate changes in the scope of control for previously unscheduled substances with no currently known legitimate medical or industrial uses, beyond research and analytical purposes; and in this regard, welcomes the efforts of the INCB and the WHO to review substances within its mandate particularly through its Experts Committee on drug dependence and encourages the regular exchange of information between these bodies, with due regard to their independent mandates, in order to facilitate the scheduling process;

9. *Recalls* the importance of inter-agency cooperation within the United Nations system, in particular among the Board, the WHO and the UNODC, as the leading entity in the United Nations system for addressing and countering the world drug problem, in order to enhance coherence at all levels with regard to the world drug problem;

10. *Also invites* the Board to continue its endeavors, in cooperation with Member States, UNODC and WHO to ensure the availability of and access to controlled substances for medical and scientific purposes while preventing their diversion.

11. *Also invites* the Board, subject to the availability of extrabudgetary resources and upon request, to continue to provide capacity-building, recommendations and technical assistance to Member States, including through the INCB-Learning project, the Global OPIOIDS Project, the Project ION, the International Import and Export Authorization System, the Pre-Export Notification Online system, the Precursors Incident Communication System and other initiatives of the Board, in order to facilitate the implementation by States of the regulatory aspects of the drug control conventions;

12. *Recalls* Article 6 of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol which provides that the expenses of the Board will be borne by the United Nations in such manner as shall be decided by the General Assembly, and in this regard encourages the INCB, to continue to ensure that the estimated costs of its projected activities pursuant to its responsibilities under the three international drug control conventions are properly presented within the existing budgetary process and invites the UNODC to highlight these elements in its briefings to Member States on the consolidated budget.

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