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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
224669	MEMO	DISTRIBUTION LIST	1	2/9/1987	B1 B3

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Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
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United Nations
International Conference on

**Drug Abuse
and Illicit Trafficking**

Vienna, Austria
17 to 26 June 1987



"Drug abuse presents as destructive a threat to this and coming generations as the plagues which swept many parts of the world in earlier centuries. Unless controlled, its effect will be more insidious and devastating...the moment has arrived for the international community to expand its efforts in a global undertaking to meet this peril."

United Nations Secretary-General
Javier Pérez de Cuéllar



Introduction

The widespread abuse of drugs has become a human tragedy. Clearly, drug abuse and the illicit trafficking in drugs are problems no longer confined to small segments of a given population. These problems entice, captivate and ultimately destroy people from all walks of life. Growing drug abuse is much more than a "street problem". It has invaded the home, the workplace and educational institutions, affecting individuals of all ages and classes. Beyond the human destruction caused by drug dependence is the damage to traditional values, life-styles and national economies. In a word, drug abuse poses a serious threat to societies everywhere.

Moreover, the spread of corruption, violence and terrorism linked to the illicit traffic in drugs, undermines the very security and political stability of nations. Despite massive quantities of illicit drugs seized by law enforcement officials each year, major international drug trafficking networks have remained a step ahead of national authorities. These perils have now reached alarming

proportions, involving a wide assortment of narcotic drugs and substances. Included are opiates, coca bush derivatives, marijuana, depressants, stimulants and hallucinogens.

As a consequence, world leaders have been compelled to address various issues of drug abuse with greater determination than ever before.

Historical Background

International co-operation in the field of drug control began in the early part of this century, when in 1909 the first attempts to limit the shipping of narcotic drugs were made. International drug treaties concluded between 1912 and 1972 provide the legal basis for the present international drug control system.

United Nations involvement in this field began in 1946, when it assumed the drug control functions and responsibilities formerly carried out by the League of Nations. Under UN auspices, several Protocols and Conventions were adopted to deal with the multifaceted problem: the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, consolidated most of the earlier international instruments, and the 1971 Convention on Psychotropic Substances extended and modernized the drug control system.

The United Nations General Assembly has increasingly reflected the world drug abuse situation through the adoption of resolutions dealing with the issue. In 1981, it adopted the International Drug Abuse Control Strategy and five-year programme of action, which aims to combat drug abuse and illegal trafficking through increased international co-operation, touching upon all aspects of drug control. By its 1984 Declaration on the Control of Drug Trafficking and Drug Abuse, the Assembly termed trafficking in narcotic drugs and drug abuse an "international criminal activity", which demanded the most urgent attention and maximum priority. It also declared that eradication of illicit trafficking in narcotic drugs was the collective responsibility of all States.

In 1984, the General Assembly called upon the Economic and Social Council (ECOSOC) to request the Commission on Narcotic Drugs to initiate the preparation of a new draft convention to deal with those aspects of the problem not covered in the existing international instruments. The draft of the convention is in the hands of Governments for comment and it is expected to be completed in 1987.

Efforts by the international community to quell the drug problem have until now focused primarily on the control and limitation of the supply of drugs for medical and scientific use and the suppression of illicit trafficking through law enforcement agencies. The 1987 Conference will expand upon this and deal with the drug problem in a more comprehensive manner.

1987 Conference

The International Conference on Drug Abuse and Illicit Trafficking (ICDAIT), to be held at the Austria Center Vienna from 17-26 June 1987, was first proposed by United Nations Secretary-General Javier Pérez de Cuéllar in May 1985, in response to growing, world-wide concern about the illicit traffic in and abuse of narcotic drugs and psychotropic substances. Although the UN had been involved in the drug control field for several decades, he stated that the time had come for the Organization to lead a new, bolder campaign against narcotic drugs, in co-operation with its Member States.

The Conference is to deal with all aspects of drug abuse at national, regional and international levels, including production, trafficking, demand reduction and treatment and rehabilitation of addicts. It will aim to increase international awareness of the dangers of drug abuse and generate universal action to combat the problem.

Agenda

The main items on the provisional agenda for the Conference include international co-operation in drug abuse control (item 4) and recommendations regarding a comprehensive multidisciplinary outline of future activities relevant to the problems of drug abuse and illicit trafficking (item 5). The latter will serve as a basis of the work of the Conference and will focus on the following issues:

a. intensifying concerted efforts by governmental, intergovernmental and non-governmental organizations to combat all forms of drug abuse, illicit trafficking and related criminal activities leading to the further development of national strategies that could be a basis for international action;

b. creating heightened national and international awareness and sensitivity concerning the pernicious effects of the abuse of narcotic drugs and psychotropic substances, paying due attention to the demand dimension of the drug problem and to the role of the mass media, non-governmental

organizations and other channels of dissemination of information about all aspects of the drug problem, especially in the prevention of drug abuse;

c. strengthening and expanding of national and international mechanisms for exchanging information and developing programmes on illicit demand, prevention and/or reduction, including promoting the rational use of psychoactive medicines, preventive education, community participation, treatment, rehabilitation and social reintegration, together with research and training;

d. promoting strict and consistent implementation, at both the national and international levels, of the provisions of the Single Convention on Narcotic Drugs, 1961 and that Convention as amended by the 1972 Protocol and the 1971 Convention on Psychotropic Substances which call for limiting the use of narcotic drugs and psychotropic substances to medical and scientific purposes and, thus, preventing illegal traffic; and promoting further the accession to those Conventions of the widest possible number of States;

e. achieving as much harmonization as possible and reinforcing national legislation, bilateral treaties, regional arrangements and other international legal instruments, especially as they relate to enforcement and penalties against those involved in all aspects of illicit trafficking, including forfeiture of illegally acquired assets and extradition, and developing co-operation in dealing with drug abusers, including their treatment and rehabilitation;

f. making further progress towards eradicating the illicit sources of raw materials for drugs through a comprehensive programme of integrated rural development, the development of alternative means of livelihood and retraining, law enforcement and, where appropriate, crop substitution;

g. controlling more effectively the production, distribution and consumption of narcotic drugs and psychotropic substances with a view to limiting their use exclusively to medical and scientific purposes, in accordance with existing conventions, and, in this connection, underlining the central role of the International Narcotics Control Board;

h. strengthening the United Nations co-ordination of drug abuse control activities by, *inter alia*, increasing support for the United Nations Fund for Drug Abuse Control and reinforcing regional

and other co-operation between Member States;

i. supporting strongly current high-priority initiatives and programmes of the United Nations, including the elaboration of a convention against illicit traffic in narcotic drugs and psychotropic substances which considers, in particular, those aspects of the problem not envisaged in existing international instruments;

j. considering whether existing mechanisms, whereby experiences, methodologies and other information in law enforcement, preventive education, treatment and rehabilitation, research and development of manpower relating to the prevention and control of drug abuse can be exchanged, should be improved or, if necessary, complemented by new mechanisms.

Conference Secretariat

The ICDAIT Secretariat is located at the UN Office in Vienna, Austria. Assistant Secretary-General Tamar Oppenheimer, formerly Director of the Division of Narcotic Drugs, has been appointed Secretary-General of the Conference. Bertrand Juppín de Fondaumière, Deputy Secretary of the International Narcotics Control Board, is serving as Deputy Secretary-General of the Conference. The Secretariat works in close collaboration with William Buffum, United Nations Under-Secretary-General for Political and General Assembly Affairs, who is responsible for overall co-ordination of all UN drug control-related activities.

Preparations for the Conference

The 40-member Commission on Narcotic Drugs, a functional commission of ECOSOC, is the Preparatory Body for the Conference. The Commission held its first meeting in this capacity in February 1986, and adopted the provisional agenda and provisional rules of procedure for the Conference. The Preparatory Body also asked that the UN Secretary-General circulate, by 1 December 1986, a draft outline of future activities to combat drug abuse. The draft will reflect the issues before the Conference, taking into account the comments received from Governments, intergovernmental and non-governmental organizations and the results of preparatory meetings to be held in 1986. The Preparatory Body will consider the draft outline at its second session in February 1987 for forwarding to the Conference as a major document for its discussion. Governments have been invited to establish focal points to co-ordinate substantive preparations for the Conference at the national level. Information

regarding these focal points will be forwarded to the UN Secretary-General by 1 September 1986. The ECOSOC, at its first 1986 regular session, approved the report of the Preparatory Body.

UN specialized agencies and programmes, other intergovernmental organizations, and non-governmental organizations have been invited to submit brief action-oriented documentation relative to the topics in the Conference's agenda for consideration by the Conference.

NGO Preparations

The role of non-governmental organizations (NGOs) in the preparatory work of the Conference and in getting the message of drug control across to communities is a vital one. NGO Committees on Narcotics and Substance Abuse meet regularly at the UN in New York and Vienna. A UN/NGO Interregional Conference on the Involvement of NGOs in Prevention and Reduction of the Demand for Drugs will be held in Stockholm, Sweden, from 15-19 September 1986. The Conference is being organized by the Planning Committee for NGO activities for ICDAIT, at the invitation and with the support of the Government of Sweden. Participants will include representatives of NGOs, Governments, the UN Secretariat and UN specialized agencies. The Interregional Conference will consider the role of NGOs in supporting and strengthening national, regional and international efforts to reduce drug abuse. It will formulate strategies for NGO support for the ICDAIT and will make recommendations on prevention and demand reduction which will be forwarded to the Conference. Means of reversing the burgeoning illicit use of drugs throughout the world will be a major focus of the meeting.

Participation

All States will be invited to participate in ICDAIT. Delegates will attend as official representatives of their Governments.

Intergovernmental organizations and representatives of national liberation movements and other organizations, which have standing invitations from the General Assembly to send observers to conferences held under its auspices, will also be invited. Representatives of bodies of the United Nations system, including the specialized agencies, will participate.

Other intergovernmental organizations and non-governmental organizations in consultative status with ECOSOC, as well as other NGOs that may have a specific contribution to make to the work of the Conference, will attend as observers.

Logo

An official emblem for the Conference has been designed by the United Nations depicting the Conference motto "yes to life—no to drugs" in the six official UN languages (see front panel). Permission to use the symbol commercially must be obtained from the ICDAIT Secretariat, Vienna International Centre, P.O. Box 500, A-1400, Vienna, Austria. Royalties from such commercial use will be allocated to a UN Trust Fund to support a public information campaign and activities of NGOs in following up the objectives and recommendations of the Conference.

Media Activities

Regular United Nations press and other media facilities will be available at the Conference. Information regarding press accreditation to cover the Conference is available from: Accreditations Officer, Room S-390A, United Nations, New York, New York 10017, U.S.A.

Further information may be obtained from:

The Secretary-General of the International
Conference on Drug Abuse and Illicit
Trafficking

Vienna International Centre
P.O. Box 500
Room E-1474
A-1400 Vienna, Austria
(Telephone: 2631 ext 4110,4111)

or

The Under-Secretary-General for Political and
General Assembly Affairs

Room S-3862
United Nations
New York, New York 10017 U.S.A.
(Telephone: (212) 754-5070)

or

The Co-ordinator of Public Information
International Conference on Drug Abuse and
Illicit Trafficking

Room S-1061H
United Nations
New York, New York 10017 U.S.A.
(Telephone: (212) 754-6867)

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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

HONG KONG

Communicated by the Government of the United Kingdom of
Great Britain and Northern Ireland

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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Ordinance No. 54 of 1983. Police Force (Amendment) Ordinance 1983

I assent.

Philip HADDON-CAVE,
Acting Governor
11 August 1983

An Ordinance to amend the Police Force Ordinance.

[12 August 1983]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

Short title.

1. This Ordinance may be cited as the Police Force (Amendment) Ordinance 1983.

Addition of new
Section 67.
(Cap. 232.)

2. The principal Ordinance is amended by adding after section 66 the following:

"Power of
Commissioner
to require
information
from banks and
deposit-taking
companies.

67. (1) Where it appears to the Commissioner:

- (a) that there is reasonable cause to suspect that an indictable offence has been committed; and
- (b) that it is expedient for the purpose of investigating such offence or apprehending the offender to exercise the power conferred by this subsection,

the Commissioner may, by notice in writing, require any bank or deposit-taking company specified in the notice to notify him in such manner and within such reasonable period as may be so specified whether:

(i) any person specified in the notice has or, so far as the bank's or company's records disclose, has had an account in Hong Kong with such bank or deposit-taking company; or

(ii) in the case of a bank, such bank:

(A) provides or, so far as the bank's records disclose, did provide a safety deposit box in Hong Kong for such person or to which such person is, according to the bank's records, permitted to have access; or

(B) holds or, so far as the bank's records disclose, has held in its custody in Hong Kong any property for such person or to which such person is, according to the bank's records, permitted to have access.

(2) Before the period specified in a notice under subsection (1) expires, the Commissioner may by notice in writing extend such period by substituting therefor such longer period as he may deem appropriate; and a reference in subsection (4) to the requirements of a notice shall, in respect of a requirement relating to such period, be construed as a reference to a requirement relating to such period as so extended.

(3) A notice under this section may be served by registered post, and any such notice shall be deemed to have been properly served on any bank or deposit-taking company if a letter containing the notice is sent by registered post addressed:

- (a) in the case of a bank or deposit-taking company incorporated in Hong Kong, to its registered office in Hong Kong;
- (b) in any other case, to any person resident in Hong Kong who is authorized to accept service of process in Hong Kong on behalf of the bank or deposit-taking company, at the address required to be delivered to the Registrar of Companies under Part XI of the Companies Ordinance:

(Cap. 32.)

Provided that where it is not practicable to serve, in the manner provided in paragraph (b), a bank or deposit-taking company which is not incorporated in Hong Kong, the notice may be served on the manager or other person in charge of any place of business established in Hong Kong by the bank or deposit-taking company.

(4) If any bank or deposit-taking company on which a notice under this section is served, without reasonable excuse:

- (a) fails to comply with any of the requirements of such notice; or
- (b) in purported compliance with any such requirement, furnishes any information which is false in a material particular,

such bank or deposit-taking company shall be guilty of an offence and shall be liable:

- (i) on conviction upon indictment, to a fine of \$100,000;
- (ii) on summary conviction, to a fine of \$50,000.

(5) Where a bank or deposit-taking company on which a notice under this section is served, at any time:

- (a) fails to comply with any of the requirements of such notice; or
- (b) in purported compliance with any such requirement, furnishes any information which is false in a material particular,

with the consent or connivance of any individual, the individual shall, whether or not an offence under subsection (4) is committed, be guilty of an offence under this subsection if at that time:

- (A) he is a director, manager, secretary or similar officer of the bank or deposit-taking company; or
- (B) he is purporting to act as such officer or as agent of the bank or deposit-taking company; or
- (C) the bank or deposit-taking company is managed by its members, of whom he is one,

and shall be liable:

- (i) on conviction upon indictment, to a fine of \$50,000 and to imprisonment for 1 year;
- (ii) on summary conviction, to a fine of \$10,000 and to imprisonment for 6 months.

(6) Where a notice under this section is served on a bank or deposit-taking company, any individual who wilfully causes or procures the bank or deposit-taking company:

- (a) to fail to comply with any of the requirements of such notice; or
- (b) in purported compliance with any such requirement, to furnish any information which is false in a material particular, shall, whether or not an offence under subsection 4 is committed, be guilty of an offence under this subsection and shall be liable:

- (i) on conviction upon indictment to a fine of \$50,000 and to imprisonment for 1 year;
- (ii) on summary conviction to a fine of \$10,000 and to imprisonment for 6 months.

(7) Section 7 shall not apply in relation to the power conferred by subsection (1) or (2), but such power may be exercised by any police officer not below the rank of assistant commissioner or any member of the Customs and Excise Service not below the rank of assistant commissioner authorized in writing by the Commissioner in that behalf; and, for the purposes of this section, where such power is exercised by any such police officer or member of the Customs and Excise Service it shall be presumed unless the contrary is proved that such police officer or member is so authorized to exercise such power.

(8) In this section "bank" and "deposit-taking company" have the meanings respectively given to them by the Banking Ordinance."

(Cap. 155.)

Ordinance No. 7 of 1984. Dangerous Drugs (Amendment) Ordinance 1984

I assent.

Philip HADDON-CAVE,
Deputy to the Governor
26 January 1984

An Ordinance to amend the Dangerous Drugs Ordinance.

[27 January 1984]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

Short title.

1. This Ordinance may be cited as the Dangerous Drugs (Amendment) Ordinance 1984.

Amendment of
section 4.
(Cap. 134.)

2. Section 4 of the principal Ordinance is amended by deleting subsection (4) and substituting the following:

"(4) This section does not apply to:

First
Schedule.

- (a) a preparation specified in Part II of the First Schedule; or
(b) a dangerous drug which is in transit and:

- (i) is in course of transit from a country from which it may lawfully be exported to another country into which it may lawfully be imported; and
(ii) was exported from a country which is a party to the Conventions and is accompanied by a valid export authorization or diversion certificate, as the case may be."

Amendment of
section 7.

3. Section 7 of the principal Ordinance is amended by inserting after subsection (2) the following:

"(3) This section does not apply to:

First
Schedule.

- (a) a preparation specified in Part II of the First Schedule; or
(b) a dangerous drug which is in transit and:

- (i) is in course of transit from a country from which it may lawfully be exported to another country into which it may lawfully be imported; and
(ii) was exported from a country which is a party to the Conventions and is accompanied by a valid export authorization or diversion certificate, as the case may be."

Amendment of
section 45.

4. Section 45 of the principal Ordinance is amended:

- (a) by renumbering the existing section as subsection (1);
(b) by inserting after subsection (1) the following:

"(2) Any person who is proved or presumed to have been manufacturing or doing an act preparatory to the manufacture of a dangerous drug shall, until the contrary is proved, be presumed to have known the nature of such drug."

Passed by the Hong Kong Legislative Council this 25th day of January 1984.

Jennie CHOK,
Clerk to the Legislative Council.

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INTERNATIONAL NARCOTICS CONTROL BOARD

**ESTIMATED WORLD REQUIREMENTS
OF NARCOTIC DRUGS
IN 1986**

Supplement No. 11

ORGANE INTERNATIONAL DE CONTRÔLE DES STUPÉFIANTS

**ÉVALUATIONS DES BESOINS DU MONDE
EN STUPÉFIANTS
POUR 1986**

Supplément N° 11

JUNTA INTERNACIONAL DE FISCALIZACIÓN DE ESTUPEFACIENTES

**PREVISIONES DE LAS NECESIDADES MUNDIALES
DE ESTUPEFACIENTES
PARA 1986**

Suplemento N.º 11



The original estimates of world requirements of narcotic drugs established or confirmed by the Board for 1986 are reproduced in the United Nations publication E/INCB/1985/2.

Implementation of the treaties requires constant updating of the Statement of Estimates to take account of:

- supplementary or revised estimates furnished by Governments and, after examination, confirmed by the Board (Article 19, paragraph 3, of the 1961 Convention);
- increased totals of the estimates, resulting from quantities added to the stocks held at 31 December 1985 to bring them to the level estimated for 1986 (Article 19, paragraph 2, of the 1961 Convention);
- decreased totals of the estimates, resulting from the deduction of any excess manufacture or import in 1985 which remained in excess at the end of that year (Article 21, paragraph 3, of the 1961 Convention).

The monthly supplements transmit to Governments amendments made during the month prior to the publication date of each supplement. In respect of countries and territories listed below, the estimates in Table 1 are published only for those drugs for which an amendment has been made during the previous month; drugs for which no amendment has been made are not included.

Countries

Algeria
Antigua and Barbuda
Australia
Bangladesh
Ecuador

Germany, Federal
Republic of
Mozambique
Sweden
Uruguay

Les évaluations originales des besoins du monde en stupéfiants établies ou confirmées par l'Organe pour 1986 ont été publiées dans le document des Nations Unies E/INCB/1985/2.

Le fonctionnement normal des traités nécessite une mise à jour constante de l'Etat des évaluations par suite :

- des évaluations supplémentaires ou révisées fournies par les gouvernements et confirmées après examen par l'Organe (Article 19, paragraphe 3, de la Convention de 1961);
- de l'augmentation du total des évaluations par adjonction de la quantité à ajouter aux stocks effectivement disponibles au 31 décembre 1985 pour les porter au niveau de l'évaluation de stock de 1986 (Article 19, paragraphe 2, de la Convention de 1961);
- de la diminution du total des évaluations résultant d'une déduction de toute fabrication ou importation excédentaire en 1985 et subsistant à la fin de l'année (Article 21, paragraphe 3, de la Convention de 1961).

L'objet des suppléments mensuels est de transmettre aux gouvernements les modifications survenues au cours du mois précédant la date de publication de chaque supplément. Dans le tableau 1, pour chacun des pays et territoires énumérés ci-dessous, les évaluations sont reproduites uniquement dans le cas des stupéfiants pour lesquels une modification est intervenue pendant le mois écoulé; les stupéfiants dont toutes les évaluations sont restées inchangées ne sont pas reproduits.

Algérie
Allemagne, République
fédérale d'
Antigua-et-Barbuda
Australie

Pays

Bangladesh
Equateur
Mozambique
Suède
Uruguay

Vienne, le 30 novembre 1986

Las previsiones originales de las necesidades del mundo en estupefacientes establecidas o confirmadas por la Junta para 1986 han sido publicadas en el documento de las Naciones Unidas E/INCB/1985/2.

La aplicación normal de los tratados necesita una puesta al día constante del "Estado de las previsiones" que requiere:

- previsiones suplementarias o revisadas facilitadas por los gobiernos y confirmadas después de examinadas por la Junta (Artículo 19, párrafo 3, de la Convención de 1961);
- el aumento del total de las previsiones por adición de la cantidad a añadir a las existencias efectivamente disponibles al 31 de diciembre de 1985 para que alcance el nivel de la previsión de existencia de 1986 (Artículo 19, párrafo 2, de la Convención de 1961);
- la disminución del total de las previsiones como consecuencia de la deducción de toda fabricación o importación excedente en 1985 y subsistente al final del año (Artículo 21, párrafo 3, de la Convención de 1961).

El objeto de los suplementos mensuales es el de transmitir a los gobiernos las modificaciones hechas en el curso del mes precedente a la fecha de la publicación de cada suplemento. En el cuadro 1, para cada uno de los países y territorios enumerados a continuación, figuran únicamente las previsiones en el caso de los estupefacientes que hayan sufrido una modificación en el mes precedente; no figurando, sin embargo, las previsiones de aquellos estupefacientes que no hayan sufrido cambios.

Países

Alemania, República
Federal de
Antigua y Barbuda
Argelia
Australia

Bangladesh
Ecuador
Mozambique
Suecia
Uruguay

Table 1. — Estimated world requirements of narcotic drugs in 1986
Tableau 1. — Evaluations pour 1986 des besoins du monde en stupéfiants
Cuadro 1. — Previsiones para 1986 de las necesidades mundiales de estupefacientes

	1	2	3	4	5	6			
<p>COUNTRIES AND NON-METROPOLITAN TERRITORIES</p> <p>PAYS ET TERRITOIRES NON MÉTROPOLITAINS</p> <p>PAÍSES Y TERRITORIOS NO METROPOLITANOS</p>	Quantity to be consumed for domestic medical and scientific purposes	<p>Quantity to be utilized for the manufacture of:</p> <table border="1"> <tr> <td>(a) Other drugs</td> <td>(b) Preparations included in Schedule III of the 1961 Convention</td> <td>(c) Substances not covered by the 1961 Convention</td> </tr> </table> <p>whether these other drugs, preparations or substances are intended for domestic consumption or for export</p>	(a) Other drugs	(b) Preparations included in Schedule III of the 1961 Convention	(c) Substances not covered by the 1961 Convention	Quantity to be added to special stocks	Quantity to be held in stocks at 31 December 1986	Quantity to be added (+) to the stocks actually available at 31 December 1985 to bring them to the level indicated in column 4 or quantity to be deducted (-) due to excessive manufacture or imports during the previous year	<p>Total of the estimates</p> <p>(columns 1 + 2 + 3 + or - 5)</p>
	(a) Other drugs	(b) Preparations included in Schedule III of the 1961 Convention	(c) Substances not covered by the 1961 Convention						
	Quantité qui sera consommée pour les besoins médicaux et scientifiques intérieurs	<p>Quantité qui sera utilisée pour la fabrication de:</p> <table border="1"> <tr> <td>a) Autres stupéfiants</td> <td>b) Préparations incluses au Tableau III de la Convention de 1961</td> <td>c) Substances non visées par la Convention de 1961</td> </tr> </table> <p>que ces autres stupéfiants, préparations ou substances soient destinés à la consommation intérieure ou à l'exportation</p>	a) Autres stupéfiants	b) Préparations incluses au Tableau III de la Convention de 1961	c) Substances non visées par la Convention de 1961	Quantité à ajouter aux stocks spéciaux	Quantité qui sera en stock au 31 décembre 1986	Quantité à ajouter (+) aux stocks effectivement disponibles au 31 décembre 1985 pour les amener au niveau indiqué à la colonne 4 ou quantité à déduire (-) en raison de fabrication ou d'importations excédentaires au cours de l'année précédente	<p>Total des évaluations</p> <p>(colonnes 1 + 2 + 3 + ou - 5)</p>
a) Autres stupéfiants	b) Préparations incluses au Tableau III de la Convention de 1961	c) Substances non visées par la Convention de 1961							
Cantidad que será consumida en el país o territorio con fines médicos o científicos	<p>Cantidad que será utilizada para fabricar:</p> <table border="1"> <tr> <td>a) Otros estupefacientes</td> <td>b) Preparados incluidos en la Lista III de la Convención de 1961</td> <td>c) Sustancias a las que no se aplica la Convención de 1961</td> </tr> </table> <p>ya sea que estos otros estupefacientes, preparados o sustancias estén destinados al consumo interior o a la exportación</p>	a) Otros estupefacientes	b) Preparados incluidos en la Lista III de la Convención de 1961	c) Sustancias a las que no se aplica la Convención de 1961	Cantidad que ha de agregarse a las existencias especiales	Cantidad que habrá en existencia el 31 de diciembre de 1986	Cantidad a agregar (+) a las existencias efectivas en 31 de diciembre de 1985 para ajustarlas al nivel indicado en la columna 4 o a deducir (-) como consecuencia de excedentes de fabricación o de importación durante el año precedente	<p>Total de las previsiones</p> <p>(columnas 1 + 2 + 3 + o - 5)</p>	
a) Otros estupefacientes	b) Preparados incluidos en la Lista III de la Convención de 1961	c) Sustancias a las que no se aplica la Convención de 1961							

GRAMS — GRAMMES — GRAMOS

Algeria - Algérie - Argelia									
Dextromoramide	Dextromoramida	380				160	+	33	413
Fentanyl	Fentanil	7				2			7
Fenoperidine	Fenoperidina	158				55			158
Antigua and Barbuda - Antigua-et-Barbuda - Antigua y Barbuda									
Petidine	Petidina	375				30	+	30	405
Australia - Australie									
Codeine	Codefina	100 000	400 000	3 500 000		7 000 000	+	2 565 000	6 565 000
Fentanyl	Fentanil	100				130	+	4	104
Bangladesh									
Etorphine	Etorfina	1							1
Ecuador - Equateur									
Fentanyl	Fentanil	53				4			53
Germany, Federal Republic of - Allemagne, République fédérale d' - Alemania, República Federal de									
Fentanyl	Fentanil	1 624				300	+	96	1 720
Zambia									
Fentanyl	Fentanil	8							8
Sweden - Suède - Suecia									
Cocaine	Cocafina	4 000				2 000			4 000
Uruguay									
Dextropropoxyphene ..	Dextropropoxifeno ..	350 000				250 000			350 000

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Thirty-second session
Vienna, Austria, 2-11 February 1987
Item 3 of the provisional agenda

IMPLEMENTATION AND DEVELOPMENT OF INTERNATIONAL INSTRUMENTS
ON THE CONTROL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Preparation of a draft convention against illicit traffic
in narcotic drugs and psychotropic substances

Report of the Secretary-General

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I. INTRODUCTION

1. In paragraph 4 of resolution 1(S-IX), entitled "Guidance on the drafting of an international Convention to combat drug trafficking" adopted on 14 February 1986, the Commission on Narcotic Drugs requested the Secretary-General to prepare a preliminary draft of a Convention containing the 14 elements it had identified in paragraph 3 of the resolution for inclusion in an initial draft convention and to circulate that draft to Members of the Commission and other interested Governments by 15 August 1986.

2. In compliance with the request of the Commission, the Secretary-General prepared a preliminary draft of the Convention which was issued as document E/CN.7/1987/2. By note verbale dated 8 August 1986, the Secretary-General transmitted the preliminary draft to all States and invited them to submit their comments and/or proposed textual changes by 30 October 1986 as envisaged in paragraph 5 of the resolution.

3. Responding to a suggestion made at the First Interregional Meeting of Heads of National Drug Law Enforcement Agencies (Interregional HONLEA) that Governments might need more time to submit their comments and proposals the Deputy Director and Officer-in-Charge of the Division of Narcotic Drugs indicated that every effort would be made by the Division to accommodate all replies received by 30 November 1986.

4. In response to the Secretary-General's note verbale, a total of forty-seven replies were received as of 15 December 1986 from the following Governments: Argentina, Australia, Bahamas, Belgium, Benin, Bhutan, Burma, Canada, China, Cuba, Cyprus, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Guatemala, Guyana, Hungary, India, Ireland, Israel, Italy, Luxembourg, Madagascar, Malaysia, Mali, Netherlands, Norway, Pakistan, Poland, Rwanda, Saudi Arabia, Solomon Islands, Spain, Sri Lanka, South Africa, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States, Venezuela, Yugoslavia, Zimbabwe.

5. In paragraph 6 of its resolution 1(S-IX), the Commission requested the Secretary-General "to compile these comments and/or proposed textual changes and to circulate them for consideration at the thirty-second session of the Commission, so that the Commission may give direction on the future development of the draft Convention".

6. The present compilation of comments and/or textual changes, prepared in accordance with the request of the Commission, is based on all the replies received from Governments by 15 December 1986.

7. The compilation has been conceived and organized with the main concern of presenting the Commission on Narcotic Drugs with a comprehensive, yet manageable working document which could facilitate its further consideration of the draft Convention. Under each article will be found, in the first place, comments or proposed textual changes applicable to the article as a whole. Then follows a breakdown of the respective articles into their constituent paragraphs and sub-paragraphs, with a systematic presentation of the relevant comments and proposals grouped as far as possible in relation to each particular aspect of the element concerned. Similar comments or

proposals originating from different Governments have been combined whenever feasible. Concrete proposals for amendment of the draft and proposed new formulations are reproduced in full. Supporting comments or explanations have been summarized in order to give prominence to the textual changes and to avoid overloading the document. In each case the name of the country contributing the comment or proposal is indicated in brackets.

8. Prefacing their comments and/or proposed textual changes concerning the 14 articles included in the preliminary draft, several Governments put forward certain considerations regarding the desirable form and content of the new Convention and future work to be undertaken for its preparation.

9. It is still the view of some Governments 1/ that the purpose of the draft Convention would be better served by an international instrument in the form of a Protocol amending the existing Conventions.

10. The suggestion is made 2/ that for the sake of greater clarity, the title of the Convention should be amended as follows: "Draft Convention on the Combatting of Illicit Traffic in Narcotic Drugs and Psychotropic Substances".

11. Several Governments emphasized once again, that the new Convention should supplement, not duplicate, existing Conventions, bridge possible gaps, and afford maximum opportunities for effective enforcement measures contributing to the suppression of the illicit traffic. 3/ The preliminary draft of the new Convention and the Single Convention on Narcotic Drugs, 1961, (Single Convention) are found to be still partially overlapping. 4/ However, it is pointed out that while the objective of the new Convention must be to add new measures and means of international co-operation in this field rather than modify already existing obligations such as those detailed in article 36 of the Single Convention, it should not be restricted to introducing new obligations but could also regulate matters already covered in the existing Conventions in order to have a general scope of application as regards the illicit traffic. 5/ It is also stressed that States should continue to attach primary importance to the effective implementation of the existing Conventions to which the widest possible adherence should be further encouraged. 6/

12. The relationship between the proposed new Convention and the Conventions already in force (the Single Convention, that Convention as amended by the 1972 Protocol and the Convention on Psychotropic Substances) would have to be clarified. 7/ It is noted that many of the principles and concepts embodied in the preliminary draft of the new Convention are identical to those contained in the existing Conventions, but it is not clear whether accession to those Conventions would be considered a prerequisite for adherence to the new Convention.

1/ Belgium, Finland, Netherlands

2/ France

3/ Argentina, Australia, Belgium, Ireland, Malaysia

4/ Finland

5/ Italy

6/ Australia

7/ Belgium, United Kingdom

13. As regards the next stage of the preparation of the Convention, the preliminary draft prepared by the Secretary-General is said to constitute a valuable basis for the consideration of the elements identified in resolution 1 (S-IX) of the Commission on Narcotic Drugs as suitable for inclusion. 8/ A second draft should be prepared as soon as possible so as not to lose momentum. A suggestion is made that the possibility of appointing a working group consisting of legal experts might be explored at the thirty-second session of the Commission. 9/

14. The view is expressed 10/ that the revised draft should be substantially shortened by the elimination of provisions that duplicate or are practically identical with the provisions of the existing Conventions. In this connection, it would be desirable to re-examine the question of whether any of the 14 elements identified by the Commission on Narcotic Drugs for inclusion in an initial draft Convention, should be accorded such prominence since they are already regulated, at least in part, in existing Conventions, for instance, those elements detailed under articles 13 and 14. 11/

15. The observation is made that the draft does not give any indication as to how the provisions of the Convention are to be administered, nor does it designate any agency to perform a supervisory role regarding their implementation. 12/

16. In this respect, as was explained in the Introduction to the report of the Secretary-General containing the preliminary draft, 13/ it was considered premature, pending appropriate instructions and guidance from the Commission, to attempt drafting articles dealing with implementation measures and mechanisms. The same was true with respect to preambular provisions and final clauses. The comments received from Governments do not contain any suggestions or comments on these subjects that could be reflected in the present compilation. It may be expected that the Commission will take up the matter at its thirty-second session and provide direction concerning the inclusion of such relevant provisions in the second draft.

17. The recommendations adopted by Interregional HONLEA (28 July-1 August 1986), which were not available at the time of the preparation of the preliminary draft issued on 17 June 1986, would have to be taken into account, as suggested, 14/ in the further drafting of the Convention.

18. As will be seen in the compilation in chapter II below, a substantial number of Governments presented detailed comments and specific proposals concerning a more or less wide range of elements covered by the 14 draft articles. Some Governments said they had no comments to offer or amendments to propose at this stage. 15/ Others found the draft generally

8/ Switzerland, United Kingdom

9/ Sweden

10/ Federal Republic of Germany

11/ Switzerland

12/ Australia

13/ E/CN.7/1987/2, paragraphs 11 and 12

14/ France

15/ Bhutan, Burma, Guatemala, Luxembourg, Mali, Norway, Pakistan, Rwanda, Solomon Islands, Sri Lanka and Zimbabwe

Article 1

acceptable; 16/ one expressed agreement with all its provisions. 17/ Some Governments have indicated their support for certain of the articles as drafted. It may also be assumed that in the absence of specific comments or proposals on its part regarding a particular provision, a Government has no definite objection to its inclusion. It is understood that Governments, irrespective of the scope of their comments or proposals at this preliminary stage, reserve their right to submit other observations or amendments in due course as the preparation of the Convention progresses.

II. COMPILATION OF COMMENTS AND/OR PROPOSED TEXTUAL
CHANGES SUBMITTED BY GOVERNMENTS CONCERNING THE
PRELIMINARY DRAFT CONVENTION AGAINST ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Article 1

19. Definitions are indispensable in the Convention and should be accepted even if they do not coincide with the terminology used in national legislation. (Federal Republic of Germany)
20. The difficulties arising from the discrepancies between the definitions of the 1961 and 1971 Conventions are not resolved in the definitions contained in the draft article. For instance, the new definition of the "illicit traffic" would lead to the existence and parallel application of three different definitions constituting a source of major legal and practical difficulties. A further study of the definitions is therefore required to avoid future misinterpretation. (Hungary)
21. Various terms contained in article 1 have already been defined in the existing 1961 and 1971 Conventions and need not be repeated. (India)
Reference should be made to them, where appropriate, such as in sub-paragraph (e). (Finland)
22. Consideration should be given to the definition of new terms used in the draft Convention, e.g. monitoring, materials, etc. (Hungary). The term "law enforcement" should be defined in view of its varying connotations in different parts of the draft. (Finland)
23. As regards the order of terms, it would be more practical to follow the editorial structure of the 1971 Convention instead of the alphabetical order. (Hungary)
24. A logical rather than alphabetical order should be preferred so that, in particular, terms relating to United Nations organs would be grouped together. (France)
25. The possibility of using a national terminology which may be different from the definitions in article 1 should be reserved "to the extent that it covers the same concepts". (Switzerland)

16/ Cyprus, Israel, Malaysia

17/ Guyana

Article 1 (continued)

Article 1, introductory sentence

26. In conformity with other United Nations instruments the sentence should rather read "For the purposes of this Convention". (Italy)

27. After the word "requires" the following should be inserted: "and subject to the generality of the provisions of the Single Convention on Narcotic Drugs, 1961, as amended by the 1971 Protocol amending the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971." (India)

Article 1, sub-paragraph (b) - "Commercial carrier"

28. In order to make it clear that the definition also covers individual persons who are professionally engaged in transporting, the words "any individual or partnership or any" should be inserted after the word "means". (Federal Republic of Germany)

29. It is pointed out that non-commercial carriers are not defined, thus allowing --in theory at least-- the transportation of illicit drugs in private cars. (Hungary)

30. The following definition of "carrier" should be added: "'Carrier" means a public or private entity engaged in transporting persons or goods". (United States)

31. The definition should be amended as follows to make it clear that it relates solely to transport effected by ships or aircraft: "(b) Commercial carrier means a public or private entity engaged in the transport, on a commercial basis, of persons or goods by means of aircraft or vessels". (Netherlands)

32. The word "entity" should be replaced by the word "carrier". (India)

33. The word "transporteur" should be replaced by the words "transporteur commercial" in the French text. (Belgium, France)

Article 1, sub-paragraph (d) - "Controlled delivery"

34. The second part of the proposed definition (from the words "for the purpose" to the end) is covered in a more appropriate place in paragraph 1 of article 7 and should therefore be deleted in article 1. As regards the first part of the definition the draft could be improved as follows: "'Controlled delivery" means the operation of letting illicit consignments of controlled substances pass through the territory of one or more Parties, with the knowledge and under the surveillance of their law enforcement agencies". (Italy)

35. The definition seems defective in that it does not cover deliveries of innocuous substances which the authorities may decide to substitute for illicit drugs. (United Kingdom)

Article 1 (continued)

36. The word "involved" should be replaced by the words "participating directly or indirectly". In the French text the words "à faire passer" should be replaced by "laisser passer". (Belgium)

Article 1, sub-paragraph (e) - "Controlled substances"

37. The expression "controlled substances" is misleading because it implies that other dangerous substances are not controlled substances. The formula "substances under international control" would be preferable. (Hungary)

38. The implications of including precursor and essential chemicals within the definition of controlled substances would require further study. (United Kingdom)

39. In the absence of any indication as to the nature of "specific chemicals" to be included in the proposed Lists A and B, it is not possible to take a position regarding the use of these terms. (Hungary)

40. Account should be taken of the fact that the Conventions referred to in this sub-paragraph have not been ratified by all countries. The definition revised to that effect would read as follows: "'Controlled substances" means any of the drugs in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, for the Parties to that Convention, and of that Convention as amended by the 1972 Protocol amending it for the Parties to the 1961 Convention as amended by the 1972 Protocol, and the substances in Schedules I, II, III and IV of the 1971 Convention on Psychotropic Substances, for the Parties to that Convention". The rest of the sentence would be deleted. (Belgium)

41. The inclusion of all the substances listed in the Convention on Psychotropic substances raises the fundamental issue of whether it is equitable to propose identical penalties and measures for offences relating to substances in Schedule IV and to substances in Schedules I and II. (Switzerland)

42. The words "and of that Convention" in the second line and the figures "I, II, III, and IV" in the fifth line seem to be superfluous. (Hungary)

43. Reference to the 1972 Protocol and to Schedules III and IV of the 1971 Convention appear unnecessary, and reference to those parts of the cannabis plant at present not under control should be deleted. The following revised definition is suggested:

"Controlled substances" means:

- (i) any of the drugs in Schedules I and II of the Single Convention on Narcotic Drugs, 1961;
- (ii) any of the substances in Schedules I and II of the 1971 Convention on Psychotropic Substances;
- (iii) any of the specific chemicals in List A and List B of this Convention." (Netherlands)

Article 1 (continued)

44. The words "and the specific chemicals in List A and List B of this Convention" should be deleted since the scope of control and the control mechanisms concerning "specific chemicals" are limited and quite distinct from the control mechanisms of the existing Conventions. (United States)

45. The inclusion of all parts of the cannabis plant not included in Schedule I of the existing Conventions would create a serious problem in the trade of hemp seed and should at least be subject to clarification as regards the scope of control. (Spain)

46. Support is expressed for the broadening of the definition of cannabis in the 1961 Single Convention to include all parts of the plant containing THC at a level which creates a potential for abuse. (Ireland)

47. The part of the definition concerning the cannabis plant, which would constitute a substantial amendment to the 1961 Single Convention with far-reaching consequences, should be deleted. (Hungary)

48. If it is considered advisable to introduce controls over all parts of the cannabis plant not at present included in Schedule I of the Single Convention, it would be preferable to amend that Convention rather than introduce a new regime of control which would be confined to a single substance. (Belgium, United Kingdom)

49. It is suggested that cannabis fibre be exempted from the provisions of the new Convention and that the following definition of cannabis be incorporated in the definition of "controlled substances":

""Cannabis" means a cannabis plant, whether living or dead, and includes, in any form, any flowering or fruiting tops, leaves, seeds, stalks or any other part of a cannabis plant or cannabis plants, and any mixture of parts of a cannabis plant or cannabis plants, but does not include ... cannabis fibre". (Australia)

50. Since "poppy straw" is not included in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, it should be mentioned separately in the definition of "controlled substance" in view of the fact that its trafficking and abuse has become an international problem. (India)

Article 1, sub-paragraph (g) - "Forfeiture"

51. In order to make it clear that the word "deprivation" means final seizure, the word "permanent" should be inserted before the word "deprivation". (Federal Republic of Germany)

52. The term "forfeiture" should be understood to mean the conferring on the State of the ownership of the proceeds. (France)

53. The definition should be expanded to include cases where forfeiture of certain property involved in or derived from the illicit traffic is effected by operation of law upon or after conviction. (Australia)

Article 1 (continued)

54. The words "or by other appropriate authority" should be added to cover situations where property comes under control of the State because it was abandoned by the owner. (Canada)
55. The words "court order" should be replaced by "the order of a court or appropriate authority". (India)
56. The definition should encompass procedures other than court orders, such as administrative procedures. (United States)
57. The word "deprivation" should be replaced by the word "dispossession". (Argentina)

Article 1, sub-paragraph (h) - "Freezing"

58. The words "transfer", "conversion" and "movement" which do not add anything to the word "disposition" should be deleted. In the French text the word "autorité" should replace the word "organe" in the expression "organe judiciaire". (Madagascar)
59. The word "judicial" should be inserted between the words "appropriate" and "authority". (Netherlands)
60. The word "prohibiting" should be replaced by the words "the temporary prohibition of". (Hungary)
61. The word "temporarily" should be inserted before the word "prohibiting". (Italy)
62. The definition should be expanded to encompass procedures other than court orders, such as administrative procedures. (United States)

Article 1, sub-paragraph (i) - "Illicit traffic"

63. The reference to activities "contrary to the provisions of this Convention" is unclear since the draft Convention does not itself introduce controls on those activities. (United Kingdom)
64. It would be preferable and sufficient to refer to the 1961 and 1971 Conventions which contain regulatory provisions in respect of various activities enumerated in the definition. (India, Netherlands)
65. The expression "contrary to the provisions of this Convention" is not sufficient to define the illicit nature of the traffic because unlike the Single Convention, the new Convention does not regulate the licit activities relating to drugs. The following reformulations are suggested:
- (i) "contrary to the provisions of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, of the 1971 Convention on Psychotropic Substances and to laws or regulations adopted by a State in pursuance of its obligation under these Conventions and Protocol". (Italy)

Article 1 (continued)

(ii) "contrary to the provisions of the Single Convention on Narcotic Drugs, 1961, for the Parties to the said Convention and to the present Convention, of the Single Convention as amended by the 1972 Protocol, for the Parties to the 1961 Convention amended by the said Protocol and to the present Convention, of the 1971 Convention on Psychotropic Substances, for the Parties to the said Convention and to the present Convention". (Belgium)

66. A reference to the 1961 and 1971 Conventions should be included at the end of the first sentence. (Hungary)

67. The proposed definition, being much broader than the definitions of the illicit traffic in the 1961 and 1971 Conventions, should amend those definitions in order to ensure consistency and avoid confusion. (Canada)

68. The definition should be supplemented not only by a reference to the existing Conventions but also to the regulations for their implementation at the national level. The following words should therefore be added at the end of the first sentence: "of the Single Convention on Narcotic Drugs, 1961, including the Protocol amending the Single Convention on Narcotic Drugs, 1961, of the 1971 Convention on Psychotropic Substances and of any provision implementing these Conventions". (Federal Republic of Germany)

69. If it is found preferable not to establish a link between the new Convention and the existing Conventions, the following formula might be used: "when such operations or activities are not permitted by law or regulation of the State (or are carried out in the absence of the necessary authorization or in a way contrary to the provisions of such law or regulation or authorization)". (Italy)

70. The illicit traffic to which the proposed Convention is to apply should include importation, exportation and transportation of drugs rather than activities such as the illegal production, processing, possession and local distribution which are regulated by the existing Conventions. Moreover, the provisions should focus on the illicit traffic of substantial quantities of controlled substances. The following more precise draft is suggested:

"(i) "Illicit traffic" means the importation, exportation, international transport, despatch, despatch in transit, despatch through the mails, or brokerage of a substantial quantity of any controlled substance, in violation of the provisions of international law, as implemented by the Party or Parties concerned. The organization, management, financing or facilitating of the aforementioned operations or activities are also considered as illicit traffic for the purpose of this Convention. A substantial quantity is an amount of a controlled substance which cannot reasonably be considered to be intended for the personal use of one or a few individuals only". (Netherlands)

71. In order to make the definition more comprehensive, the word "means" should be replaced by the expression "includes operations, namely". (India)

Article 1 (continued)

72. Consideration should be given to the inclusion of additional activities not covered by the proposed definition of illicit traffic. Certain activities dealt with in article 3, such as the acquisition and concealment of proceeds can be regarded as more extensive than the activities covered under the expression "illicit traffic". (Sweden)

73. The definition may be unsatisfactory in that it appears to cover unlicensed firms producing essential substances and precursors for bona fide purposes. (United Kingdom)

74. The concept of "purchase" should be clarified in terms of its purpose as is the case with "possession" and it would also be necessary to include "acquisition by way of gift". (Spain)

75. The word "possession" in the first sentence should not be qualified by the expression "with the intent to distribute" as it seems necessary to make possession liable to punishment when it is connected with any of the activities or operations enumerated in the definition. (Italy, Switzerland)

76. The definition should be worded in such a way as to require States Parties to make a distinction between dealers and users if, as may be assumed, the purpose of the draft Convention is to penalize those who deal in drugs more severely than mere users. (Australia)

77. The word "sowing" should be inserted between "cultivation" and "production" and the words "refining, processing and storage" should be added after the word "preparation". (Venezuela)

78. The word "possession" in the French text should be replaced by the word "détention" (to translate the English word "possession"). The word "distribution" should be replaced by the words "transfer free of charge" and the words "despatch in transit" should be replaced by the words "[or] by any other means". (France)

79. In order to relate it more closely to the first sentence, the second sentence should be redrafted as follows: "'Illicit traffic" also means the organization, management, financing or facilitating of the aforementioned operations or activities". (Italy)

80. The second sentence, which concerns other types of offences that are to be considered as illicit traffic, should be deleted and transferred to article 2. (France)

Article 1, sub-paragraph (j) - "Laundering"

81. The definition should be deleted as the word raises questions of translation in different languages and because its content can be included in the relevant articles of the draft Convention (articles 2 and 3). (Federal Republic of Germany)

82. The definition of "Laundering" provides a useful guideline clarifying the concept. (Canada)

Article 1 (continued)

83. Since electronic transmission is only one of the possible means to transfer proceeds, the second part of the definition should be modified as follows: "and shall be held to include the movement or conversion of proceeds by any means (including electronic transmission)". (Italy)

84. The following formulation is considered preferable: "(j) "Laundering" means the concealment or dissembling of the true nature, source, disposition, movement or ownership of proceeds of the illicit traffic, including the movement or conversion of proceeds by electronic transmission, with the purpose of causing them to appear to be proceeds of licit activities". (France)

Article 1, sub-paragraph (k) - "Legitimate third party"

85. The words "physical or juridical" should be inserted before the word "person" and the words "corporation or other legal entity" should be deleted. (Argentina)

86. The expression should cover situations where members of the offender's family benefit from gifts purchased with tainted funds. (Canada)

87. In the interests of simplification the definition could be redrafted as follows: "'Legitimate third party" means any individual or legal entity who has acquired, bona fide, rights over the proceeds". (France)

88. The definition of "legitimate third party" is not necessary. (United States)

Article 1, sub-paragraph (l) - "List A" and "List B"

89. In the absence of indication about the nature of "specific chemicals" to be included in Lists A and B, it is impossible to approve or disapprove the use of these terms. (Hungary)

Article 1, sub-paragraph (m) - "Party"

90. The definition, which is identical with the definition of the same concept in the 1969 Vienna Convention on the Law of Treaties, is unnecessary and could be deleted. (Finland)

91. The wording should conform to the existing Conventions. (Hungary)

Article 1, sub-paragraph (n) - "Proceeds"

92. The word "proceeds" should be replaced by the word "assets" which is more comprehensive and includes the gross proceeds in their entirety. (Federal Republic of Germany)

93. The definition should be revised to make it clear that proceeds means proceeds of the illicit traffic. The following words should therefore be added: "derived directly or indirectly from the illicit traffic". (Australia, Italy, United States)

Article 1 (continued)

94. To be more effective in countries with laws based on the English common law system, the definition should specify that proceeds are property that comes from, or is derived from, or is the product of something. (Canada)

95. If the purpose of the definition is to cover only tainted property, the following formulation may be suggested:

"(i) Property used in, or in connection with the commission of an offence enumerated in paragraph 1 of article 2;

(ii) Property derived or realized, directly or indirectly by any person, as a result of the commission of an offence enumerated in paragraph 1 of article 2".

The word "Property" should be added in the definitions. (See additional definitions below). (Australia)

96. The word "instrumentalities" should be used in conjunction with the word "proceeds" wherever it appears in the text so as to cover also property used or intended to be used to further the illicit traffic. (For a definition of this term, see additional definitions below). (United States)

97. References to "incorporeal and intangible property" should be deleted and the word "economic" should be inserted before the word "interest". (Venezuela)

98. It would be sufficient to refer to property of every description, whether corporeal or incorporeal, movable or immovable. (France)

Article 1, sub-paragraph (p) - "Seizure"

99. The word "judicial" should be inserted before the word "authority", and the words "with a view to eventual forfeiture" should be added at the end. (Netherlands)

100. The words "temporarily prohibiting the transfer, conversion, disposition or movement of proceeds by physically removing such proceeds from the person or legal entity that possesses or controls them and" should be inserted after the word "means". (Italy)

Article 1, sub-paragraph (q) - "Specific chemical"

101. The appropriateness of the expression "specific chemicals" should be discussed after a decision is taken on substances to be included in the proposed Lists. (Hungary)

102. The proposed definition is too broad and therefore not acceptable. (France)

103. The word "production" should be added to "processing or manufacture". (Belgium)

Article 1 (continued)

Article 1, sub-paragraph (r) - "Tracing"

104. The word "determining" should be replaced by the word "discovering".
(Federal Republic of Germany)

105. The word "tracing" should be understood as meaning "seeking to determine". (France)

Article 1, sub-paragraph (s) - "Transit State"

106. The definition is too vague since it could apply either to virtually every country which is not a major producer, manufacturer or consumer of drugs, or to virtually no country if most countries are regarded as experiencing major drug problems. (United Kingdom)

107. The definition should reflect the fact that any State, without regard to whether or not it is a producer, manufacturer or consumer of drugs can be used as a transit State. (France, United States)

108. The word "illicit" should be inserted before the words "narcotic drugs or psychotropic substances". (Australia, Hungary, Turkey)

109. The words "while not being a major producer" should be replaced by "even if it is not a producer". (Italy)

110. The word "major", which has a subjective connotation, should be deleted. (Belgium)

111. The word "adversely" should be deleted. (Argentina)

112. The words "is nevertheless adversely affected" should be replaced by "nevertheless is or can be adversely affected". (Turkey)

113. Revised definitions are suggested as follows:

- (i) "(s) "Transit State" means a State which is affected by the illicit traffic in transit through its territory and which is of subordinate significance in relative terms in respect of the production, manufacture and consumption of narcotic drugs or psychotropic substances."
(Federal Republic of Germany)
- (ii) "(s) "Transit State" means a State which is affected by the illicit traffic in narcotic drugs and psychotropic substances in transit through its territory". (India)

Article 1, additional definitions suggested for inclusion

114. "Carrier" (see paragraph 30 above). (United States)

115. "'Instrumentalities" means property used or intended to be used to further the illicit traffic". (United States)

Article 1 (concluded)/Article 2

116. ""Means of transport" means any land, sea or air conveyance". (United States)
117. ""Property" means property of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and deeds and instruments evidencing title to, or interest in, such property". (Australia)
118. See also additional definitions proposed under article 13, paragraph 619 below.

Article 2

119. A more appropriate heading would be as follows: "Offences, sanctions and jurisdiction". (Italy)
120. The use of limitation clauses such as "subject to domestic law" renders the provisions of article 2 to a great extent acceptable. (Finland)
121. In the French text the word "délits" should be replaced by "infractions". (France, Madagascar)

Article 2, paragraph 1, introductory sentence

122. The constitutional limitations stated in paragraph 1 should be made applicable to all paragraphs of the article by either introducing a new paragraph to cover the whole article (Canada, Netherlands), or by amending the paragraphs where those limitations are not mentioned, such as paragraphs 4-6. (Canada)
123. The obligations contained in paragraph 1 should not be qualified by a reference to "constitutional limitations, legal system and domestic law"; the undertaking by States to punish the illicit traffic should be mandatory. (United States, France)
124. The introductory formula in paragraph 1 should be made shorter and consistent throughout the draft Convention as follows: "within the basic principles of the existing national legal system". (Federal Republic of Germany)
125. It would be preferable to use an introductory formula such as "within the basic principles of national legal systems"; paragraph 1 as it stands implies that Parties are not obliged to amend their domestic law in order to comply with the provisions of the draft Convention. (United Kingdom)
126. Reference to the "legal system and domestic law" is inappropriate at the beginning of the paragraph insofar as the paragraph intends to create obligations for States to establish specific cases of offences, including cases not covered by domestic law. On the other hand, such reference is necessary as regards sub-paragraph (d) and paragraph 4. (Italy)
127. The word "serious" should be deleted since minor cases may constitute offences under sub-paragraphs (a)-(d). (Federal Republic of Germany)

Article 2 (continued)

128. After the words "under its criminal law" it would be useful to add the following words: "any of the following offences, when committed intentionally". (Netherlands). The word "intentionally" should be included. (Italy)

Article 2, sub-paragraph 1(a)

129. It should be specified that to constitute a serious offence the illicit traffic would have to be committed "intentionally". (Sweden)

130. It is suggested that the designation of the illicit traffic as an offence should be treated in more detail. This would involve modulating the seriousness of such traffic in the light of the circumstances surrounding the offence. (Spain)

Article 2, sub-paragraph 1(b)

131. It does not seem advisable to introduce as a separate offence the acts specified in sub-paragraph (b) since they may be covered under sub-paragraph (d) as participation in the illicit traffic. (Italy)

132. In line with the recommendations of Interregional HONLEA, the words "intended for use in" should be replaced by the word "for". (Federal Republic of Germany)

133. Insert the word "intentionally" before the word "intended". (Belgium)

134. The acts referred to in sub-paragraph (b) should not constitute a separate offence but be punishable only as complicity. (France)

135. Under the present formulation it would be necessary to adopt control measures concerning materials or equipment which are otherwise used in various industries; it would therefore be appropriate to add the word "identified" before the words "materials or equipment". (India)

136. "Specific chemicals" should also be mentioned in addition to narcotic drugs or psychotropic substances. (Hungary)

137. After the word "distribution" insert the word "sale" and add the words "or processing" after the word "manufacture". (Venezuela)

Article 2, sub-paragraph 1(c)

138. It seems unnecessary to create a separate offence in respect of proceeds used in the commission of the illicit traffic since the acts from which such proceeds are derived already constitute an offence under sub-paragraph 1(a). (Australia)

139. The word "knowing" should be added at the beginning of the sub-paragraph and the word "reception" inserted before "acquisition" which only covers acquisition against payment. As suggested above under article 1, the word "laundering" should be deleted and the word "proceeds" replaced by the word

Article 2 (continued)

"assets". The amended sub-paragraph would then read: "(c) Knowing reception, acquisition or use of assets derived from or used in the illicit traffic;". (Federal Republic of Germany)

140. Instead of "used in the illicit traffic" the wording should be "used in an act of illicit traffic, irrespective of where such traffic occurred". The additional words, taken from article 3, paragraph 2, would make that provision superfluous. (Netherlands)

141. The provisions of sub-paragraph (c) should be combined with those under paragraph 2 of article 3 to avoid duplication. The word "proceeds" which, under sub-paragraph (n) of article 1, covers both movable and immovable property should be replaced by the words "movable property". As a result, sub-paragraph 1(c) would read as follows: "(c) Acquisition, possession, transfer or laundering of movable property derived from the illicit traffic with the knowledge that such property was derived from the illicit traffic, irrespective of [in French, "et ce, indépendamment de"] where such traffic occurred." (France)

142. The wording of sub-paragraph (c) should correspond with the provisions of article 3, paragraph 2 and include also the "utilization" of proceeds. It would then read as follows: "any act of acquisition, possession, transfer, utilization or laundering of proceeds with the knowledge that such proceeds were derived directly or indirectly from the illicit traffic, irrespective of where such traffic occurred." (Italy)

Article 2, sub-paragraph 1(d)

143. The sentence should begin with the word "knowing" instead of "intentional". The word "conspiracy" should be deleted and the individual actions specified as "aiding, abetting and counselling" should be replaced by the broad term "assistance" in keeping with the recommendations of Interregional HONLEA. The amended sub-paragraph would read as follows: "(d) Knowing participation in, or assistance in the commission of, or attempt to commit any offences under sub-paragraphs (a), (b) or (c)". (Federal Republic of Germany)

144. The word "counselling" ("conseil" in the French text) should be deleted since counselling does not constitute an act of complicity under every legal system. (France)

145. The word "incitación" should be replaced by the word "inducción" in the Spanish text. (Ecuador)

146. In order to include a reference to incitement to commit an offence, the words "and procuring" should be inserted after the word "counselling". (Australia)

147. Both sub-paragraphs (c) and (d) should cover drug connected offences, especially those relating to the transfer of proceeds. (India)

Article 2 (continued)

Article 2, paragraph 2

148. Paragraph 2 should be deleted and its substance combined with the contents of paragraph 1 in a single paragraph. (Madagascar)

149. The provisions of paragraph 2 which have no equivalent in any international instrument should be subject to the constitutional limitations, legal system and domestic law of the Parties. (France)

150. It is not clear whether the punishment of deprivation of liberty and the pecuniary penalties are alternatives or whether a fine may be additional to deprivation of liberty. It would also be appropriate to stipulate that deprivation of liberty should be for a substantial period of time. (Spain)

151. The obligation to take the measures enumerated in sub-paragraphs (a)-(d) being too absolute for a worldwide convention the following clause should be added: "within the basic principles of the existing national legal system". (Federal Republic of Germany)

152. In order to avoid creating the impression that all of the penalties and measures listed in sub-paragraphs (a)-(d) must be applied to every offence, the words "any of the following" should be added at the end of the opening sentence. (Netherlands, United Kingdom)

153. In order to take into account the general criteria of evaluation of sanctions in each country as well as the existence of minor cases of illicit traffic, paragraph 2 should be reworded as follows: "Each State Party shall make the offences set forth in paragraph 1 of this article punishable by appropriate penalties which take into account the grave nature of these offences, including the deprivation of liberty and pecuniary penalties or fines". (Italy)

154. It is suggested that the paragraph should be reworded as follows: "Offences enumerated in paragraph 1 of this article shall be made liable to the application of sentences of imprisonment or other forms of deprivation of liberty for a substantial period of time and other punishment, including the following: pecuniary penalties (as in (b)) and forfeiture (as in (c))." (Venezuela)

Article 2, sub-paragraph 2(a)

155. In sub-paragraph (a) the word "substantial" should be deleted and the following should be added at the end of the sentence: "which is proportional with the gravity of the offence". (Hungary)

Article 2, sub-paragraph 2(b)

156. In sub-paragraph (b) the word "commensurate" should be replaced by the words "taking into account". (France)

Article 2 (continued)

Article 2, sub-paragraph 2(c)

157. The concepts in sub-paragraphs (c) and (d) should be combined in a single paragraph as follows: "(c) Forfeiture of proceeds or instrumentalities as provided in article 3 of this Convention."
(United States)

Article 2, sub-paragraph 2(d)

158. In sub-paragraph (d) the word "proceeds" should be replaced by the word "assets" in line with the amendment proposed for the definition of the term under sub-paragraph (n) of article 1. (Federal Republic of Germany)

Article 2, paragraph 2, additional sub-paragraph suggested for inclusion

159. Capital punishment should be added as a possible sanction depending upon the nature and gravity of the offence and subject to each Party's constitutional limitations, legal system and domestic law. (Malaysia)

Article 2, paragraph 3

160. The nature of the obligation placed on States Parties by paragraph 3, as well as paragraph 5, should be made clear by stating that the circumstances of aggravation may be treated as matters that are relevant to the sentence to be imposed on a person and need not be regarded as additional elements of the offences enumerated in article 2, paragraph 1. (Australia)

161. It is considered important that the clause "where possible" be retained in the introductory sentence to take into account certain limitations of domestic law. (Switzerland)

162. It is suggested that in line with the recommendation of Interregional HONLEA the words "and desirable" be added after the word "possible" in the introductory sentence. (Federal Republic of Germany)

Article 2, sub-paragraph 3(a)

163. A distinction should be made between persons who are only participants in an organized criminal group, and the organizers or leaders of such a group, so as to punish more severely those in the latter category. (Italy)

164. The sub-paragraph should be redrafted as follows: "The implication of the offender in the illicit traffic in firearms, subversive activities, international terrorism and other criminal activities". (Turkey)

165. Reference should be made to the necessity of treating with maximum severity under criminal law organized criminal groups engaged in the illicit traffic. (Spain)

Article 2, sub-paragraph 3(c)

166. The following should be added: "and the offence is connected with this public function", (Hungary) "or a medical function". (Belgium)

Article 2 (continued)

167. The sub-paragraph should be reworded as follows: "The misuse of public authority or office". (Turkey)

168. It should be specified that the public office held by the offender must have some connection with the field of narcotic drugs. (Egypt)

Article 2, sub-paragraph 3(d)

169. The words "and utilization" should be added after the word "victimization". (Argentina)

170. The word "victimización" should be replaced by a more appropriate word in Spanish. (Ecuador)

171. The sub-paragraph should be replaced by the following: "The supply, application or provision of narcotic drugs or psychotropic substances to minors, disabled persons or persons suffering from mental or physical handicap". (Venezuela)

172. In establishing aggravating circumstances for the enumerated offences, account should be taken of two elements namely, that the drug are intended for consumption by minors and that minors are used in the illicit traffic as co-participants or active subjects (perpetrator, accomplice). (Ecuador)

Article 2, paragraph 3, additional sub-paragraphs suggested for inclusion

173. The following aggravating circumstances are suggested for inclusion in the list under paragraph 3:

- (i) "(e) Recidivism". (China)
- (ii) "(e) The fact that the offence affects the health of the victim of the traffic". (Belgium)
- (iii) "(e) The use of any of the persons mentioned in [sub-]paragraph (d) in the commission of the offences referred to in paragraph 1 of this article." (Venezuela)
- (iv) "(e) The involvement of large quantities of controlled substances or specific chemicals, measured in terms of their weight, their purity or their pharmacological effect;
- (f) Harm to the public health or safety or the threat thereof;
- (g) The involvement of bribery or corruption of officials;
- (h) The breach of professional duty or responsibility;
- (i) The gain realized by the offender from the offences;
- (j) Prior convictions, whether foreign or domestic;

Article 2 (continued)

- (k) Other aggravating circumstances provided for by the domestic law of a Party." (United States)
- (v) The fact that the offender has been convicted in another country for offences listed in article 2, paragraph 1, could be added to the list of aggravating circumstances. (Malaysia)

Article 2, paragraph 4

174. It is considered necessary to make this provision subject to national legislation by introducing a formula such as "subject to domestic law" (Finland) or "within the basic principles of the existing national legal system". (Federal Republic of Germany)

175. The provision amounts to a violation of the principle "ne bis in idem" and should therefore be deleted. (Hungary, Switzerland). It would be necessary to provide some safeguard against double jeopardy (the principle of "ne bis in idem"). (Australia, United Kingdom)

176. In order to make it clear that the word "offence" as used in the draft Convention refers to each separate element of a chain of related actions that might be part of the same transaction, each of which could be the basis for prosecution or for a request for extradition, the paragraph should be reworded as follows: "When illicit traffic involves a series of related actions, each such action shall constitute a separate offence that could form the basis for the exercise by a Party of its criminal jurisdiction or for a request for extradition". (United States)

177. The following wording is suggested for this paragraph:

"An offence enumerated in paragraph 1 of this article shall, if the commission of such an offence involved the taking of action in more than one country, be deemed to constitute a separate offence committed in each such country". (South Africa)

Article 2, paragraph 4, additional sub-paragraphs suggested for inclusion

178. The Convention would be strengthened by the inclusion of a provision making clear the instances in which each Party will establish its jurisdiction over drug offences. The following sub-paragraphs, drawing in part from paragraph 6 of the draft, should be added for this purpose as follows:

- "(a) Each Party shall establish its jurisdiction over the offences enumerated in paragraph 1 of this article when:
- (i) The offence is committed in the territory of that Party; or
 - (ii) The offence is committed on board a vessel or aircraft registered under the laws of that Party;

Article 2 (continued)

- (b) Each Party may establish its jurisdiction over the offences enumerated in paragraph 1 when:
- (i) The offence is committed on board a vessel seized by that Party pursuant to article 12 [paragraph] 3 of this Convention;
 - (ii) The offence, though committed outside its territory, was intended to have or had effects within its territory; or
 - (iii) The alleged offender is present in its territory and that Party does not extradite the offender pursuant to a request submitted by another State.
- (c) This Convention does not exclude any criminal jurisdiction exercised in accordance with national law". (United States)

Article 2, paragraph 5

179. The provision should be made subject to the overriding constitutional requirements of any Party to the Convention. (Ireland)

180. This paragraph should be either deleted or made applicable only to States Parties whose laws consider recidivism as an aggravating factor, by adding at the end the following clause: "Where it is provided by law that recidivism constitutes an aggravating factor". (Federal Republic of Germany)

181. In view of the difficulties on both practical and legal grounds to which the application of paragraph 5 may give rise, a discretionary formula similar to that used in paragraph 3 should be included in paragraph 5. (France, United Kingdom)

182. It is suggested that the point dealt with in paragraph 5 can be covered more succinctly in paragraph 3. (United States)

183. In the Spanish text replace the word "computadas" by the word "consideradas". (Venezuela)

Article 2, paragraph 6

184. Paragraph 6 as drafted gives rise to difficulties regarding concurrent jurisdiction which article 4, paragraph 9, does little to resolve. It would be preferable to take into account parallel provisions of other multilateral treaties adopted under the auspices of the United Nations dealing with offences such as those relating to hijacking, hostages and specially protected persons. (Australia, Italy, United Kingdom)

185. The grounds for jurisdiction could include: (i) the commission of an offence on State territory; (ii) where the alleged offender is a national of the State; and (iii) where there exists some close connection between the offence and the State asserting jurisdiction, such as trafficking drugs with the intention of importing them into that State. (Australia)

Article 2 (continued)

186. Paragraph 6, as well as paragraph 4, do not appear to add anything new to the provisions of article 36, sub-paragraphs 2(a)(i), (iii) and (iv) of the Single Convention as amended by the 1972 Protocol and could be deleted as superfluous. (Netherlands)

187. At the end of the sentence, insert, "when extradition is not granted". (Argentina)

188. New formulations for paragraph 6 are suggested as follows:

(i) "1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over drug trafficking offences in the following cases:

(a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) when the alleged offender is a national of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over those offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 6.

3. This convention does not exclude any criminal jurisdiction exercised in accordance with national law." (United Kingdom)

(ii) "Each Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in paragraphs ...

(a) in cases where such offence is committed in its territory or on board a ship or aircraft registered in that State;

(b) in cases where the alleged offender, either being a national or a non national of that Party, is found in its territory and it does not extradite him to any of the State having jurisdiction under the preceding sub-paragraph". (Italy)

189. Paragraph 6, which is based on the principle of universal jurisdiction, is not acceptable. (France)

190. The provisions of paragraph 6 which are related to those of sub-paragraph 5(b) and paragraph 9 of article 4 should be moved to that article. (Belgium)

191. Paragraph 6 should also cover the trial of an accused person in a third country even though the offence has been committed in another country. (India)

192. The following should be added at the end of the paragraph: "or by the nationality State". (China)

Article 2 (continued)

193. Inasmuch as all drug offences cannot be classified as international crimes, a system should be introduced to determine which of the offences listed in article 2, paragraph 1 can be considered international crimes. (Finland)

194. The provision of paragraph 6 should regulate clearly the competence for prosecution whereas the obligation to prosecute is settled in article 4, paragraph 7. The settlement of the competence should not be confined to the two alternatives mentioned in the present draft since it is the aim of the new Convention to achieve criminal prosecution in any case. The following wording is suggested: "6. Offences enumerated in paragraph 1 of this article committed either by nationals or by non nationals can be prosecuted, irrespective of where the offence was committed". (Federal Republic of Germany)

195. The following should be added at the end of the paragraph: "independently from the nationality of the offender, in cases where every evidence connected with the offence has been made available to the competent authority of the Party". (Hungary)

196. In order to make the substance of this paragraph consistent with the extradition provisions, the following words should be added at the end of the paragraph: "as far as extradition is not executed". (German Democratic Republic)

Article 2, paragraph 7

197. The paragraph should be redrafted as follows: "The Parties shall bear in mind the serious nature of the offences enumerated in paragraph 1 of this article when establishing statutes of limitation applicable to such offences and in considering early release or parole of persons convicted of such offences". (United States)

198. The words "or conditional release" should be inserted after the word "parole". (Argentina)

199. As it appears that there are two distinct concepts in the paragraph, it is suggested that it be broken into separate paragraphs dealing with (a) parole and (b) the statute of limitations. (Argentina, Ireland)

200. As regards the statute of limitations the paragraph should read as follows: "The Parties shall endeavour to establish adequate provisions governing the statute of limitations applicable to offences related to the illicit traffic." (Argentina)

201. The present text should be replaced by the following: "The Parties shall secure the adoption of the necessary measures to prohibit the granting of parole to persons prosecuted for or charged with the offences enumerated in paragraph 1 of this article, as well as the granting of conditional release in the case of a convicted person, and shall endeavour to establish provisions to extend the statute of limitations in respect of punishments applicable to offences related to the illicit traffic in narcotic drugs or psychotropic substances." (Venezuela).

Article 2 (continued)

202. It does not seem appropriate to require that the releasing authority should defer a release because it relates to an offence covered under article 2, paragraph 1. The present paragraph should be redrafted to indicate that the questions of early release and parole should be taken into account to ensure that the effect of article 2, sub-paragraph 2(a), providing for imprisonment "for a substantial period of time" is not weakened. (Australia)

203. As there is no justification for applying periods of prescription for drug offences different from those applied for other serious offences which are liable to equally severe penalties, the words after "persons convicted for such offences" should be deleted. (Federal Republic of Germany, Netherlands)

204. In order to make the provision more flexible the words used in the French text "devront tenir compte" should be replaced by the words "prendront en considération" where the English text reads "shall bear in mind". (France)

205. The first half of the first sentence of this paragraph should contain a proviso in favour of drug dependent retail dealers along the lines of the provisions of article 36, sub-paragraph 1(b), of the Single Convention as amended by the Protocol. (Federal Republic of Germany)

206. In view of the generally applicable penal law provisions in the various legal systems, paragraph 7 as well as paragraph 8 do not appear necessary. (Italy)

Article 2, paragraph 8

207. It should be stated that the Parties shall take the appropriate measures mentioned in the paragraph "within the basic principles of the existing national legal systems". (Federal Republic of Germany)

208. It is suggested that the first sentence should read as follows: "Each Party shall take appropriate measures, consistent with its legal system, to ensure that a person charged with or convicted of an offence specified in paragraph 1 of this article, who is found within its territory, is present at the necessary proceedings relating to prosecution, extradition or the enforcement of a foreign criminal sentence, as the case may be". (The additions in this paragraph should be read in conjunction with the suggested additions to article 4). (Netherlands)

209. In the second sentence of this paragraph, the expression "illicit gains" should be used instead of "large sums of money available to traffickers" which is rather vague. (Switzerland)

210. The last sentence of paragraph 8 should be deleted as it places undue emphasis on the financial resources of drug traffickers without reference to other factors such as danger to the community. (United States)

211. Reference should be made in connection with extradition, to existing bilateral treaties and agreement on mutual legal assistance. (German Democratic Republic)

Article 2 (concluded)/Article 3

212. In the first sentence after the word "charged" insert "or accused", and after "necessary proceedings" add "and receives guarantees of fair treatment at all stages of the trial". (Venezuela)

213. After the words "bear in mind", in the second sentence, insert the following: "the offence charged, the personal situation of the accused person and his background". (Argentina)

Article 2, additional paragraphs suggested for inclusion

214. Since forfeiture as provided in sub-paragraphs 2(c) and 2(d) does not necessarily constitute a penal sanction, as may be seen from article 3, it is proposed that a new paragraph be added as follows: "Any controlled substances, equipments, goods or property used in, or intended for the commission of any of the offences referred to in paragraph 1 of this article, shall be liable to seizure and forfeiture". (Italy)

215. The destruction of controlled substances which have been seized should be covered in a separate paragraph reading as follows: "Each State Party shall take any necessary measures for the destruction, within the shortest delay, of the controlled substances which have been seized and for the admissibility as evidence of duly certified samples of such substances." (Italy)

216. It is suggested that, in line with the provisions in sub-paragraph 1(b) of article 36 of the Single Convention as amended, the following paragraph be included in the draft: "Notwithstanding the (preceding) paragraphs, when abusers of drugs have committed one of the offences referred to in paragraphs ... the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration". (Italy)

Article 3

217. The article should be expanded to include: (i) a confiscation order in the form of a pecuniary penalty (a conviction or the institution of criminal proceedings for an offence under sub-paragraph 1(a) of article 2 should not be a prerequisite to the imposition of such a penalty); (ii) automatic forfeiture of proceeds; (iii) forfeiture of proceeds used in connection with the commission of the illicit traffic, and (iv) forfeiture of property into which proceeds have been converted. (Australia)

218. The article should comprise undertakings to execute forfeiture decisions that have been taken by a court in another country. Grounds for execution should be not only sentences for offences such as those referred to in paragraph 2, but all sentences pursuant to article 2, paragraph 1, if the offence has led to a profit. (Sweden)

219. The article should contain a general provision on the recognition and confirmation of an order for the forfeiture of proceeds made by a court or other appropriate authority of another country. In this regard the provisions

Article 3 (continued)

relating to the proceeds of criminal activities recommended by the Commonwealth Law Ministers Meeting in July 1986 ^{18/} could be considered as a possible model upon which the drafting of provisions in relation to proceeds of drug offences could be based. (Malaysia)

220. The scope of the article should be broadened in order to encompass both instrumentalities and offences in addition to the illicit traffic. A redrafting of the article is suggested as follows:

"The Parties undertake to prevent and repress the acquisition, possession, transfer and laundering of the proceeds and instrumentalities of the offences enumerated in article 2, paragraph 2, regardless of where those offences occurred. To that end, they shall:

(a) Take national measures establishing procedures for the identification, tracing, freezing, seizure and forfeiture of such proceeds and instrumentalities;

(b) Provide, pursuant to articles 5 and 6, for the expedited mutual exchange of information and evidence necessary to identify, trace, locate, freeze, seize and forfeit such proceeds or instrumentalities;

(c) Authorize courts of criminal or civil jurisdiction or other appropriate authorities to:

(i) Freeze and seize such proceeds or instrumentalities regardless of where the offence to which they relate has been committed or whether such proceeds or instrumentalities are intermingled with property or assets acquired from legitimate sources;

(ii) Forfeit such proceeds or instrumentalities, when a conviction has been obtained in any jurisdiction for such an offence to which they relate or when, in the absence of any prosecution or conviction, the court or appropriate authority concludes that the owner of such proceeds or instrumentalities knew or had reason to know that such proceeds were derived directly or indirectly from the commission of such an offence or such instrumentalities were used or intended to be used for illicit traffic." (United States)

221. The article should only lay down the principle of international co-operation in this matter and leave implementation measures to regional levels. The article should be in the form of recommendations. (Belgium)

222. The word "proceeds" should be replaced by the word "assets" as suggested for article 1, sub-paragraph (n). (Federal Republic of Germany)

Article 3, paragraph 1

223. The formula "knowing reception, acquisition or use of assets" suggested for article 2, sub-paragraph 1(c), should also be used in paragraph 1 as well as in paragraph 2. (Federal Republic of Germany)

^{18/} This text will be available to the Commission on Narcotic Drugs at its thirty-second session

Article 3 (continued)

224. The paragraph should make it clear whether the proceeds of the illicit traffic include property into which proceeds have been converted. (Australia)

225. The paragraph should begin with the constitutional limitation clause and instead of imposing a strict obligation on Parties, state that they should progressively take the measures envisaged. (Belgium)

226. It should be added that both national co-ordinated action and international assistance should always be through the national central offices established in the respective countries. (Spain)

227. The words "derived from or used in the illicit traffic" should be replaced by the words "derived directly or indirectly from the illicit traffic". (Italy)

Article 3, sub-paragraph 1(c)

228. It is suggested that sub-paragraph (c) be reworded as follows:
"(c) Co-operate closely with each other". (Madagascar)

229. It would be appropriate to expand the provisions of sub-paragraph (c) concerning mutual legal assistance since the traditional form of assistance covered under article 5 does not extend to co-operation for the purpose of forfeiture. (Italy)

230. It must be made clear in sub-paragraphs (b) and (c) that the envisaged co-ordinated action and appropriate assistance is to be facilitated and provided, respectively, by nationals in each country. (Cuba)

Article 3, paragraph 2

231. This paragraph appears largely to duplicate the provision embodied within article 2, sub-paragraph 1(c), except that the latter contains no reference to knowledge which is considered an essential element of the proposed offence. (United Kingdom)

232. In order to avoid duplication with article 2, sub-paragraph 1(c), it is proposed that paragraph 2 of article 3 be deleted, provided that the full definition of the offence is included in article 2. (France, Federal Republic of Germany, Italy, Netherlands, United Kingdom)

233. It is proposed to concentrate obligations concerning criminal offences in one article; the coercive measures should be clearly separated from the other regulations set out in article 3 which should be exclusively limited to governmental control measures. (German Democratic Republic)

234. It is necessary to clarify whether the provisions in this paragraph mean only the confiscation of the proceeds derived from the illicit traffic as well as the means used for committing the offence, or the punishability of the acquisition, possession, transfer or laundering of proceeds. (Finland)

Article 3 (continued)

Article 3, paragraph 3

235. The paragraph should be expanded to include the freezing and seizing of (i) proceeds used in or derived from the commission of an offence referred to in article 2, paragraph 1; (ii) an alleged offender's property where a court is satisfied that the offender has committed an offence and the offender has benefited from that offence; (iii) an alleged offender's property, where a court is satisfied that a person has benefited from the illicit traffic and an application for a pecuniary penalty has been made. (Australia)

236. The introductory sentence should be redrafted as follows: "Within the basic principles of the existing national legal system, each Party shall:" (Federal Republic of Germany)

Article 3, sub-paragraph 3(a)

237. It would appear sufficient for this article to regulate international co-operation in respect of the tracing, freezing and seizure of proceeds. Accordingly the words "on its own behalf or on behalf of another Party" in sub-paragraph (a) should be replaced by the words "by another Party". In addition, the word "judicial" should be inserted between the words "appropriate" and "authority". (Netherlands)

238. The sub-paragraph provides that only a domestic authority may apply for an order. There is no reason why a foreign authority should not be enabled to apply. There should also be provisions for international co-operation in particular for the mutual enforcement of court orders. (United Kingdom)

239. It is not clear from the wording whether it is to be a national or a foreign court that is to issue the order referred to in that sub-paragraph; it should be specified that the court in question must be a national one. (Cuba)

240. The expression "is satisfied" does not indicate the standard of proof that would be required for a court to make a seizing or freezing order. The evidence requirement for what amounts to a provisional measure should not be too exacting and could be covered by the formula "has reasonable grounds to believe". (Australia, Switzerland)

241. The words "tribunal criminel ou civil" in the French text should be replaced by the words "jurisdiction pénale ou civile", which have a wider connotation. (Madagascar)

242. There should be a provision for the issue of search warrants if such warrants are not covered under the term "order" used in the sub-paragraph. It is also observed that in some cases a freezing or seizing order is not necessary to prohibit the transfer, conversion, disposition or movement of the proceeds and that a less restrictive order may suffice. (Australia)

243. The provision enabling the issuance of an order should not be limited to a court of criminal or civil jurisdiction but apply also to other courts, such as an administrative tribunal. The sub-paragraph should begin as follows: "(a) Authorize courts or other appropriate authority". (Federal Republic of Germany)

Article 3 (continued)

244. In sub-paragraph (a)(ii) the words "or the beginning of the enquiry" should be inserted after the words "formal charges". (Venezuela)

245. The substance of sub-paragraph (a)(iv) raises the question whether a trustee may be deemed to be authorized to dispose of the proceeds after a freezing order has been placed on them. This appears to be the case only if the freezing order is followed by a seizure order. (Netherlands)

246. If the proposed new definition for "seizure" is accepted (see paragraph 100 above), sub-paragraphs (i) and (v) become superfluous. (Italy)

247. The words "paragraph 2 of this article" should be replaced by the words "article 2, sub-paragraph 1 (c) read in conjunction with article 2, paragraph 6". (Federal Republic of Germany)

248. In sub-paragraph (a) (v) the word "other" should be deleted as it could be interpreted as meaning that a seizure order could be made in relation to a legitimate source of proceeds. (Ireland)

Article 3, sub-paragraph 3(b)

249. It is considered that sub-paragraph (b) should include court ordered forfeiture of proceeds after conviction for an offence referred to in paragraph 1 of article 2 and imposition of a pecuniary penalty by a court, a conviction or the institution of criminal proceedings for an offence referred to in paragraph 1 of article 3 not being a prerequisite. (Australia)

250. The sub-paragraph raises the question as to how a court can be satisfied that an owner has knowledge of the source of proceeds if there has been no prior prosecution or conviction. More generally this sub-paragraph and sub-paragraph 3(d) might prove unnecessarily restrictive in countries where legislation in this field has already been enacted which places the burden of proof on the accused or where forfeiture powers are more comprehensive. (United Kingdom)

251. The provision should be subject to a reservation clause for the benefit of countries where courts are not empowered to order the forfeiture of proceeds in the absence of any prosecution or conviction. (Poland)

252. In order to take into account the requirements of domestic law, the opening sentence of sub-paragraph (b) should be amended as follows:
"Authorize a court of criminal or civil jurisdiction to order, under the conditions laid down in the domestic law, the forfeiture of proceeds which are found within its own jurisdiction, whether or not such proceeds are already the object of a freezing or seizing order". (Italy)

253. In order to limit the field of application of the paragraph to forfeiture orders issued at the request of another Party and to take into account the fact that the implementation by a Party of a forfeiture order imposed by a court in another Party will be the responsibility of an authority other than a court, e.g. a public prosecutor, the opening sentence of sub-paragraph (b) should be amended as follows: "(b) Authorize a court of

Article 3 (continued)

criminal or civil jurisdiction or other appropriate judicial authority to order, upon application by another Party, the forfeiture ...". Sub-paragraph (i) would then read as follows: "When a person has been convicted of an offence referred to in article 2 by a court of such other Party, and the court has ordered the forfeiture of the proceeds". (Netherlands)

254. In sub-paragraph (i) the words "in paragraph 2 of this article" should be replaced by the words "in article 2, paragraph 1(c), read in conjunction with article 2, paragraph 6". (Federal Republic of Germany)

255. Sub-paragraph (ii) appears unacceptable inasmuch as it envisages a situation in which a measure or penalty requiring the forfeiture or seizure of illicitly obtained proceeds could be imposed without it being based on a judicial sentence by a court in respect of an offence. The sub-paragraph should be deleted. (France, Netherlands)

256. The degree of satisfaction which should be required by a court under sub-paragraph (b)(ii) should be higher than the degree of satisfaction required for the making of a freezing or seizing order under sub-paragraph 3(a). (Australia)

257. At the end of sub-paragraph (b)(ii) the words "used for such traffic in any jurisdiction" should be deleted. (Italy)

258. For the sake of consistency it would be preferable to refer to proceeds which are "derived from" the illicit traffic as is done in paragraph 1. (Australia)

259. In the introductory sentence, the word "saisie" in the French text should be replaced by the word "confiscation" corresponding to the English word "forfeiture". (France, Italy, Switzerland)

Article 3, sub-paragraph 3(b), additional sub-paragraphs suggested for inclusion

260. The draft does not specify whether the proceeds are to be forfeited to the country where the offence was committed (if that country is the applicant for a forfeiture order) or to the country in which the proceeds are found. (Australia, Canada, Italy)

261. It would be equitable for the proceeds to be repatriated to the country in which the offence was committed. However, an alternative would be to provide for an equal division of the forfeited property between the respective countries. (Australia)

262. In order to avoid conflicts as to where forfeiture should be executed, it might be provided that the forfeited proceeds should accrue to the State in which the forfeiture was executed. (Sweden)

263. An additional sub-paragraph should provide that the proceeds accrue to that State in which they are located since that State will more likely be interested in taking action. The following wording is suggested "In cases of

Article 3 (continued)

an order of forfeiture referred to in paragraph 3(b) the Party where the assets are located shall have power of disposition". (Federal Republic of Germany)

Article 3, sub-paragraph 3(c)

264. Sub-paragraph 3(c) should be deleted since it would be unwise to incorporate international rules of evidence in a convention, particularly when those rules tend to weaken the general basic principles of the law of criminal procedure concerning the presumption of innocence. The sub-paragraph should be replaced by provisions under which requests as referred to in sub-paragraphs (a) and (b) should be made in writing and be accompanied by a copy of the charge(s) (in case (a)) or of the sentence (in case (b)). (Netherlands)

265. Any international regulation that would shift the burden of proof would not be acceptable under the different legal systems of potential States Parties. (Federal Republic of Germany)

266. As there is no need to introduce the presumptive evidence mentioned as directly binding on the courts, the provision should be subject to a reservation. (Poland)

267. Instead of requiring courts to take certain matters into consideration, the sub-paragraph should provide that courts may take those matters into consideration. (Australia)

268. If in sub-paragraph (c)(ii) the phrase "about the same time" is supposed to refer to the time of the commission of the offence mentioned in the immediately preceding sub-paragraph (c)(i), sub-paragraph (c)(ii) should be reworded accordingly. (South Africa)

269. In the first sentence of sub-paragraph (c) the words "offences referred to in article 2" should replace the words "offences referred to in paragraph 2 of this article". (Netherlands)

270. The words "paragraph 2 of this article", should be replaced by the words "article 2, paragraph 1(c), read in conjunction with article 2, paragraph 6". (Federal Republic of Germany)

Article 3, sub-paragraph 3(d)

271. In order to ensure that the provision does not imply that a forfeiture of order can also be issued in respect of property which cannot be proved to have a connection with an offence, it is suggested that the words "an order of forfeiture referred to in paragraph 3(b) of this article" be deleted. (Netherlands)

272. Sub-paragraph (d) should be amended or deleted because it would be impossible to specifically distinguish property or assets derived from the illicit traffic if they are intermingled with assets acquired from other legitimate sources. It is suggested that in such cases it should be presumed that the assets had been derived from the illicit traffic and that it would be for the offenders to establish the licit source of such assets. (India)

Article 3 (concluded)/Article 4

273. The provisions of sub-paragraph (d) do not appear indispensable and at any rate should be consistent with the requirements of paragraph 4. (France)

274. The words "paragraph 2 of this article" should be replaced by the words "article 2, paragraph 1(c), read in conjunction with article 2, paragraph 6". (Federal Republic of Germany)

275. The words "or used in " should be deleted. (Italy)

Article 3, paragraph 4

276. The word "legitimate" should be deleted. (Madagascar)

277. In the Spanish text, the word "prejuzguen" should be replaced by the word "perjudiquen". (Argentina)

Article 3, additional paragraphs suggested for inclusion

278. It is suggested that an additional paragraph provides for the entering into bilateral and regional agreements to enhance the effectiveness of the provisions of article 3. (India)

279. A new paragraph should be added as follows: "The provisions of paragraph 3 of this article shall apply also to the freezing, seizing and forfeiture of any controlled substances, equipments, goods or property used in any of the offences referred to in article 2". (Italy)

Article 4

280. The article should impose a clear obligation on States Parties to grant extradition to each other for offences listed in paragraph 1 of article 2. It is therefore suggested that paragraphs 1, 2 and 3 of article 4 be replaced by the following text:

"1. The Parties shall make the offences listed in paragraph 1 of article 2 of this Convention extraditable offences as between themselves under their laws.

2. The Parties undertake to include such offences as extraditable offences in any extradition treaty concluded between them and the offences shall be deemed to be included as extraditable offences in any treaty already existing between them.

3. A Party which makes extradition conditional on the existence of a treaty and receives a request from another Party with which it has no extradition treaty, may consider this Convention as the legal basis for extradition in respect of any offence listed in paragraph 1 of article 2."

Paragraphs 5, 6 and 7 of the present draft would be retained. (Australia)

Article 4 (continued)

Article 4, paragraph 1

281. The paragraph should begin with the following clause: "1. Having due regard to their constitutional, legal and administrative systems, the Parties shall apply this article ...". (Hungary)

Article 4, paragraph 2

282. It should be specified that extradition treaties referred to in this paragraph include both bilateral and multilateral treaties. (Turkey)

283. The two sentences of this paragraph should be combined into a single one as follows: "The Parties undertake to consider the offences to which this article applies as extraditable in every extradition treaty existing or to be concluded between them". (Madagascar)

284. The words "or mutual agreement" should be inserted between the words "treaty" and "existing". (Hungary)

285. The question arises of whether paragraphs 2, 3 and 4 are necessary since they are practically identical to the corresponding provisions of article 36, paragraph 2, of the Single Convention as amended by the 1972 Protocol. (Netherlands). Consideration should be given to the possibility of adjusting their formulation to the provisions contained in other United Nations instruments, e.g. the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. (Federal Republic of Germany)

Article 4, paragraph 3

286. In order to enhance the effectiveness of the new Convention and to improve upon the relevant provisions of the existing Conventions, it would be desirable to make extradition mandatory for drug offences between countries which are not bound by an extradition treaty. Accordingly the word "may" should be replaced by the word "shall" in paragraph 3. (France, Switzerland)

287. Bearing in mind similar considerations, the paragraph should be redrafted as follows: "Subject to its constitutional limitation, a Party which makes extradition conditional on the existence of a treaty, when receiving a request for extradition from another Party with which it has no extradition treaty, shall consider this Convention as the legal basis for extradition in respect of any offence to which this article applies. Extradition shall be subject to the other conditions provided by the law of the requested Party". (Italy)

288. The word "requête" used in the French text for the word "request" in the English text should be replaced by the word "demande". (Madagascar)

289. The paragraph should contain the following clause "except as otherwise provided in this article, extradition shall be subject to the other conditions provided by the law of the requested State". (Canada)

Article 4 (continued)

Article 4, paragraph 4

290. For reasons similar to those indicated in favour of amending paragraph 3, the following formulation is suggested for paragraph 4: "4. Parties which do not make extradition conditional on the existence of a treaty shall grant extradition for offences to which this article applies, subject to the conditions provided by their legislation". (France)

291. The concluding formula of this paragraph "subject to the conditions ..." is considered susceptible to too broad an interpretation; the European Convention on Extradition might serve as a model for a better formulation. (Switzerland)

Article 4, paragraph 5

292. The paragraph should be replaced by the following two paragraphs, one of which also covers cases where extradition may be refused.

"A request for extradition with respect to any of the offences to which article 2, paragraph 1, of this Convention refers may be refused by the requested Party when the latter is competent, by virtue of its own legislation, to try the person sought for the offence constituting the ground for the request, in which case the requested Party shall submit the matter to the competent authorities and shall notify the requesting Party of the decision.

The request referred to in the preceding paragraph may not be refused because:

- (a) The persons sought is a national of the requested Party, unless the legislation of the requested State provides otherwise;
- (b) The offence was committed outside the territory of the requesting Party, if the offence might have or had effects within the territory of the requesting Party, always provided the latter has jurisdiction over the offence constituting the ground for the request and may give judgment thereon". (Venezuela)

293. It is proposed that the paragraph be redrafted as follows:

"Notwithstanding any contrary provisions contained in extradition treaties or in domestic law, a Party which receives a request for extradition with respect to any of the offences to which this article applies:

- (a) Shall have the right to grant extradition of its nationals, unless the refusal of such extradition is required by its constitution;
- (b) Shall have the right to grant extradition when the offence for which extradition is requested has been committed outside the territory of the requesting Party, if the jurisdiction of the requesting Party is based on the fact that the offence was intended to have or had effects

Article 4 (continued)

within its territory and the law of the requested Party establishes domestic jurisdiction on the same criterion for the same category of offence". (Italy)

294. Paragraph 5 should be deleted in view of the fact that many States would not wish to give up their discretion over political safeguards in the matter of extradition. (Canada, France, Madagascar, Netherlands)

Article 4, sub-paragraph 5(a)

295. The provision of sub-paragraph (a) may be in conflict with bilateral or international conventions or with rules of jurisdiction recognized by international law. It is suggested that the present text be replaced by a stipulation that the request is to be taken into consideration in cases where the person sought is a national of the requested Party, in accordance with the Party's regulations and its constitution. (Saudi Arabia)

296. The sub-paragraph is in conflict with a rule of public international law, i.e. that extradition of nationals of a requested State is inadmissible. (Egypt)

297. In addition to the constitution of the requested Party, domestic law should be mentioned as a justification for refusal of extradition. (Belgium, Hungary, Switzerland)

298. The following should be added at the end of sub-paragraph (a): "or the legal provisions of the requested country permit the prosecution of nationals for offences committed in other countries". (Spain)

299. It is suggested to replace the words "constitution of the requested Party" by "the laws of the requested Party". (Poland)

300. The words "unless such refusal is required by the constitution of the requested Party" should be deleted for the reason that such a formula, which would permit traffickers to avoid extradition on the basis of nationality, would undercut the spirit and intent of the Convention. (United States)

Article 4, sub-paragraph 5(b)

301. This sub-paragraph may give rise to serious conflicts of jurisdiction and could constitute duplication with paragraph 9. (Belgium)

302. The sub-paragraph seems objectionable in that it could deny the right of a requested State to prosecute illegal acts committed in its own territory. It would be preferable to make any provision of this kind more discretionary. (United Kingdom)

Article 4, sub-paragraph 5(c)

303. Paragraphs 5 and 6 could be retained if sub-paragraph (c) was deleted from paragraph 5. (Australia)

Article 4 (continued)

304. The sub-paragraph should be replaced by the following text: "The offences listed in article 2, paragraph 1, shall not be considered offences of a political nature. Similarly, offences of illicit traffic shall not be considered fiscal although customs regulations may be violated in committing them". (Argentina)

305. The provision should contain two elements, namely that (a) political asylum shall not be granted to persons connected with the illicit traffic, and (b) that the offence of drug trafficking shall not be considered to be political in character. (Ecuador)

306. It does not seem necessary to derogate from the principle of non-extradition for political offences and, in any case, a provision such as that of sub-paragraph (c) should be accompanied by a clause safeguarding human rights. (Belgium)

307. Inasmuch as it is uncertain that a successful claim can be made that a drug offence is of a political nature there does not appear to be a strong case for retaining this sub-paragraph. (Switzerland, United Kingdom)

308. In order to clarify that extradition shall not be refused on the ground that the fugitive was politically motivated to commit the offence for which extradition is sought, it is suggested that the words "that the offence" be inserted before the words "was politically motivated". (United States)

309. This sub-paragraph may appear to be in conflict with a rule of international law frequently incorporated in extradition treaties; caution should be exercised in its application in the event that the requested State has serious grounds for supposing that the evidence for the offence is not strong and that the intention of the request for extradition is, in fact, to bring the person sought to trial for an offence of a political character or because of his political opinions. (Egypt)

310. The sub-paragraph should be deleted as contrary to constitutional or legislative requirements. (Hungary, Italy, Switzerland)

Article 4, paragraph 6

311. The following texts are suggested in place of the existing paragraph:

(i) "6. If extradition is refused, the requested Party shall submit the case, without exception whatsoever and without undue delay, to its competent authorities for the purposes of prosecution. Those authorities shall take their decision in the same manner as in the case of an offence of a serious nature under the law of the State". (Ireland)

(ii) "6. If extradition of an accused person is refused because, according to the requested Party, the alleged offence has been committed within its own jurisdiction or by one of its nationals or residents, that Party shall, without undue delay, submit the case to its competent authorities for the purpose of prosecution". (Netherlands)

Article 4 (continued)

- (iii) "6. The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any offence of a serious nature under the law of that State". (United Kingdom)
- (iv) "6. The Party in the territory of which the alleged offender is found shall, if it does not extradite him, be obligated, upon request of the requesting Party, whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State". (United States)
- (v) "6. If extradition is refused, the requested Party, in accordance with its legislation, shall try the person sought in the same manner as in the case of an offence committed in its territory. It shall notify the requesting State of its decision without delay and shall send a copy of the judgment handed down". (Venezuela)

312. The paragraph as drafted fails to take into account the realities of prosecution, such as the need to gather evidence. The following redrafting is suggested: "Each Party shall take such measures as may be necessary to establish its jurisdiction over offences to which this article applies in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him, pursuant to this article to any other Parties". (This revised paragraph could be included in the separate article on "Jurisdiction" suggested below in paragraph 315.) (Canada)

313. The paragraph is objectionable as it introduces the principle aut dedere aut judicare for all offences enumerated in article 2. (France)

314. It is suggested that the paragraph should be amended so that the obligation on the requested Party is not to try the person whose extradition was refused but rather to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. This would be consistent with similar provisions in other conventions, e.g. on highjacking and hostages. (Australia). For those reasons, the words "submit to authorities for the purpose of prosecution" should replace the word "try". (Federal Republic of Germany)

Article 4, paragraphs 6 and 7

315. It is suggested that paragraphs 6 and 7 of article 4 as well as paragraph 6 of article 2 (which deal with jurisdiction rather than extradition) be combined in a single separate article entitled "JURISDICTION" dealing with the question of how Parties to the Convention establish extraterritorial jurisdiction. (Canada)

Article 4 (continued)

316. If a new article dealing with jurisdiction is added, it could also contain the following paragraphs:

"The Party in the territory under whose jurisdiction a person alleged to have committed any offence is found shall, if it does not extradite him, submit the case to the competent authorities for the purpose of prosecution". (Wording based on revised version of the present paragraph 6).

These authorities shall take their decision in the same manner as in the case of an offence, enumerated in paragraph 1 of article 2 of the Convention, committed under the law of the Party in a territory under its jurisdiction. The standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in paragraph 1 of article 2.

Any person regarding whom proceedings are brought in connection with any of the offences referred to in paragraph 1 of article 2 shall be guaranteed fair treatment at all stages of the proceedings". (Canada)

317. The principle of universal jurisdiction reflected in the provisions of paragraphs 6 and 7 as well as in article 2, paragraph 6, are not acceptable. (France). At any rate it would be necessary to establish a link between the rules of competence applied by the requested State and the requesting State. (Belgium)

Article 4, paragraph 7

318. The beginning of the paragraph should be redrafted as follows: "The Party in whose territory the person alleged to have committed an offence is found shall (or may) take such measures as may be necessary to establish its jurisdiction ...". (This paragraph could also be included in the separate jurisdiction article suggested above in paragraph 315.) (Canada)

319. It would be necessary to indicate a time limit in the phrase "the Party in whose territory the offence was committed does not request extradition" and the words "provided that the offence is, in principle, extraditable" should be deleted because it is stated in paragraph 1 that extradition shall apply to the offences enumerated in paragraph 1 of article 2 of the Convention. (Venezuela)

320. The paragraph should create an obligation to prosecute as in paragraph 6. Consequently the words "also have jurisdiction over" should be replaced by the word "prosecute" and the concluding formula "or if extradition was, without effect, offered to that Party" should be replaced by "or if the offence has not yet been prosecuted by another Party". (Federal Republic of Germany)

321. The principle of jurisdiction which paragraph 7 seeks to introduce is considered too far-reaching. It should be replaced by the following text which would then be added to the revised paragraph 6 as suggested above: "If extradition of a convicted person is refused for any of the reasons mentioned in the previous paragraph, the requested Party shall, upon application by the

Article 4 (continued)

requesting Party, endeavour to enforce itself the sentence, or remainder thereof, which has been imposed under the law of the requesting Party. The enforcement of the sentence thus transferred shall be subject to the other conditions provided for by the law of the requested Party". (Netherlands)

322. It is suggested that the paragraph be deleted because it would make it incumbent on a State Party to try an accused person simply because this person is found in its territory. It would be sufficient, in the event that the act committed is a criminal one in the State of residence, to try the offender as required by the rules of public order, in the case of a citizen of that State, or to deport the offender in the case of a foreigner, or for the State to use its powers in accordance with its interests and with the principle of reciprocity. (Saudi Arabia)

323. In view of the difficulties which may arise from the introduction in this paragraph of the concept of conditional jurisdiction and of the fact that extradition is usually a matter for the courts and cannot be offered, it would be preferable to redraft the paragraph as follows: "Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over those offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 6". (United Kingdom)

324. Further consideration should be given to the reasons for and implications of exercising jurisdiction over offences committed abroad when extradition has not been requested. (Ireland)

325. This paragraph should be deleted as it is tantamount to creating universal jurisdiction over the offences covered by the Convention. (Australia, France)

326. The paragraph should be deleted as the substance of it would be covered in article 2, paragraph 4, if revised as suggested. (United States)

Article 4, paragraph 8

327. Countries following the English common law system which requires proof of prima facie case to grant extradition would face serious problems if the paragraph was maintained as drafted. (Canada). For those reasons the paragraph should be deleted. (Australia). Deletion is also advocated on the grounds that the paragraph could raise the threshold for extradition in some instances (United States), would be at variance with existing extradition treaties (Netherlands), or is no longer necessary in view of the fact that several common law countries have relaxed their evidentiary requirements. (Italy)

328. It is submitted that the evidentiary requirements in an extradition procedure no longer correspond to the present needs for combatting the international traffic and it is suggested that the words "of evidence providing reasonable grounds to believe" should be replaced by the words "of a valid arrest warrant or of an executory judgment of the requesting State establishing". (Switzerland)

Article 4 (continued)

329. It is suggested that the paragraph be redrafted as follows to take into account the position of countries which do not examine whether the claimed person is guilty: "Parties which make extradition conditional on the existence of the proof of guilt of the person whose extradition is sought shall grant extradition whenever there exist serious grounds to believe that the said person committed any of the offences to which this article applies". (France)

330. It is suggested that some additional regulations such as those contained in article 12, paragraph 2, of the European Convention on Extradition, 1957, would be necessary to achieve the purpose of this paragraph. At any rate the words "according to the law of the requesting Party" should be inserted after the words "providing reasonable grounds". (Federal Republic of Germany)

Article 4, paragraph 9

331. It is suggested that the paragraph should be replaced by the following text drawn from article 11 of the Inter-American Convention on Extradition:

"If the person sought by one of the contracting Parties is also sought, for the same offence, by more than one State, the requested State shall give preference to the request submitted by the State in whose territory the offence was committed. In the case of different offences committed in the respective jurisdictions of the requesting States, preference shall be given to the State seeking the person for the offence punished in the requested State by the most severe penalty. If the requests for extradition relate to different offences which the requested State considers to be of equal seriousness, it shall give preference to the first State submitting a request." (Venezuela)

332. It is submitted that in cases of concurrent jurisdiction the requested Party and the requesting Party should consult to determine which of them is in the best position to bring the offender to justice. In addition, another provision should govern multiple requests for extradition. The following text is proposed for an expanded paragraph 9:

"9. In cases of concurrent jurisdiction of requesting and requested Parties over an offence to which this Convention applies, the Parties involved shall consult to determine which is in the best position to establish relevant facts and to bring the offender to justice.

9.(bis) (new) (a) If the requested Party receives more than one request for the extradition of the same person either for the same offence or for different offences enumerated in paragraph 1 of article 2 of this Convention, and at least one such request is from another Party to this Convention, the executive authority of the requested Party shall determine for which State it will execute the request for surrender. In making its decision, the requested Party shall take into account the respective harms to the requesting States of the offence or offences to which the requests relate and the possibility of further extradition between the requesting States.

Article 4 (continued)

(b) If the requested Party receives more than one request for the extradition of the same person, not all of which relate to an offence or offences enumerated in paragraph 1 of article 2 of this Convention, the executive authority of the requested Party shall determine for which State it will execute the request for surrender. In making its decision, the requested Party shall take into account that the offences enumerated in paragraph 1 of article 2 of this Convention are serious offences affecting the health and welfare of the population of the Parties". (United States)

333. The paragraph does not resolve adequately the difficulties over concurrent jurisdiction as it does not provide how to decide whether the requesting Party is in a better position to establish relevant facts and bring the offender to justice. It is suggested that a better formula would be that of the Hostages Convention (article 5) in which each contracting Party establishes jurisdiction over offences within its territory (and its territorial extensions) and over offences committed outside its territory in cases where the alleged offender is in its territory and it does not extradite him to another contracting State. (United Kingdom)

334. It is pointed out that it may be difficult to determine who is in a better position to establish the facts. (Argentina)

335. It is suggested that the provision should be phrased in the form of a recommendation under which the Parties would, in the case of competing jurisdiction and subject to their national legislation, examine whether their own prosecution may be dispensed with and, alternatively, the offender is extradited for the respective offence if the requesting Party can offer better preconditions for an effective prosecution. (Federal Republic of Germany)

336. The provision of this paragraph should not be made compulsory. (Belgium)

337. Since the obligation to extradite might be too stringent in certain cases, it is suggested that the words "the extradition shall not be refused if" be replaced by the formula "the requested Party, in deciding about the extradition, shall take into consideration whether". (Italy)

338. It is suggested that the words "extradition shall not be refused if the requesting Party is in a better position to establish relevant facts" should be replaced by the words "extradition may be granted if the requested Party considers that the requesting Party is in a better position to establish facts". (Thailand)

339. The paragraph may not be necessary as it is not clear on what basis extradition may be refused other than domestic law when the requesting State has a better case. If the paragraph is to be retained, it should be made subject to the conditions provided for by the law of the requested Party. (Canada)

340. Paragraph 9 should be deleted as unnecessary and difficult to implement. (Australia, France, Netherlands)

Article 4 (concluded)/Article 5

Article 4, paragraph 10

341. The paragraph should be deleted as unnecessary (Australia), or perhaps be integrated in the final clauses of the Convention. (Federal Republic of Germany)

342. In the Spanish text, the words "o denunciadas" should be inserted after the word "acusadas". (Venezuela)

Article 4, additional paragraph suggested for inclusion

343. It is suggested that an additional paragraph 11 should be included as follows:

"11. The Parties shall consider entering into bilateral or regional agreements, whether ad hoc or general, to facilitate the transfer of persons sentenced to long-term imprisonment for offences to which this article applies, to their country of origin, in order that they may complete their sentences there." (Netherlands)

Article 5

344. It is suggested that the article should be entitled "CO-OPERATION IN JUDICIAL MATTERS". (Madagascar)

345. The provisions concerning mutual legal assistance should be in keeping with the various conventions adopted under the auspices of the United Nations in the past decade. (Belgium)

346. The article should contain specific paragraphs on the following matters: service of documents; taking of evidence; obtaining of statements of persons; availability of prisoners to give evidence; availability of other persons to give evidence; safe conduct for a person who consents to give evidence in the requesting Party. (Australia)

347. The position of States which prefer to proceed on a bilateral basis to avoid contracting obligations with countries with whom they do not normally have this type of assistance should be taken into account. (Canada)

348. It should be stated that nothing in the provisions concerning mutual legal assistance is to undermine existing informal co-operation. (Australia)

349. Some of the items of mutual legal assistance covered under this article may give rise to difficulties of implementation in the framework of domestic law. (Ireland)

350. The draft article is considered too far reaching and imposes too much on the investigative resources of the Parties. The following formula would be preferred: "States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of offences set forth in article 2, including the supply of evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases". (United Kingdom)

Article 5 (continued)

351. The article should be revised and its provisions expanded as follows:

"1. The Parties shall provide one another, upon request and in accordance with the provisions of this article, mutual legal assistance in all investigations, prosecutions, and other judicial and administrative proceedings relating of the offences enumerated in paragraph 1 of article 2 of this Convention and in any other proceedings relating to the identification, tracing, freezing, seizure, or forfeiture of the proceeds or instrumentalities of such offences.

2. The Parties shall take such measures as are necessary within their domestic legal systems to ensure that the legal assistance envisaged by this article may be rendered upon the request of other Parties.

3. Mutual legal assistance shall include, but not be limited to:

- (a) Taking testimony or statements;
- (b) Providing documents, records and articles of evidence, including bank, financial, corporate and business records;
- (c) Serving documents;
- (d) Locating and identifying witnesses, suspects or other persons;
- (e) Transferring persons in custody for the purpose of giving testimony;
- (f) Executing requests for searches and seizures;
- (g) Freezing and seizing proceeds and instrumentalities;
- (h) Examining objects and sites; and
- (i) Exchanging information and objects.

4. The Parties shall give favourable consideration to the possibility of transferring to one another proceedings for criminal prosecution in cases where such transfer may help to ensure that all persons who commit offences punishable under this Convention are brought to justice.

5. Assistance may be granted without regard to whether the acts under investigation or prosecution are offences under the laws of the requested Party or whether the requested Party would have jurisdiction in similar circumstances.

6. To facilitate or execute requests for legal assistance, each Party shall establish a central authority, which shall be either its Ministry of Justice or a national office that has the power to present requests to its citizens, issue subpoenas, execute search warrants, and to prosecute and investigate illicit traffic. The central authority designated by each Party for this purpose shall be notified to all other Parties through the Secretary-General.

7. Requests for legal assistance under this article shall be made in writing by the central authority of the requesting Party to the central authority of the requested Party. In emergency situations, a request may be made orally, to be followed as soon thereafter as possible by a written request. A central authority may delegate execution of requests.

Article 5 (continued)

8. Requests for legal assistance shall contain such information as the requested Party may require, including:

(a) The name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;

(b) The subject matter and nature of the investigation, prosecution or proceeding, including the offence or offences to which the investigation, prosecution or proceeding relates;

(c) A description of the evidence, information or other act of assistance sought;

(d) The purpose for which the evidence, information or other act of assistance is sought;

(e) An outline of any procedural requirements essential to the requesting Party; and

(f) Requirements for confidentiality, where necessary.

9. To the extent not precluded by the law of the requested Party, a request shall be executed in accordance with procedural requirements specified in the request.

10. The requesting Party shall not disclose or use information or evidence furnished by the requested Party for purposes other than those stated in the request without the prior consent of the requested Party. The requesting Party may require that the requested Party keep confidential the substance of the request except to the extent necessary to execute the request. If the request cannot be executed without breaching the required confidentiality, the requested Party shall so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

11. Requests for legal assistance may be denied if:

(a) The request is not made in conformity with the provisions of this article; or

(b) The requested Party considers that execution of the request is likely to prejudice its national security or other essential interests.

12. If the execution of a request for legal assistance would interfere with an ongoing investigation or proceeding in the territory of the requested Party, the central authority of that Party may postpone execution or make execution subject to conditions determined necessary after consultations with the requesting Party. If the requesting Party accepts the assistance subject to given conditions, it shall comply with the conditions imposed.

Article 5 (continued)

13. The provisions of this article shall not prevent a Party from granting or seeking assistance through other articles of this Convention, or through the provisions of other international agreements to which it may be Party, or through the provisions of its national laws. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement or practice.

14. This article is intended solely for mutual legal assistance between the Parties and shall not give rise to a right on the part of any private person to obtain, suppress or exclude any evidence, or to impede the execution of a request". (United States)

Article 5, paragraph 1

352. It should be stated that the provisions of article 5 should be implemented on the basis of adequate treaties of mutual legal assistance. (German Democratic Republic)

353. The paragraph should begin with the clause "Within the basic principles of the existing national legal system". (Federal Republic of Germany)

354. In order to make the Convention really effective, the introductory reservation concerning constitutional, legal and administrative systems should be deleted. (France)

355. The words "upon request and in accordance with the provisions of this article" should be deleted. (Italy)

356. The words "which fall within the jurisdiction of the requesting Party" are superfluous. (Netherlands)

357. The following sentence should be added: "For the same purpose the Parties also undertake to consider the possibility of concluding bilateral or regional agreements". (Italy)

Article 5, paragraph 2

358. Instead of creating an obligation for Parties to adopt measures to implement mutual assistance provisions, the paragraph should specify that it is to be applied on a voluntary basis. (Canada)

359. It is suggested that the word "undertake to" be replaced by the word "shall". (Madagascar)

Article 5, paragraph 3

360. The provisions of paragraph 3 are formulated in too general terms and should be revised. (Sweden)

361. The clause "within the limits of the domestic law of each Party" should be inserted after the word "include" in the introductory sentence. (Madagascar)

Article 5 (continued)

362. The word "shall" in the introductory sentence should be replaced by the word "may". (Venezuela)

363. The following should be added to the list of matters for mutual assistance: "freezing and confiscation of proceeds of crime, and making other persons available to give evidence". (Australia)

364. The following redrafting is suggested:

"Mutual legal assistance shall include not only extradition and related facilities, but also recognition and execution of foreign penal sentences, supervision of convicted or conditionally released persons, the taking and production of evidence, notification and citation of an accused person, witness or expert, extraterritorial action by judicial and police officials and, in general, any other step enhancing the efficacy of proceedings, provided that they are not in conflict with the constitution or laws of the Party to which the request is directed."
(Argentina)

Article 5, sub-paragraph 3(a)

365. Sub-paragraph (a) should read "Taking and producing evidence".
(Argentina)

Article 5, sub-paragraph 3(b)

366. The question is raised whether the word "records" in sub-paragraph (b) is necessary after the word "documents". (Netherlands)

Article 5, sub-paragraph 3(c)

367. The sub-paragraph should be amended as follows: "Executing requests for search or seizure of property". (Federal Republic of Germany)

Article 5, sub-paragraph 3(d)

368. It should be made clear that the provision is intended to include locating, identifying and obtaining other particulars in respect of proceeds.
(Malaysia)

Article 5, sub-paragraph 3(e)

369. The paragraph should be deleted since it refers to a form of co-operation which either is included in other forms of co-operation in the same provision or does not belong to mutual legal assistance. (Italy)

Article 5, sub-paragraph 3(f)

370. The word "objects" needs clarification. (Malaysia)

Article 5 (continued)

Article 5, sub-paragraph 3(g)

371. As it raises the delicate problem of bank secrecy the provision should be couched in the form of a recommendation and its implementation left to regional levels. (Belgium)

Article 5, paragraph 3, additional sub-paragraph suggested for inclusion

372. The following addition is proposed as sub-paragraph (h): "Supervising convicted or conditionally released persons". (Argentina)

Article 5, paragraph 4

373. The expression "favourable consideration to the possibility" used in the introductory sentence is too vague and would require clarification. (Malaysia, Switzerland)

374. The paragraph could be deleted as its content is already covered in sub-paragraphs (a) and (b) of paragraph 3 and in article 4. (Madagascar)

Article 5, sub-paragraph 4(a)

375. The purpose of the sub-paragraph and the procedure by which it is to be implemented require clarification. (Malaysia). Considering that the form of co-operation envisaged in the sub-paragraph applies only in special cases and requires detailed agreements, the sub-paragraph should be deleted. (Italy)

376. The sub-paragraph should be reworded as follows:

"(a) Transferring to one another proceedings for criminal prosecution of offences enumerated in article 2, paragraph 1, of this Convention in cases where such transfer is to be considered in the interest of a proper administration of justice". (Netherlands)

Article 5, sub-paragraph 4(b)

377. Clarification is required in respect of the term "in custody" (Malaysia). It would not be considered acceptable if it meant anything else than imprisonment resulting from a court imposed sentence. (Canada)

378. The word "temporarily" should be inserted before the word "transferring". (Netherlands)

379. The sub-paragraph should be reworded as follows:

"The Parties shall give favourable consideration to the possibility of transferring persons in custody whose evidence is essential to a prosecution or other judicial proceeding for testimonial purposes". (Italy)

Article 5 (continued)Article 5, paragraphs 5-7

380. The provisions of these paragraphs should be amended to conform with current practice in matters of mutual judicial assistance which do not contemplate any central authority for the execution of requests. The requests should be conveyed through the channels of the Ministry of Justice (alternatively through diplomatic channels), the direct administrative channels being permitted only in cases of extreme urgency. (Federal Republic of Germany)

381. Paragraphs 5 and 6 should not require the designation of new national authorities and further notifications. (Hungary)

382. The provisions of paragraphs 5 and 6 should be made facultative by using the word "may" instead of "shall" or "shall when necessary". (Netherlands). Paragraphs 5, 6 and 7 should be redrafted to make it clear that the application of the specified measures is recommended but not mandatory. (Hungary)

Article 5, paragraph 6

383. It could be specified that it would be the central national agencies for drugs which would be entrusted with the processing, under the supervision of the competent judicial authority, of requests for assistance. (Spain)

Article 5, paragraph 7

384. The request should be presented in the language of the requested Party. (Spain). For that purpose it is suggested to redraft the paragraph as follows: "Requests for mutual assistance shall be made in writing and accompanied by such translation as is acceptable to the requested Party". (Netherlands)

Article 5, sub-paragraph 8(b)

385. Sub-paragraph (b) should be amended to clearly indicate that the offence must be specified in detail. (Canada)

Article 5, paragraph 8, additional sub-paragraphs suggested for inclusion

386. New sub-paragraphs should be inserted after sub-paragraph (b) as follows: "(i) A statement of the facts"; (ii) The nature of the procedural acts to be performed by the requested Party". (Madagascar)

Article 5, paragraph 9

387. The words "to the extent not precluded by the law of the requested Party" (which may give rise to difficulties of interpretation) should be deleted. (France)

Article 5 (continued)

Article 5, paragraph 10

388. The paragraph should be expanded to include a requirement, expressed in terms of confidentiality (rather than "shall not disclose") for both requesting and requested States to keep material confidential if so requested. The following text is suggested:

"(a) The requesting State, if so requested, shall keep confidential evidence and information provided by the requested State, except to the extent that the evidence and information is needed for the investigation and prosecution of the offence described in the request.

(b) The requested State shall, if so requested, keep the application for assistance, the contents of a request and its supporting documents, and the fact of granting of such assistance confidential. If the request cannot be executed without breaking confidentiality, the requested State shall so inform the requesting State which shall then determine whether the request should nevertheless be executed.

(c) The requesting State shall not use evidence obtained, nor information derived therefrom, for purposes other than those stated in a request without the prior consent of the requested State." (Australia)

389. The following should be added at the end of the second sentence: "provided that the procedural law of the requested Party so permits". (Switzerland)

390. The first sentence of the paragraph, which appears to go too far, could be reworded as follows: "The requested Party may require that information or evidence made available to the requesting Party should not be used for purposes other than those stated in the request without its prior consent". (France)

Article 5, paragraph 11

391. The words "or other essential interests" should be replaced by the words "ordre public or other essential interests of its country". (France, Federal Republic of Germany)

392. The grounds for refusal of assistance should include certain mandatory refusal grounds and certain discretionary refusal grounds. The following draft is suggested to that effect:

"1. Assistance shall not be granted if:

(a) The offence in connection with which assistance is requested is:

(i) A political offence; or

(ii) An offence under military law which is not an offence under the ordinary criminal law;

Article 5 (continued)

(b) Final judgment has been rendered in the requested State or in a third State in respect of an offence for which mutual assistance is requested and:

- (i) The aforementioned judgment resulted in the person's acquittal;
- (ii) The term of imprisonment or other deprivation of liberty or punishment relating to the final judgment has been completely enforced, or has been partially enforced and, with respect to the part not enforced, the person has been pardoned or granted an amnesty; or
- (iii) The final judgment involved the conviction of the person without imposition of a penalty.

(c) There are substantial grounds for believing that the request for assistance has been made to facilitate the prosecution of a person on account of that person's race, sex, religion, nationality or political opinions, or that that person's position may be prejudiced for any of these reasons; or

(d) The requested State is of the opinion that the request for assistance, if granted, would seriously impair its sovereignty, security, or other public or national interests.

2. The requested State may refuse assistance where the assistance sought relates to an offence:

(a) Where the acts or omissions alleged to constitute the offence would not, if they had taken place within the jurisdiction of the requested State, have constituted an offence; or

(b) Which is committed outside the territory of the requesting State and the law of the requested State would not provide for the punishment of an offence committed outside its territory in similar circumstances". (Australia)

393. The paragraph as presently drafted should be supplemented by a provision along the following lines: "In the event of a request for mutual assistance being refused on the ground that it is not made in conformity with the provisions of this article, the requesting Party shall not be precluded from making a fresh application as soon as it remedies such defect." (Malaysia)

394. The list of valid grounds for refusal, which is incomplete, does not seem to serve a useful purpose; therefore the paragraph should be deleted. (Netherlands)

Article 5, paragraph 12

395. Since in its present wording the provision does not appear to be aimed at the avoidance of double prosecution, the paragraph should be deleted. (Netherlands)

Article 5 (continued)

Article 5, paragraph 13

396. The objective of this paragraph is unclear. It raises the question how to proceed when provisions of the Convention would run counter to bilateral treaties (Canada) and it does not achieve any meaningful purpose. (Switzerland)

397. The paragraph should be deleted or transferred to the customary final clauses of the Convention. (Federal Republic of Germany)

398. The paragraph should be redrafted on the basis of article 1-2 of the Montreal Convention of 23 September 1971 as follows: "The provisions of this article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters. The Parties shall consider, as may be necessary, the possibility of concluding ..." (the rest of the paragraph unchanged). (France)

399. The provisions of the European Convention on Mutual Legal Assistance should be taken into consideration in drafting this paragraph. (Spain)

400. Paragraph 13 should be replaced by the following text: "The paragraphs from 6 to 12 of this article shall apply only if the two Parties in question are not bound by any treaty of mutual legal assistance or, when this treaty exists, only if it does not provide differently". (Italy)

Article 5, additional paragraphs suggested for inclusion

401. The following inclusion is suggested after paragraph 4:

"If between two Parties mutual legal assistance is based on a treaty, or on domestic law, which does not provide one or more of the forms of assistance set forth in paragraphs 3 and 4 of this article, such forms shall be deemed to be included in that treaty or domestic law when the assistance is requested with respect to any of the offences enumerated in article 2". (Italy)

402. The following additional paragraph is suggested for insertion after paragraph 10:

"The requesting Party may place in preventive detention persons under prosecution by the courts of a Party when the claim arises from notices placed in official publications of one of the Parties or in circulars published by the International Criminal Police Organization (ICPO/Interpol), provided that the said notices contain:

- (a) The name of the individual and personal particulars;
- (b) A detention order based on an arrest warrant for preventive detention or similar judgment, or guilty verdict;
- (c) Date, description and place of commission of the offence.

Article 5 (concluded)/Article 6

The preventive measure shall be communicated immediately to the foreign requesting authority. If the extradition request is not transmitted within the period fixed by the apprehending Party, the person shall automatically be set free immediately." (Argentina)

403. The following additional paragraphs are suggested for insertion after paragraph 13:

(i) "Letters rogatory requesting testimony, investigation or information statements; the carrying out of expert studies, inventories or preventive measures; the issue of certificates; notification of legal action and in general the production of all types of evidence, shall be executed by the Parties as though they emanated from national judicial authorities. The execution of letters rogatory shall not prejudice the competence of the requesting jurisdictional body and shall not imply a commitment to recognize the validity of the judgment handed down or to approve execution of the same." (Argentina)

(ii) "The provisions of this article do not exclude the use of any wider form of mutual legal assistance in accordance with internal law or any treaty existing between the Parties". (Italy)

Article 6

404. It appears doubtful whether the proposed provisions are appropriate in a convention (Sweden). It would be more suitable to include them as recommendations in a strategy document (United Kingdom) or in conclusions. (Belgium)

405. The paragraph should make it clear that the extent of sharing of training expertise between countries should continue to be based on the capacity of the donor country to finance such assistance and of the receiving country to absorb it. (Australia)

406. If the substance of article 6 is maintained it would be desirable to establish a link between articles 5 and 6. (Belgium)

407. The article fails to indicate that the co-operation and exchange of information between law enforcement agencies should be implemented through a special co-ordination agency established at the national level, such as the appropriate agency referred to in article 35 of the Single Convention and in article 21 of the Convention on Psychotropic Substances. The comments and recommendations of Interregional HONLEA on this subject should also be taken into account. (France)

Article 6, paragraph 1

408. The limitation clause at the beginning of the paragraph should be reworded as follows:

"Within the basic principles of the existing national legal system".
(Federal Republic of Germany)

Article 6 (continued)

409. Provision should be made for the establishment of a central office at the national level responsible for co-ordinating action between the various services, including customs authorities, in the territory of each Party and for channelling international exchanges. The Convention should also call for the utilization of the international organizations concerned and certain regional organizations, especially for training programmes, research and exchange of information. (Spain)

410. Mention should be made of appropriate agencies responsible for co-ordination which have been established in various countries as provided in article 35 of the Single Convention. (Italy)

Article 6, sub-paragraph 1(a)

411. The provision concerning the establishment of channels of communication should take into account the fact that in certain countries, the suppression of the illicit traffic is the sole responsibility of law enforcement agencies and that the customs services can only act in an auxiliary capacity. (Switzerland)

412. In the first introductory sentence, the words "and preventive" should be inserted between the words "law enforcement" and the word "action". (Venezuela)

413. The following items should be added to the list:

"The movement of specific chemical substances diverted for use in the illicit traffic". (Argentina)

"The sharing of scientific information and analytical methodology respecting reference standards to establish uniformity in the analysis and synthesis of reference materials". (Canada)

"The implication of known or suspected traffickers in the illicit traffic in firearms, subversive activities, international terrorism and other organized criminal activities." (Turkey)

414. In sub-paragraph (a)(iii) the words "that may be" should be deleted. (Madagascar)

Article 6, sub-paragraph 1(b)

415. It is pointed out that the transfer of controlled substances for evidential or analytical purposes may give rise to practical difficulties as it could impose a considerable burden upon the limited resources of forensic laboratories. (United Kingdom)

416. The sub-paragraph should be deleted because its substance is already covered in paragraph 2 of article 5. (Madagascar)

Article 6 (continued)

Article 6, paragraph 2

417. It should be the responsibility of central national agencies to establish training centres and organize courses or seminars for officials concerned as well as exchanges of experts with other countries. (Spain)

418. In the first sentence the word "membres" in the French text should be replaced by the word "agents". (Madagascar)

Article 6, paragraph 2, additional sub-paragraph suggested for inclusion

419. The addition of the following sub-paragraph is proposed: "Measures to promote accurate intelligence collection which is necessary to assess the effectiveness of drug abuse programmes in areas of illicit cultivation". (Canada)

Article 6, paragraph 3

420. In order to allow more flexibility in the choice of areas of expertise to be shared, it is suggested that the introductory sentence of the paragraph be reworded as follows: "The Parties may assist each other, as appropriate, to plan and implement training programmes designed to share expertise in such areas as:". (Australia)

Article 6, sub-paragraph 3(c)

421. The sub-paragraph should read as follows: "(c) Modern law enforcement techniques". (Federal Republic of Germany)

422. After the word "techniques" the rest of the sentence should be deleted. (Australia)

Article 6, paragraph 4

423. Considering that the posting of liaison officers must be arranged through bilateral agreements the paragraph should be deleted (China) or amended. (Hungary)

424. The paragraph should be worded in a more positive form along the lines of the recommendation adopted by Interregional HONLEA that international co-operation should be promoted on the basis of bilateral agreements by appointing and receiving drug liaison officers, as appropriate, between co-operating States. (United Kingdom)

425. The provision should be made facultative by replacing the word "shall" by "may". (India)

426. On account of the sovereignty of States it should be specified that the host country has the exclusive competence to determine the conditions of admission and work on its territory of liaison officers from other Parties. (Switzerland)

Article 6 (concluded)/Article 7

427. Reference should also be made to national customs services which, like law enforcement agencies, post liaison officers in different countries. (Finland)

Article 6, paragraph 5

428. The words "and able to do so" should be added at the end of the paragraph. (Australia)

Article 6, paragraph 6

429. The paragraph, being very vague, could be deleted. (Netherlands)

430. The word "agreements" should be replaced by "arrangements". (Australia)

Article 6, paragraph 7

431. Conferences and seminars referred to in paragraph 7 should be channelled through the international and regional organizations involved in this type of co-operation. (Spain)

432. The paragraph, which is in the form of a recommendation, does not seem to fit as a substantive provision in the Convention. (Netherlands)

Article 6, additional paragraphs suggested for inclusion

433. In order to avoid duplicating or cutting across the work already performed through other channels, it would be desirable to indicate that the provisions of article 6, paragraphs 6 and 7, shall not affect obligations under any other bilateral or multilateral treaty which governs, or will govern, in whole or in part, law enforcement co-operation. (United Kingdom)

434. The following provision should be included as a final paragraph in article 6: "Nothing in this article shall be construed as implying the right of law enforcement agencies of one Party to conduct operations within the territory of another Party without the latter's explicit consent". (Netherlands)

Article 7

435. In view of the fact that the provisions concerning controlled delivery are rather loosely formulated, the measures envisaged might give rise to opportunities to commit offences or even be a direct cause for new offences. The article should therefore give the possibility of limiting its application where necessary. (Finland)

436. Since the implementation of this article would rest basically with the operational arms of national law enforcement agencies, it is essential that it should provide maximum operational flexibility and it is suggested that its paragraphs be revised with this consideration in mind. In any event circumstances will vary in every case and the matter remains one which will require bilateral agreements. (Australia, Finland)

Article 7 (continued)

437. In view of the fact that passage through a territory pre-supposes a trafficking offence in the area concerned, the paragraph should include as a requirement "the prior knowledge or authorization, according to national regulations, of the competent judicial authority, or the public prosecutor's office". (Spain)

438. Provisions along the lines of the following draft would be preferable to the present text:

"1. A controlled delivery is the delivery under supervised conditions of illicit drugs which have been detected in the course of consignment or of an innocuous substance substituted therefore which is conducted under the authority of a designated agency with a view to taking legal action against persons responsible for illicit trafficking in drugs.

2. The Parties shall ensure that their domestic legislation does not prevent the possibility of effecting controlled delivery in appropriate circumstances.

3. The controlled delivery may be effected by:

- (a) The delivery of the whole consignment of illicit drugs;
- (b) The delivery of part of the consignment of illicit drugs;
- (c) The delivery of an innocuous substance substituted for the illicit drugs,

and shall, wherever possible, be effected by delivery under (c) above, having regard to the Parties' constitutional, legal and administrative systems.

4. Controlled deliveries may take place

- (a) Internally, whereby the detection, transit and delivery occur in the same territory;
- (b) Externally, whereby the detection, transit and delivery do not occur in the same territory.

5. The Parties shall make all appropriate arrangements to assist each other for the purposes of expediting and effecting controlled delivery. The responsible national agency designated by each Party for the purposes of this article shall co-ordinate requests from other Parties and authorize the carrying out of controlled deliveries in its territory.

6. The Parties shall so far as is practicable co-operate to ensure the security of

- (a) Information concerning illicit drug trafficking;
- (b) Illicit drugs, and

Article 7 (continued)

- (c) Evidence of any offence relating to drug trafficking which is handled by that Party for the purpose of controlled delivery.

7. The decision whether to offer an external controlled delivery shall lie with the Party in whose territory the consignment of illicit drugs is detected. An external controlled delivery may take place only with the consent of all the Parties involved in the delivery.

8. The Parties shall so far as practicable, having regard to their constitutional, legal and administrative systems, assist each other to ensure that the controlled delivery is properly and adequately supervised by the appropriate designated authority." (United Kingdom)

Article 7, paragraph 1

439. It is felt that the use of controlled delivery should not be made an obligation on States Parties but be left at their own discretion. Therefore the word "shall" should be replaced by the word "may". (India, Madagascar)

440. The word "due" in the introductory formula "having due regard" should be deleted. (China)

441. The limitation clause at the beginning of the paragraph should be reworded as follows: "Within the basic principles of the existing national legal system, the Parties ...". (Federal Republic of Germany)

442. The repetition in the second part of the paragraph of the definition of controlled delivery given in sub-paragraph (d) of article 1 is unnecessary. (France)

443. The word "resort to" or "apply" may be found preferable to the word "use". In any case it would be desirable to define the term "controlled delivery" more precisely. (Netherlands)

444. The words "individuals, corporations or other legal entities" should be replaced by "physical or juridical persons". (Argentina)

445. It is pointed out that the paragraph as drafted could be taken to apply to activities which do not arise from the detection of illicit consignments, i.e. contrived consignments involving participating informants. (United Kingdom)

Article 7, paragraph 2

446. The new Convention should not require the designation of new national authorities and further notifications. (Hungary)

Article 7, paragraph 3

447. The paragraph should state the two basic requirements for permission to use controlled delivery, one being the obligation of the requesting State or another contracting State to take over the prosecution, the other being the

Article 7 (continued)

maintenance of the right to prosecution in the requested State. In order to cover these requirements the following sentence should be added: "Controlled delivery does not prejudice the right of the country of origin or of any transit country to prosecute". The same formula should also be added in paragraph 5. (Federal Republic of Germany)

448. For the sake of clarification, the following sentence should be added: "The procedures regarding notification, surveillance, and interdiction relative to a controlled delivery shall be established and agreed to by the requesting Party and the Party (or Parties) of the territory to be transited by the illicit drugs prior to initiation of the controlled delivery". (United States)

449. In order to take into account the special problems of transit countries, in particular the costs incurred by them in placing under continuous surveillance illicit consignments passing through their territories, the following sentence should be added: "The requesting Party will compensate to the requested Party costs incurred by the surveillance measures over the controlled deliveries". (Yugoslavia)

Article 7, paragraph 4

450. In view of the principle of national sovereignty, the following should be incorporated in this paragraph:

"Surveillance during transport through the territory of a Party or during the operation of delivery should be the responsibility of the law enforcement agencies of that Party, with the possible collaboration of services of the requesting Party, by agreement between the respective central offices. It should be possible for the surveillance operation to be interrupted, drugs seized and the couriers detained, when the authorities of the territory in which the operation is taking place consider it appropriate to avoid loss or for any other justified cause." (Spain)

Article 7, sub-paragraph 4(a)

451. As "continuous surveillance" may well be impossible in many situations, a more appropriate wording would be "(a) That movement of the consignment be closely monitored". (Australia)

452. Continuous surveillance would be unnecessary if the definition of controlled delivery were amended to include innocuous substances as proposed above for article 1, and the word "surveillance" could then be replaced by "control". (United Kingdom)

Article 7, sub-paragraph 4(b)

453. Indiscriminate intervention, without consideration of the repercussions within the country of the requesting Party must be avoided and consequently the words "as necessary" should be replaced by a formula taking into account this requirement. (Australia)

Article 7 (continued)

454. The sub-paragraph could be redrafted as follows: "That the Party in whose territory the consignment is located should have the right to intervene as necessary, in particular if any immediate risk of loss arises". (Belgium)

Article 7, sub-paragraph 4(c)

455. This provision should be redrafted to make it clear that the requesting Party will ensure consultation/agreement on proposed action which will affect another jurisdiction; the term "any action" is too broad and the word "authorization" too strong. (Australia)

456. In order to ensure that the responsibility for the operation remains with the Party having jurisdiction over the territory in which the controlled delivery takes place, the following words should be added at the end of the sub-paragraph: "with that Party keeping overall responsibility". (Belgium)

457. The provision should state more clearly that the initiative belongs to the detecting Party who must retain responsibility for establishing the terms of subsequent action. (United Kingdom)

458. In order to make it clear that the surveillance of consignments over the national territory of one country can be maintained only by law enforcement agencies of the country having sovereignty over that territory, the sub-paragraph should be redrafted as follows: "That any action by the law enforcement agencies of the requesting Party be subject to prior approval of the Party having jurisdiction over the territory in which the controlled delivery is under surveillance". (Yugoslavia)

459. For similar reasons and because the use of the terms "requesting Party" and "requested Party" may give rise to some confusion in this context, it is suggested that the sub-paragraph be revised as follows: "That any action by law enforcement agencies of one Party within the territory of another Party having jurisdiction over the territory in which the controlled delivery takes place, be subject to the prior authorization and supervision of the latter Party". (Netherlands)

Article 7, sub-paragraph 4(d)

460. The expression "whenever possible" does not allow due consideration to the desirability of substitution in achieving the end result and should be replaced by the following formulation: "In all cases, following consultation with the requesting Party, due consideration shall be given ...". (Australia)

461. In view of the difficult problems of proof which would be entailed by the replacement of controlled substances by innocuous substances, the provision would not be easily acceptable. (France)

Article 7 (concluded)/Article 8Article 7, paragraph 4, additional sub-paragraphs suggested for inclusion

462. The following formulation is suggested for additional sub-paragraphs (e) and (f):

"(e) That the requesting Party ensures the seizure of the totality of substances under control, the arrest of suspects and their condemnation to severe punishment;

(f) That the Party where the final seizure takes place communicates immediately the result to other Parties concerned so that measures can be taken against other accomplices". (Belgium)

Article 7, paragraphs 4 and 5

463. It should be made clear that the application of the measures specified in paragraphs 4 and 5 is recommended but not mandatory. (Hungary)

Article 7, paragraph 5

464. Considering the independence of both police and prosecutors in such matters, it may be difficult to ensure compliance; the paragraph should therefore be made facultative. (Canada)

465. It would be preferable to provide that the authorities should refrain provisionally from initiating prosecution rather than providing that they suspend prosecution already initiated. (France)

466. In the first sentence the words "drop or waive" should be added after the words "shall suspend"; the second sentence could then be deleted. (Netherlands)

467. The last sentence should be reworded as follows: "The country of destination shall provide to the country of origin or any transit country, as far as is practicable, such evidence as is available within the country of destination and necessary for prosecuting ...". (Australia)

468. The paragraph appears unduly restrictive; there should be an obligation upon the receiving Party to communicate to the other Parties, as soon as possible, the relevant information about the completion of the controlled delivery. (United Kingdom)

469. The paragraph should be deleted since the provision in the first sentence is implicit in the concept of controlled delivery and provisions concerning evidence in the second sentence are adequately covered in articles 5 and 6. (United States)

Article 8

470. The draft article ignores the fact that most precursors and essential chemicals have legitimate uses in the production of a wide range of consumer goods. Moreover there are alternative chemicals which would be used if the

Article 8 (continued)

main precursors and essential chemicals were to be placed under control by the adoption of procedures similar to those applied to dangerous drugs; thus there is a distinct possibility that in order to be effective, the controls would stand in continual need of extension to catch an endless chain of pre-precursors or "designer" precursors. The proposed control system is therefore questionable. (United Kingdom)

471. The requirements of licencing of imports and exports imposed in the article would create an enormous workload for both Government and industry, with the attendant costs, but would not guarantee the elimination of diversion. A system of voluntary reporting by companies of suspicious orders and the notification to other Parties of suspicious shipments for export would be more realistic and therefore preferable. (Australia)

472. It would be preferable to reformulate the article in the form of a recommendation and, at the initial stage, to let countries organize their own appropriate control. (Belgium)

473. Only for "specific chemicals" that do not have any important licit use would it be possible to accept controls as provided in paragraphs 8 and 9. For other chemicals, a somewhat modified control along the lines of paragraph 10 might be acceptable, subject to a widespread international consensus on the extent of such a control. (Sweden)

474. The text of this article should be revised to make a clear distinction between precursors and essential chemicals used in conjunction with precursors to manufacture drugs so that precursors would be subject to import/export control by licencing and essential chemicals subject to record-keeping and voluntary reporting of suspicious transactions. Further criteria should establish prerequisites for inclusion in the respective lists of precursor and essential chemicals. (Canada)

475. The mechanism for establishing the initial lists is not specified although it may be assumed that the procedures set out in paragraphs 2-7 would be used for this purpose. There should be clarification of how the initial lists are to be established and provision for expert evaluation prior to the scheduling of any particular chemical. (Australia, Sweden)

476. The draft article should be studied and discussed after the identification of the substances which would be included in lists A and B. (German Democratic Republic, Hungary)

477. The possibility of laying down some criteria for the inclusion of substances in Lists A and B should be investigated. (Ireland)

478. In the absence of a definition to which to refer and of criteria for including a substance in Lists A or B, the article is not acceptable. (France)

479. The acceptance of a system as that which is described in this article would depend essentially on what substances would be included in the lists. (Switzerland)

Article 8 (continued)

480. The following "specific chemicals" are recommended for inclusion in Lists A and B:

List A

Anthranilic Acid
Ergotamine
Ergonovine
Phenylacetic Acid
Phenyl-2-Propanone
Ephedrine
Psuedoephedrine
Piperidine"

List B

Acetic Anhydride
Acetone
Ethyl Ether

(United States)

481. In the heading of the article the words "production" should be inserted after the word "processing". (Belgium)

482. The following text is proposed to replace the present draft:

"INTERNATIONAL TRADE IN CHEMICALS, SOLVENTS AND PRECURSORS USED IN
ILLICIT MANUFACTURE OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

1. The Parties shall take the measures they deem appropriate to prevent diversions for the purpose of illicit manufacture of narcotic drugs and psychotropic substances.

2. They shall observe international trade in the substances listed in Schedule I.

3. The responsible authorities shall accordingly apply article 37 of the Single Convention on Narcotic Drugs, 1961, to the substances listed in Schedule I which are discovered on the national territory of one of the Parties and are intended for illicit manufacture of narcotic drugs and psychotropic substances.

4. Each Party shall notify the Government of another Party if according to its knowledge there is reason to suspect that a shipment intended for import, export or transit, of substances listed in Schedule I is destined for illicit manufacture of narcotic drugs and psychotropic substances.

5. The Parties shall notify the Board in the form and manner provided for by it and on forms made available by it, for each of their national territories, of

(a) The respective amounts seized of substances listed in Schedule I and their origin;

(b) The respectively discovered chemicals, solvents and precursors not listed in Schedule I broken down by kind, amount and origin;

(c) The respective modus operandi.

Article 8 (continued)

6. If on the basis of the notification received the Board finds that a chemical, a solvent or a precursor is often used in the illicit manufacture of narcotic drugs and psychotropic substances abused worldwide on a large-scale the Board shall communicate these findings to the Commission and the World Health Organization.

7. On the basis of the findings of the Board the Commission, after hearing the World Health Organization, and in adequate consideration of the relation in the extent of licit and illicit traffic, may add this substance to Schedule I.

8. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication." (Federal Republic of Germany)

Article 8, paragraph 1

483. The expression "necessary measures" should be replaced by "suitable measures". (Federal Republic of Germany)

484. The word "to the illicit traffic" should be inserted after the word "diversion". (Argentina)

485. In this paragraph and in all other instances where in the Spanish text the word "fabricación" is used it should be followed by the words "o transformación". (Venezuela)

486. The words "referring to those chemicals which play an important role in the preparation of drugs" should be inserted in brackets after the words "specific chemicals". (China)

487. It is proposed to replace the present text, the implications of which are considered too broad, by the following:

"Subject to their laws, the Parties shall endeavour to take within their respective territories the measures described in this article to monitor or control specific chemicals used in the illicit processing or manufacture of narcotic drugs or psychotropic substances, and shall co-operate with each other in conformity with the provisions of this article." (Australia)

Article 8, paragraph 4

488. The procedure proposed in this paragraph for extending controls for new essential substances or precursors is unsatisfactory since it does not enable any allowance to be made in this determination for the scale of legitimate use. (United Kingdom)

Article 8 (continued)

489. In order not to hamper the licit activities of pharmaceutical manufacturers, it is suggested that the formula "especially the extent to which such substance is used for the manufacture of pharmaceutical products which are not included in the lists of narcotic drugs and psychotropic substances" should be inserted after the words "bearing in mind all the factors it may consider relevant". (Poland)

Article 8, paragraph 7

490. The words "or its transfer from one list to the other" should be added at the end of the paragraph. (Argentina)

491. It is suggested that a translation of the expression "mutatis mutandis" should be given in each language version of the draft. (Venezuela)

Article 8, paragraph 8

492. The use of a flexible formulation with the word "consider" makes the paragraph acceptable. (Federal Republic of Germany)

Article 8, paragraph 9

493. In this paragraph as well as in paragraph 10, the word "etiquetadas" should be replaced by "rotuladas" in the Spanish text. (Venezuela)

494. It is pointed out that although paragraph 8 appears to leave it to individual Parties to consider a licensing regime, paragraph 9 makes this mandatory for certain chemicals. (United Kingdom)

495. In order to become acceptable, the provisions should be supplemented by some binding criteria according to which certain substances would be included in List A. Any inclusion of industrial chemicals would have to be precluded on the basis of these criteria since for such chemicals the control measures requested in the paragraph are not practicable. (Federal Republic of Germany)

496. The Parties should be given the freedom not to implement all the measures enumerated in sub-paragraphs 9(a) to (h) and sub-paragraphs 10(a) to (f) within their own boundaries. It should be left to the discretion of the Parties to make exceptions to these provisions either in whole or in part under conditions to be specified in detail. (Netherlands)

497. It is pointed out that in the majority of cases the licences and information specified in this paragraph will be processed by the same authorities which are responsible for the issuance of import authorizations and export permits for narcotic drugs. It would therefore be preferable if the control measures proposed in sub-paragraphs (b) and (c) were made uniform with the respective requirements of the Single Convention. (Poland)

498. The measures envisaged in sub-paragraphs (b) and (c) will create multiple problems for the legitimate industries in terms of excessive administrative procedures for both the importing and exporting countries that will not always be compensated by the results obtained in suppressing the illicit traffic. (Spain)

Article 8 (concluded)/Article 9

499. It seems excessive to require exporters and importers to maintain records of imports and exports for at least five years for inspection purposes. A period of 2-3 years would seem more appropriate. It is suggested that sub-paragraph (d) of paragraph 9 and sub-paragraph (b) of paragraph 10 be amended accordingly. (Spain). The requirement should be for "at least two years" as in the existing Conventions. (Ireland)

500. The words "when there are grounds to suspect that the shipment will be used for illicit processing or manufacture of narcotic drugs or psychotropic substances" should be deleted as it is considered that the Party of destination should be notified of all shipments. (Ireland)

501. A more effective option to the measure of notification prescribed in sub-paragraph (g) might be a refusal to licence the export. (United Kingdom)

Article 8, paragraph 10

502. Documentation regarding the names of importers and exporters as envisaged in sub-paragraph (a) may give rise to problems. (Sweden)

503. Sub-paragraphs (e) and (f) as well as sub-paragraph (d) would be acceptable only to the extent that monitoring does not envisage the tracing of all movements of the specific chemicals concerned from the point of import to their utilization or export. (Australia). See also paragraphs 496 and 499 above.

Article 8, additional paragraph suggested for inclusion

504. It is suggested that the following text should be inserted between the existing paragraphs 10 and 11:

"With respect to paragraphs 9 and 10 of this article, any import or export of chemicals in List A or List B shall be subject to continuous monitoring during the shipment of the consignment from the consignor to the ultimate consignee." (Malaysia)

Article 9

505. The introduction of a registration and notification system covering the export and sale of materials and equipment referred to in this article would impose excessive regulations on the industries concerned and require a substantial commitment of resources while contributing little to the suppression of the illicit traffic. (Australia, Belgium, Switzerland, United Kingdom) Furthermore, the control system envisaged in the article would have an unwarranted negative effect on the international trade in pharmaceutical materials and equipment. (France, Switzerland)

506. The article should be deleted. (Argentina, Switzerland)

507. Pending further study of the scope of the problem and the effectiveness of the proposed mechanism it would be preferable not to make the provisions of the article mandatory. (Canada)

Article 9 (concluded)/Article 10

508. The title of the article should be amended as follows: "INTERNATIONAL TRADE IN RAW MATERIALS AND EQUIPMENT". (Madagascar)

Article 9, paragraph 1

509. The paragraph should make it clear that it relates only to the illicit manufacture of narcotic drugs and psychotropic substances. Consequently the word "illicit" should be inserted before the word "manufacture". (Australia, German Democratic Republic, Hungary, Netherlands, Sweden, Turkey)

510. The words "intended for use in" should be replaced by the word "for". (Federal Republic of Germany)

511. The words "as provided for in this article" should be inserted after the word "co-operate". (Australia)

512. The word "suppress" should be replaced by the word "control". (India)

Paragraph 2

513. The paragraph should be amended to allow the establishment of a system of voluntary reporting by the owner of an encapsulating machine who intends to export it. (Australia)

Paragraphs 2 and 3

514. The introduction of the control measures specified in paragraphs 2 and 3 would paralyse the functioning of the pharmaceutical industries, as well as many other industries and would create an additional burden for licit pharmaceutical manufacturers especially in those countries which are using only imported machinery. (Hungary, Netherlands, Poland)

515. The reporting system contemplated in paragraphs 2 and 3 should be voluntary. (Australia)

516. Paragraphs 2 and 3 constitute interference in the internal affairs of States. (Cuba)

517. Paragraphs 2 and 3 should be deleted. (Cuba, Hungary, Netherlands, Poland)

Article 10

518. The need for this article is questionable since some important elements of the measures proposed in the article are already included in article 22 of the Single Convention; (Sweden, Switzerland). The article should be deleted. (Netherlands)

519. The relationship of this article to article 22 of the Single Convention is unclear. (United Kingdom)

Article 10 (continued)

520. The listing in the article of opium poppy, coca bush and cannabis plants should not be interpreted as restrictive. Consideration should also be given to other plants which are sources of narcotic drugs and psychotropic substances. (Hungary)

521. As many narcotic plants are cultivated illicitly in remote areas, making manual eradication difficult, and since the utilization of herbicides in eradication programmes has proved effective and safe, when the herbicides are used with appropriate safeguards, the article should be redrafted as follows:

"(1) Each Party shall take appropriate technical measures to eradicate opium poppy, coca bush and cannabis plantations which may be cultivated illicitly in its territory. With regard to biological and ecological considerations, scientifically accepted agronomic techniques will be applied to eradication efforts undertaken by the Parties.

(2) The Parties shall co-operate to increase the effectiveness of eradication efforts, including the exchange of scientific, agronomic and technical information, and the sponsorship of research efforts pertinent to the elimination of narcotic crops, and the development of commercially viable alternatives to illicit cultivation.

(3) Parties with common frontiers shall seek to co-operate in eradication programmes in areas contiguous to their common boundaries in which illicit narcotic crops grow." (United States)

Article 10, paragraph 1

522. The term "appropriate measures" should be qualified by inserting the words "such as crop substitution and integrated rural development" before the words "to prevent". (Australia)

523. The words "within its territory", in the first sentence, should be inserted after the word "adopt". (Cuba)

Article 10, paragraph 2

524. To make it clear that integrated rural development is the key to combatting the illicit cultivation of narcotic plants, and that crop substitution is only one of several means of achieving this end, it is suggested that, in the first sentence, the words "in the context of" be inserted between the word "substitution" and "integrated". (Federal Republic of Germany)

525. It is proposed that the paragraph be amended as follows:

"The Parties shall co-operate to increase the effectiveness of eradication efforts including measures to promote the economic and social development of the affected areas through appropriate economic policies such as prices, marketing, credit policies and other means to encourage traditional, licit crops. As appropriate, the Parties should encourage international agencies to which they belong to support

Article 10 (concluded)/Article 11

national efforts in the field of drug abuse control. The Parties should also seek to ensure that development activities undertaken through bilateral or multilateral co-operation, especially in areas of potential illicit cultivation, should be designed and implemented to ensure that they do not promote, enhance or benefit production, trafficking or abuse of narcotics." (Canada)

526. The second sentence should be deleted. (Cuba)

Article 10, additional paragraph suggested for inclusion

527. It is felt that there is a need to commit Parties to assist and facilitate internationally organized efforts to eradicate illicitly cultivated narcotic plants. Such efforts, possibly under the aegis of the United Nations, may include actions by an internationally sanctioned force established for this purpose. It is suggested that a provision reflecting this idea be considered for inclusion in article 10, or in another article. (Malaysia)

Article 11

528. While it is considered imperative that effective measures to deal with smuggling should be adopted, those proposed in the article are questionable. (Sweden)

529. In the light of article 31 of the Single Convention the need for this article may be questioned. (Switzerland)

530. It is necessary to ensure that this article does not duplicate discussions on drug trafficking underway in the International Maritime Organization or the current study which the International Civil Aviation Organization is undertaking in response to a United Nations resolution calling upon the specialized agencies to participate in the campaign against drug trafficking. Overlapping with provisions of existing Conventions, such as article 10 of the Warsaw Convention on the liability of airlines and article 3 of the Chicago Convention on rights of seizure, should be avoided. Furthermore, the requirement for airlines to exercise controls may lead to unacceptable delays at airports and merely replicate arrangements already in place at airports. (United Kingdom)

531. It is suggested that Parties should undertake, through their central offices, to inform countries of destination of any suspicious transport originating in their territory or utilizing it for transit purposes. (Spain)

532. It is suggested that the Convention should encourage Parties to enter into bilateral agreements in the area covered by article 11. (Canada)

533. In the French text the word "transporteur" should be replaced by the words "transporteur commercial" corresponding to the term "commercial carrier" used in the English text. (Belgium)

Article 11 (continued)

534. The article should cover both private and commercial carriers in view of the importance of drug seizures linked with the international movement of privately owned and operated means of transport. The title of the article should be modified accordingly. (United States)

Article 11, paragraph 1

535. The objective of the paragraph being to enhance security, the following wording would be preferable:

"The Parties shall undertake to examine security at international ports to assist and advise commercial carriers in measures designed to prevent the use of their means of transport by persons engaged in the illicit traffic." (United Kingdom)

536. In order to better establish the connection between the fight against the illicit traffic and the call for increased security at international ports, the paragraph should be reworded as follows:

"The Parties shall ensure by appropriate measures that means of transport operated by commercial carriers are not used in the illicit traffic. Such measures shall include thorough searches at international ports of all means of transport suspected of containing evidence of illicit traffic". (Netherlands)

537. The paragraph should be redrafted as two paragraphs as follows, it being understood that the words "points of entry" as used in the proposed sub-paragraph 2(a), encompass both ports of entry as well as any other specific reporting or landing sites designated by a State:

"1. The Parties shall take appropriate measures to ensure adequate security at international ports. Parties shall also take appropriate measures to ensure that all means of transport are not used in illicit traffic. Such measures shall include thorough searches upon arrival or before departure of all means of transport suspected of containing evidence of illicit traffic.

2. In order to ensure that all means of transport are not used in illicit traffic, Parties shall:

- (a) Require that all means of transport entering its territory from a foreign place shall do so only at points of entry designated or to be designated by its appropriate authority;
- (b) Institute a system of penalties to ensure compliance with reporting and inspection requirements;
- (c) Consider the use of electronic signalling and tracking devices to monitor compliance;
- (d) Assist one another to determine the ownership and movement of means of transport engaged in illicit traffic." (United States)

Article 11 (continued)

538. The provision does not specify whether the searches refer to criminal proceedings or to control measures falling within the competence of customs. (Federal Republic of Germany).

539. To provide greater flexibility for Parties who already maintain appropriate levels of security at international ports the word "increase" should be replaced by the words "maintain adequate". (Australia).

540. The words "try", in the first sentence, should be inserted before the words "to ensure". (Belgium).

541. The word "thorough", in the second sentence, should be deleted. (Federal Republic of Germany).

542. The second sentence of the paragraph should be deleted. (Cuba).

Article 11, paragraph 2

543. As it is unlikely that some Governments could implement the major legislative measures necessary to ensure compliance with the article, as formulated, it is proposed that the second sentence of paragraph 2 be prefaced with the words "Subject to their laws..." (Australia).

544. It should be clear that a Party would have to take measures only as regards commercial carriers whose vessels or aircraft are registered in that Party. Furthermore, it is not justifiable to legally compel commercial carriers to bear responsibility for preventing their means of transport from being used for the carriage of narcotic drugs. The paragraph should accordingly be reworded as follows:

"Each Party shall encourage commercial carriers operating means of transport carrying the flag of or registered in that Party to take reasonable precautions to prevent the use of such means of transport for illicit traffic". (Netherlands).

545. The penalties envisaged in paragraph 2 are problematic. (Sweden)

546. To allow greater flexibility in sensitive negotiations with commercial carriers, the word "penalties" should be replaced by another word which has a less punitive connotation. (Australia).

547. It would be desirable to make it clear that the penalties provided for in paragraph 2 for failure to take reasonable precautions to prevent the use of means of transport for purposes of illicit traffic cannot be understood to mean penal sanctions. (France).

548. On the assumption that fines suffice as penalties, and in order to make the provision for "reasonable precautions" more concrete by providing uniform minimum requirements for the imposition of sanctions, the paragraph should be redrafted as follows:

Article 11 (continued)

"The Parties shall require commercial carriers to take reasonable precautions to prevent the use of their means of transport for illicit traffic. Adequate penalties shall be imposed on a commercial carrier who does not observe the requirement to take specific precautions. Forfeiture of the means of transport concerned may be imposed if it is established that the commercial carrier had knowledge that it was used for illicit traffic." (Federal Republic of Germany).

549. Reference to "possible forfeiture of the means of transport" should be avoided. (Australia).

550. The paragraph appears to impose on Parties an obligation to make it an offence not to take reasonable precautions even if no smuggling takes place. It would also make forfeiture possible if a container ship operator knew that somewhere in some thousands of containers there was one with a small quantity of illicit drugs inside. It is suggested that it should be left to individual States to devise appropriate penalties for carriers involved in drug trafficking. (United Kingdom)

551. The second sentence should be deleted. (Cuba)

552. The words "failed to take reasonable precautions, or knew or had reason to know that its means of transport was used for illicit traffic" should be added after the word "carrier" in the second sentence and the words "had knowledge that it was used for illicit traffic" should be deleted. The third sentence should be deleted. (United States)

553. The word "be" should be inserted before the words "held responsible" in the third sentence. (Malaysia)

554. The second and third sentences should be modified to make it clear that it is only the means of transport owned by individuals involved in the illicit traffic or by associations of persons or corporations created explicitly for carrying out illicit traffic that may be subject to forfeiture. (Poland)

555. It is suggested that in order to have the desired deterrent effect the onus should be on the carrier, and not on the law enforcement authorities, to prove that all precautions have been taken to prevent its means of transport from being used for illicit traffic. (India).

Article 11, paragraph 3

556. In view of their nature the provisions of paragraph 3 hardly fit in the framework of a Convention. (Sweden).

557. This article should be deleted because its contents, in particular sub-paragraphs (b), (c), (e) and (f), could not really be put into practice. (Switzerland)

558. The detailed obligations imposed on the carrier might be considered onerous in some cases. Further consideration might be given to the requirement that the carriers train their personnel to identify suspicious shipments or

Article 11 (continued)

persons. The implementation of the requirements stipulated in sub-paragraph (b) might be more appropriately imposed on the port or airport authority. (United Kingdom)

Article 11, paragraph 3, introductory sentence

559. The following redrafts are suggested for the opening sentence of paragraph 3:

- (i) "The Parties shall seek to ensure the co-operation of commercial carriers, as referred to in paragraph 2, in:" (Netherlands)
- (ii) "The Parties shall endeavour to make recommendations to their commercial carriers so that they:" (Belgium)

560. The words "within their available means" should be inserted after the word "that". (Turkey)

Article 11, sub-paragraph 3(c)

561. This sub-paragraph seems more in the nature of a recommendation than a provision appropriate to a convention. (France)

Article 11, sub-paragraph 3(f)

562. It is suggested that the responsibility for ensuring that containers are individually sealed lies with the customs authorities. (Netherlands)

563. The words "tamper-proof" should be replaced by the words "tamper-resistant". (Australia)

Article 11, paragraph 3, additional sub-paragraph suggested for inclusion

564. In order to make the provisions more definite as regards actions to be taken by commercial carriers when suspicious shipments, personnel and the like come to their notice, the following additional sub-paragraph (g) is proposed:

"(g) Report at the earliest opportunity all suspicious incidents, drug finds, interferences with, or theft of cargo to the appropriate agencies in the country in which such incident, drug find, interference with or theft of cargo occurs, or, if occurring in transit, to the appropriate agencies in the country of next arrival". (Australia)

Article 11, paragraph 4

565. The paragraph raises difficulties if one considers that it should be left to the country concerned to decide whether a thorough search in a particular case entails an unavoidable delay, and that the investigation department involved may not have at its disposal the qualified maintenance personnel referred to in the second sentence. The paragraph should therefore be deleted. (Netherlands)

Article 11 (concluded)/Article 12

566. The paragraph as drafted is too much open to interpretation and could lead to possible abuse by Parties. It is suggested that its first sentence be reworded as follows:

"The Parties agree that where reasonable cause exists the departure of a commercial aircraft may be delayed in order that it may be thoroughly searched for evidence of illicit traffic". (Australia)

567. The first sentence should begin with the following words: "Taking into consideration the rules of international law applicable in the matter," (Belgium)

568. The need for serious grounds to delay the departure of commercial aircraft in order to conduct searches should be clearly stipulated. (Egypt)

569. Checks that may give rise to considerable losses of time in passenger and freight transport should not become common practice but should only be approved in specific instances when there are serious grounds for suspicion. (Switzerland, United Kingdom)

570. It is not clear why this paragraph is confined solely to commercial aircraft rather than to other carriers. (United Kingdom)

571. The term "commercial aircraft" should be explicated. (Belgium)

572. Consideration must be given to the possibility of compensating carriers which have been victim of delays due to searches for drugs. Furthermore, the provisions must be made flexible so that they may not be used to cause unnecessary delays for the departure of commercial aircraft. (Belgium)

573. The words "bona fide" should be inserted after the word "delay", in the first sentence, and the words "in support of already existing suspicions" should be added at the end of the same sentence. (Turkey)

Article 11, paragraph 5

574. This paragraph is not considered necessary and should be deleted. (United States)

Article 11, additional paragraph suggested for inclusion

575. A provision along the lines of recommendation 8 of Interregional HONLEA should be included after article 11 to ensure that consignments of narcotic drugs and psychotropic substances, as listed in the existing Conventions, are correctly described by the use of the listed International Non-Proprietary Names or trivial names on all accompanying papers, customs documents and manifests. (Federal Republic of Germany)

Article 12

576. This provision raises considerable objections since, from the point of view of international criminal law, it does not seem enforceable either on the high seas, or on the territorial waters or the continental shelf. Some

Article 12 (continued)

further reservations arise from the use of too indefinite legal concepts in paragraph 3 (e.g. "reasonable grounds") as well as in paragraph 5. (Federal Republic of Germany)

577. While the inclusion in this article of the concept of interception of drug traffickers on the high seas is commendable, its implementation may prove difficult. (Australia)

578. Given the complexity of maritime law, the article could give rise to controversy and cause particular problems to countries which are not equipped for interception activities on the high seas. (United Kingdom)

579. A distinction should be made between the "high seas" and "sea" as the latter can be assimilated to the national territory. (Belgium)

580. An exemption should be specified with regard to naval vessels. (United Kingdom)

581. The article should be redrafted in the form of a recommendation. (Belgium, Federal Republic of Germany)

Article 12, paragraph 1

582. In the Spanish text, the word "colaborarán" should be replaced by the word "cooperarán", in line with the terminology used in article 108 of the United Nations Convention on the Law of the Sea (1982). (Argentina)

Article 12, paragraph 2

583. The words "its use for that purpose.", in the first sentence should be replaced by "its use for the illicit traffic in controlled substances". (Argentina)

584. In line with the provisions of the United Nations Convention on the Law of the Sea (1982), the words "reasonable grounds" should be replaced by the words "serious grounds" and the phrase "a vessel registered under its laws" by "a vessel navigating under its flag". (France)

Article 12, paragraph 2, additional sub-paragraph suggested for inclusion

585. The following proposed paragraph is intended to encourage Parties to assist each other in the suppression of drug trafficking by informing the flag State of their suspicion or by seeking the assistance of other Parties for the suppression of trafficking by vessels regardless of the flag of registry:

"(b) A Party which has reasonable grounds to suspect that a vessel registered under the laws of another State is being used for the illicit traffic in controlled substances shall inform the flag State and, if necessary, to carry out the provisions of this Convention, may request the assistance of other Parties in suppressing its use for that purpose. Parties so requested shall render such assistance, within the means available to them". (United States)

Article 12 (continued)

Article 12, paragraph 3

586. The term "Party" should be better defined as it is not clear whether it includes officers on Government ships operated for non-commercial purposes, crews on warships, fisheries observers on private fishing vessels and coast guard crews. (Canada)

587. The words "customary international law and in" should be inserted before the words "Part VII". (Turkey)

588. The word "seize" in the introductory sentence should be deleted. (Netherlands)

589. The paragraph should be amended to empower the Party to detain and search persons on board vessels suspected of engaging in drug trafficking before any evidence is found. (Canada)

590. It is suggested that the paragraph should be reworded as follows:

"A warship of a Party or a vessel of that Party which bears external markings clearly indicating that it is assigned to a public service and that it is authorized for this purpose, if it has serious grounds to believe that a vessel which is on the high seas is engaged in illicit traffic, may board, search and seize such a vessel if:

- (a) The vessel is navigating under the flag of that Party; or
- (b) That Party seeks and receives permission from the Party under whose flag the vessel is navigating; or
- (c) The vessel is not displaying a flag." (France)

591. It is suggested that rather than referring to the high seas, the paragraph should use the more traditional concept of territorial sea as the limiting boundary for exercise of enforcement authority without consent of the coastal State, and provide that extra-territorial enforcement jurisdiction will be subject to the prior consent of the State of registry unless otherwise permitted by international law. Moreover, Parties with limited resources should be encouraged to protect their territory from being used by traffickers by requesting assistance from other Parties with available resources. The paragraph should therefore be revised and supplemented as follows:

"3(a) A Party which has reasonable grounds to believe that a vessel registered under the laws of another Party is engaged in illicit traffic and is outside the territory and territorial sea of any State may board, search, and seize such vessel if agreed or otherwise arranged between that Party and the Party of registry.

(b) A Party which has reasonable grounds to believe that a vessel is engaged in illicit traffic and the vessel is within its internal waters or territorial sea is encouraged to request the assistance of any other Party to board, search, and seize such vessel". (United States)

Article 12 (continued)

Article 12, sub-paragraph 3(b)

592. The sub-paragraph is to be replaced by the following:

"(b) That Party has sought and received prior permission from the Party of Registry; or" (Netherlands)

593. The words "Party of registry" should be replaced by the words "State of registry". (United Kingdom)

594. As time is an essential factor for the apprehension of traffickers, the sub-paragraph should be amended to the effect that if the Party of registry fails to respond by a stipulated period of time, the Party seeking permission may search and detain (rather than seize) the suspected vessel. (Malaysia)

595. To avoid the situation where the Party boards the ship prior to receiving permission, the sub-paragraph could be amended by inserting the word "prior" before the word "permission". (Canada)

Article 12, sub-paragraphs 3(b) and 5(b)

596. The question of the form of permission from the Party of registry is raised by both sub-paragraphs 3(b) and 5(b). Presumably oral permission is contemplated. However, arrangements must be made to deal with the evidential problem of proving consent. It is proposed that article 12 could stipulate that such proof can be adduced either by oral testimony or by affidavit. The form to be used could be added to the Convention as an appendix to avoid conflict regarding content of the affidavit. In addition, to confirm that permission can be in either oral or written form, it is suggested that the words "written or oral" should be inserted before the word "permission" in sub-paragraph 3(b) and before the word "agreement" in sub-paragraph 5(b). (Canada)

Article 12, sub-paragraph 3(c)

597. The right of any Party to board and search on the high seas any vessel not displaying any flag or markings of registry would be undesirable as formulated in this paragraph as registration is only the prior legal condition for a State to grant the right to fly its flag. In keeping with article 110, sub-paragraph 1(d), of the 1982 Convention on the Law of the Sea it is proposed to use the words "The vessel is without nationality". (Switzerland)

Article 12, paragraph 3, additional sub-paragraph suggested for inclusion

598. It is suggested that the following additional sub-paragraph should be inserted after sub-paragraph (a):

"That Party has been requested to do so by the Party of Registry; or"
(Netherlands)

Article 12 (continued)

Article 12, paragraph 4

599. It is considered that for co-ordination to be effective it should be indicated that all requests and information should be channelled through the central offices, for transmission to the decision-making authority. (Spain)

600. In order to indicate more precisely the time limit for designating an authority to receive and act upon requests under sub-paragraph 3(b), it is suggested that the words "at the time of ratifying the Convention" be added at the end of the second sentence of paragraph 4, and the words "within one month of the designation" at the end of the third sentence. (Canada)

601. It is proposed that the words "and to requests for permission made pursuant to", in the first sentence, should be replaced by the words: "and to requests for board-and-search operations, or for permission to undertake such operations itself, made pursuant to". (Netherlands)

602. The words "whether a vessel is registered under its laws" in the first sentence, should be replaced by the words "whether a vessel is navigating under its flag". (France)

603. In the first sentence it should be stipulated that the Party must not only carry on its investigation in an expeditious manner, but also in accordance with the instructions of the Party of registry. (Switzerland)

604. Since a search may cause very high costs for the vessel concerned, it is essential to include at the end of the paragraph an indemnity clause similar to article 110, paragraph 3, of the Convention on the Law of the Sea. Article 12, paragraph 4, would then read as follows:

"A Party which receives a request from another Party to determine, for the purposes of paragraph 3 of this article, whether a vessel is registered under its laws, and a request for permission made pursuant to the provisions in that paragraph, shall respond to them in an expeditious manner, and in accordance with the instructions given by the Party of registry. Each Party shall designate an authority to receive and act upon such requests. The authority designated by each Party for this purpose shall be notified through the Secretary-General to all other Parties. If the suspicions prove to be unfounded, and provided that the vessel boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained". (Switzerland)

Article 12, paragraph 5

605. It is suggested that in order to clarify the intent of sub-paragraph (a) and add a specific reference to Stateless vessels, sub-paragraphs (a) and (b) should be amended to read as follows:

"(a) Existing bilateral treaties, where applicable, or any agreement or arrangement otherwise reached with the Party of registry of the vessel seized pursuant to paragraph 3(a) of this article.

Article 12 (continued)

(b) Its own judicial requirements if the vessel is:

- (i) Registered under its law, or
- (ii) Is a vessel without nationality, or a vessel assimilated to a vessel without nationality or, upon inquiry, a vessel which failed to make a claim of registry". (United States)

606. In order to avoid the establishment of a preponderant jurisdiction of the State which has boarded or seized a ship, the paragraph should be reworded as follows:

"A Party which has found evidence of illicit traffic may take appropriate action with respect to the vessel and persons on board, in accordance with:

- (a) Its own criminal legislation if the vessel is navigating under its flag; or
- (b) Existing bilateral treaties, or any agreement or arrangement otherwise reached, at the time of seizure, with the Party under whose flag the vessel is navigating, if applicable". (France)

607. It is suggested that the actions envisaged in paragraph 3 and the application of penal provisions following the seizure of a vessel on the high seas could be elaborated in paragraph 5. (Italy)

608. It should be noted that paragraph 5 does not settle the question of the legislation on judicial matters applicable vis-a-vis a vessel not displaying any flag, as referred to in paragraph 3(c). (France)

Article 12, sub-paragraph 5(b)

609. The sub-paragraph should be redrafted as follows:

"(b) Existing bilateral or multilateral treaties or conventions".
(Spain)

610. To clarify the fact that a Party draws its right of investigation solely from the permission granted by the Party of registry, the chronology of operations should be clearly established. It is therefore proposed to replace the words "at the time of seizure" by the words "prior to the seizure".
(Netherlands, Switzerland)

Article 12, paragraph 5, additional sub-paragraph suggested for inclusion

611. It is suggested that the following sub-paragraph (c) be added in paragraph 5:

"(c) International law". (Netherlands)

Article 12 (concluded)/Article 13

Article 12, paragraph 6

612. The provision is objected to on the grounds that it seems unjust to deny the right to apply to the courts to the passengers and crew of a vessel who do not have the nationality of the State whose flag the vessel is flying if they have suffered damages and if they believe the action of the seizing State was unlawful. (Netherlands)

613. This provision, which gives to one Party alone the right to call in question an agreement or arrangement, is unacceptable; it should be deleted. (France)

614. Paragraph 6 should be replaced by the following text:

"A Party which has taken any action contemplated in this article shall promptly inform the State of registry of the vessel concerned of the results of that action". (Netherlands)

615. The words "challenge the nature or effect" should be replaced by the words "plead the inapplicability". (Argentina)

Article 12, additional paragraphs suggested for inclusion

616. The following additional paragraph is proposed for inclusion after paragraph 3:

"If, following a search carried out in accordance with the previous paragraph, evidence has been found that the vessel is actually engaged in illicit traffic, it may be seized". (Netherlands)

617. In order to take into account the immunity enjoyed by warships and ships belonging to States on the high seas, the following additional paragraph based on articles 95 and 96 of the United Nations Convention on the Law of the Sea (1982), should be added to the article:

"8. The provisions of this article shall be without prejudice to the complete immunity from jurisdiction enjoyed on the high seas by warships and ships belonging to a State or exploited by it and used exclusively for a non-commercial public service". (France)

Article 13

618. The draft article goes no further than the existing Conventions and may in fact weaken the application of this Convention to such zones. In the absence of more stringent provisions, the article in its present form should be deleted. (Australia)

619. The following more comprehensive draft is proposed, which would require the inclusion in article 1 of the additional definitions given below under (a)-(g):

"(a) "Cargo" means any article which is imported or exported other than: -

Article 13 (continued)

- (i) The necessary equipment, stores or fuel of the vessel, aircraft or vehicle in or on which the article is imported or exported;
 - (ii) Food and other provisions reasonably required for consumption by the crew or passengers of such vessel, aircraft or vehicle;
 - (iii) Any document relating to:
 - (1) The carriage of cargo in or on such vessel, aircraft or vehicle; or
 - (2) The inter-office business transactions of the owner of such vessel, aircraft or vehicle;
 - (iv) Articles imported or exported by a passenger of such vessel, aircraft or vehicle, in his personal baggage or carried by him.
- (b) "Cargo in transit" means cargo which is brought into the territory of a Party solely for the purpose of taking it out of that territory and which remains at all times in or on the vessel, aircraft or vehicle in or on which it is brought into the territory.
- (c) "Drug" means
- (d) "Import" and "export" mean in their respective connotations the physical transfer of an article from the territory of one State to the territory of another State, or from one region to another region of the same State. (This presupposes a provision along the lines of article 43.1 of the 1961 Single Convention.)
- (e) "Psychotropic substance" means
- (f) "Listed port" or "listed airport" means a port or airport listed by the United Nations Commission on Narcotic Drugs as a port or airport which services an illicit drug-producing area or source.
- (g) "Transshipment cargo" means cargo which is brought into the territory of a Party on a vessel, aircraft or vehicle solely for the purpose of taking it out of that territory on some other vessel, aircraft or vehicle."

"Article 13

PROVISIONS RELATING TO CONTROLS IN FREE PORTS AND ZONES

1. The Parties shall, to the fullest extent possible, ensure that international trade in drugs and psychotropic substances involving free ports and zones in their territory is conducted in accordance

Article 13 (continued)

with the provisions of articles 31 and 35 of the Single Convention on Narcotic Drugs as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, and articles 12 and 21 of the Convention on Psychotropic Substances.

2. The Parties shall exercise in free ports and zones the same supervision and control over the import and export of drugs and psychotropic substances as in other parts of their territories, provided, however, that they may apply more drastic measures (cf. article 31.2 of the Single Convention).
3. For the purpose of preventing illicit traffic in drugs and psychotropic substances the Parties may, in respect of vessels, aircraft and vehicles entering, leaving or transitting their territory at a free port or zone:
 - (a) Require the crew and passengers to submit their personal baggage for examination;
 - (b) Require the crew and passengers and maintenance/service personnel to submit themselves to body search, including body cavity searches under proper medical supervision where such examination is warranted;
 - (c) Empower the competent authorities to examine all cargoes, including all cargoes in transit and all trans-shipment cargoes; and
 - (d) Empower the competent authorities to search all incoming and outgoing vessels, including pleasure craft and fishing vessels, and all aircraft and vehicles.
4. The requirements in [paragraphs] 3(a), (b) and (c) [of this article] shall not be imposed on persons whose personal baggage is exempt from inspection under the Convention on Diplomatic Relations 1961 or the Convention on Consular Relations 1961, and complies with the provisions of those Conventions, nor in respect of packages constituting a diplomatic bag in accordance with the provisions of those Conventions.
5. Exemption from search under [paragraph] 3(d) [of this article] shall be justified in respect of military vessels and aircraft of another Party or State.
6. The Parties shall require the competent authorities at free ports and zones to examine transshipment cargoes coming from a listed port or airport, and shall impose controls on the storage and movement of such cargoes to prevent their being tampered with.
7. When cargo in transit on an incoming flight from a listed airport is transferred to an immediately available outgoing flight, the transfer shall be under escort.

Article 13 (continued)

8. If the examination of transshipment cargo is not feasible due to its seize or bulk, or if it cannot be repacked after examination, the Parties may:
- (a) Require the cargo to be stored in a customs warehouse or customs-approved warehouse or placed under guard until it is exported; and
 - (b) Require either that the transfer of such cargo from a vessel, aircraft or vehicle to the place of storage and vice-versa be under escort or that the cargo be sealed during such transfer.
9. If the examination of any cargo is not feasible, the Parties may adopt a verification system whereby the bona fides of consignors or consignees of cargo imported from a listed port or airport are verified before the cargo is released.
10. The Parties shall, in framing rules for the search of vessels, aircraft and vehicles and the examination of cargoes, set criteria for the selection of vessels, aircraft, vehicles and cargoes. Such criteria shall require the Parties in selecting a vessel, aircraft, vehicle or cargo to have regard inter alia:
- (a) To regional and international trends in illicit drug trafficking and to intelligence reports of such trafficking;
 - (b) To whether a port or airport is listed;
 - (c) To whether a port or airport is in the territory of a Party to this Convention or the Single Convention on Narcotic Drugs, 1954, or the Convention on Psychotropic Substances, 1971; and
 - (d) To the frequency with which particular importers import cargoes from listed ports and airports, and for this purpose a Party may maintain a dossier of importers of cargoes from listed ports and airports.
11. The Parties shall maintain patrols in harbour and dock areas and at airports and border control points in free ports and zones in such manner as to ensure, as far as possible, that illicit drugs and psychotropic substances are not imported, exported or re-exported to, from or through such free ports or zones.
12. The Parties shall institute sanctions against the owners of vessels found repeatedly carrying illicit drugs into or from a free port or zone in their territories. For the purposes of this article, "repeatedly" shall mean on more than one occasion in any period of eighteen months." (United Kingdom)

Article 13, paragraph 1

620. After the word "apply" insert the word "appropriate". (Netherlands)

Article 13 (concluded)/Article 14/Proposed additional articles

Article 13, sub-paragraph 2(a)

621. Insert the word "suspicious" after the words "transshipment of" and add "whenever they have reasonable grounds to suspect that these are being used in the illicit traffic" at the end of the sentence. (Netherlands)

Article 14

Article 14, paragraph 1

622. The phrase "and having due regard for their constitutional, legal and administrative systems" should be replaced by the phrase "within the basic principles of the existing national legal system". (Federal Republic of Germany)

Article 14, paragraph 2

623. The use of the word "may" in the opening sentence alters the apparent intent of the provision as it can be taken to mean something additional to the measures indicated in sub-paragraphs (a) to (c). The sentence should be redrafted as follows: "Measures referred to in paragraph 1 of this article shall include, but not necessarily be limited to:". (Australia)

Article 14, sub-paragraph 2(b)

624. The words "by authorized law enforcement personnel" should be inserted after the word "maintaining". (France)

625. The word "investigative" should be deleted. (Argentina)

Proposed additional articles

626. The channels of communication to be established between Parties to implement the proposed provision on extradition (article 4), mutual legal assistance (article 5) and law enforcement co-operation (article 6) are covered differently in the case of articles 5 and 6 or not specified in the case of article 4. A separate article should stipulate that all communications should be through the designated central authorities except in cases of emergency where the competent services directly involved could communicate with each other without intermediaries, provided that they immediately inform the central authorities. (Switzerland)

627. A provision should be included to ensure that Parties do not use diplomatic immunity or privileges to impede the detection, apprehension and prosecution of drug traffickers. It should stipulate that Parties shall adopt appropriate measures in conformity with the provisions of the Vienna Convention on Diplomatic Relations (1961). (Malaysia)

628. In order to strengthen mutual co-operation among States for the suppression of illicit drug trafficking through land-locked contiguous borders, it is suggested that a new article along the following lines should be added:

Proposed additional articles (concluded)

"1. The Parties with contiguous land-locked borders shall cooperate to the fullest extent possible to suppress the illicit traffic in controlled substances over land.

2. The Parties shall consider entering into bilateral or multilateral or regional agreements to carry out, or to enhance the effectiveness of the following provisions:

- (a) A Party which has reasonable grounds to believe that [a] vehicle [is] used or engaged in illicit traffic with markings of registry under its laws or another Party's laws can, without prior consultation or notice to the other Party engage in hot-pursuit [of said vehicle] across the border up to 50 miles inside the other Party's territorial land.
- (b) Parties contacted for assistance in hot-pursuits shall render such assistance, within the means available to them, to the requesting Party(ies) without delay and in an expeditious manner, in suppressing the illicit traffic in controlled substances.
- (c) Where evidence of illicit traffic is found, the Party having custody of the vehicle(s) shall take appropriate action with respect to the vehicle(s) and person(s) in the vehicle(s) in accordance with:
 - (i) Its own judicial requirements if the vehicle is registered under its laws: or
 - (ii) Existing bilateral treaties, where applicable, or any agreement or arrangement otherwise reached at the time of seizure with the Party of registry.
- (d) The right to challenge the nature or effect of the agreement or arrangement referred to in [sub-paragraph 2(c)(ii)] of this article shall rest exclusively with the Party of registry".
(Malaysia)

1944

The first part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

In the second part of the year, I spent some time in the field, working on the problem of the structure of the nucleus.

The third part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

In the fourth part of the year, I spent some time in the field, working on the problem of the structure of the nucleus.

The fifth part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

In the sixth part of the year, I spent some time in the field, working on the problem of the structure of the nucleus.

The seventh part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

In the eighth part of the year, I spent some time in the field, working on the problem of the structure of the nucleus.

The ninth part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

In the tenth part of the year, I spent some time in the field, working on the problem of the structure of the nucleus.

The eleventh part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

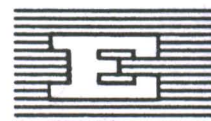
In the twelfth part of the year, I spent some time in the field, working on the problem of the structure of the nucleus.

The thirteenth part of the year was spent in the laboratory, working on the problem of the structure of the nucleus.

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SITUATION AND TRENDS IN DRUG ABUSE AND THE ILLICIT TRAFFIC

Review of drug abuse and measures to reduce illicit demand

Report of the Secretary-General

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INTRODUCTION

1. This document, which is prepared only for regular sessions of the Commission, is based on data contained in Government reports on the working of the international drug control treaties submitted to the Secretary-General for 1984 and 1985. Chapter I summarizes drug abuse in the world; chapter II reviews the extent, patterns and trends in respect of drug abuse by region; and chapter III outlines measures to reduce illicit demand for drugs by region. The designations employed and the presentation of material in this report do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or any authority, or concerning the delimitation of any frontiers or boundaries. Member States which have submitted data in the annual report on behalf of a territory or area are indicated as follows: (AUS) Australia, (NL) Netherlands, (P) Portugal and (UK) United Kingdom of Great Britain and Northern Ireland.

I. SUMMARY OF DRUG ABUSE IN THE WORLD

2. The characteristics of drug abuse vary between regions and from country to country, but from the data provided, significant patterns can be discerned. The continued spread of heroin abuse and a very substantial increase in cocaine abuse are the most striking features. Most countries report that drug abuse has spread to all social strata and all age groups. It can commence with preadolescence and remains predominantly among youth. While the majority of abusers are males, the proportion of women abusers is growing. Personal and social dysfunction, impairment of health, crime and accidents are often associated with drug abuse.

3. Heroin abuse has spread to a number of countries with little or no previous experience of the problem. It continues to be a serious problem in North America, in a number of countries of Asia and the Far East, in most countries of Western Europe, and in Oceania. Increasing abuse of other opiates, particularly the decoction of poppy straw and codeine, is reported by certain countries of Eastern Europe. By and large, the abuse of other opiates remains on a relatively small scale. Opium consumption has generally remained stable, or has even declined slightly in those countries of Asia and the Far East and the Near and Middle East in which it has traditionally been abused.

4. Cocaine abuse has escalated in most regions of the world. The smoking of coca paste has increased in a number of South American countries, as has the smoking of cocaine base (crack) in North America and, to a lesser extent, in other parts of the world. Cannabis continues to be the most widely abused illicit drug in most regions. More potent forms of cannabis plant and its preparations, such as cannabis resin and liquid cannabis, are increasingly being abused. Abuse of amphetamine-type stimulants is reported from all regions. Benzodiazepines, minor tranquillizers, barbiturates and non-barbiturate sedative-hypnotics are abused worldwide. The abuse of lysergic acid diethylamide (LSD) appears to be declining, but it is still a problem in some countries. Phencyclidine (PCP) continues to be abused in North America, but only sporadically elsewhere. Several countries report an increasing abuse of natural hallucinogens, particularly mushrooms. All regions report abuse of volatile solvents, such as petrol and glue, by children and young adolescents. Multiple drug abuse continues to be one of the major patterns of abuse worldwide. Narcotic drugs and psychotropic substances are abused in various combinations, often involving alcohol and, sometimes, other non-controlled substances.

II. REVIEW OF DRUG ABUSE: EXTENT, PATTERNS AND TRENDS BY REGION

Africa

5. The reports show deterioration in the drug abuse situation in the region. Cannabis remains the most widely abused drug, but the problem has escalated from the abuse of cannabis to the abuse of more dangerous drugs, and from the involvement of limited groups of users to a wider range of users. The trend towards multiple drug abuse, and especially towards combinations of drugs and alcohol, continues. Heroin and, to a lesser extent, cocaine, have begun to be abused in some African countries with no previous experience of these drugs. Amphetamine-type stimulants and sedative-hypnotics are also increasingly abused. Sometimes these substances are imported illegally into African countries; the lack of funds and shortage of trained personnel make it difficult to implement control measures. Several countries report the abuse of volatile solvents or other non-controlled substances.

Abuse of narcotic drugs

6. Several countries report opiate abuse. In Chad, opium and morphine are abused. In Mauritius, there has been a large increase in heroin abuse (by injection) predominantly by males in the 17-30 age group. In 1985, an estimated 10,000 to 15,000 persons abused heroin; 400 to 500 opium; and a small number synthetic narcotics. The abuse often involves combinations of heroin, benzodiazepines, alcohol and cannabis. Among the reasons for the increase in heroin abuse are the massive amounts of the drug illicitly entering the country; easy access to it; and the refined illegal marketing system existing in the country. Abuse, which has spread through all social strata, is frequently associated with family and social problems and delinquent behaviour, including armed robbery. Nigeria also reports increasing heroin abuse, mainly by males in the 18-35 age group. It is often abused in combination with cannabis and cocaine. All social groups are affected. Tunisia reports heroin abuse (by inhalation), mainly by males in the 20-30 age group. South Africa reports a small number of opiate abusers.

7. Cocaine abuse has appeared for the first time in some African countries. Nigeria reports increasing abuse (by smoking or sniffing), mainly by males in the 18-35 age group; the cocaine is often used in combination with cannabis or heroin. Abuse is also reported from Chad and South Africa, but on a relatively small scale.

8. Almost all countries that provided information reported problems of cannabis abuse. These included: Benin, Burkina Faso, Burundi, Central African Republic, Cameroon, Chad, Côte d'Ivoire, Djibouti, Gambia, Ghana, Kenya, Madagascar, Mali, Mauritius, Mozambique, Morocco, Nigeria, Rwanda, Senegal, South Africa, Togo, Tunisia and Zimbabwe. The drug is abused (by smoking or eating it), in both urban and rural areas, but its abuse is higher among the urban young. The abuse affects all social strata and age groups, commencing with preadolescence. The abusers are predominantly male. The percentage of female abusers ranges from 0.2 in Mali to 12 in Zimbabwe. Cannabis appears to be abused less commonly in those African countries where the abuse of khat is prevalent; in Djibouti it is used in combination with khat (mainly by youth in the 16-22 age group). The abuse of cannabis, particularly in combination with alcohol and other drugs, is often associated with severe psychotic or behavioural disorders, family disruptions, delinquency and traffic accidents.

9. In Mali, cannabis is often abused in combination with stimulants, sedatives and hallucinogens, mainly by persons in the 15-29 age group. In Madagascar, cannabis is increasingly abused by urban dwellers in the 15-30 age group, but abuse has spread also among young and older people in the rural areas. It is often abused in combination with alcohol. In Mauritius, in the same year, an estimated 4,000 to 5,000 persons, mainly in the 17-30 age group, and in all social strata, were abusing cannabis. In Morocco, cannabis is increasingly being abused in the 20-25 age group, and in Mozambique in the 15-45 age group. In Nigeria, cannabis abuse (often in combination with alcohol, cocaine or heroin) has spread across all social strata, both urban and rural. In Senegal, it has also spread to all social strata; in Togo, it has spread mainly in the urban areas. In these two countries, however, it has shown a tendency to decrease. Zimbabwe reports increased cannabis smoking, mainly by persons in the 20-24 age group, and 12 per cent of them women.

Abuse of psychotropic substances

10. A number of countries (Benin, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Madagascar, Mali, Nigeria, Senegal, South Africa and Togo) report the abuse of amphetamine-type stimulants, in combination with cannabis, alcohol or sedative-hypnotics. In Mali, most abusers are in the 15-29 age group. In Togo, they are in the 18-25 age group. In Nigeria, ephedrine is abused in combination with caffeine. The abuse of amphetamine-type stimulants is frequently associated with violence and psychological disorders.

11. Most countries that provided information reported abuse of tranquillizers, barbiturates or non-barbiturate sedative-hypnotics. Benzodiazepines and minor tranquillizers are abused in Central African Republic, Madagascar, Mauritius and Mozambique. Benzodiazepines abuse has increased in Mauritius. In 1985, an estimated 15,000 to 20,000 persons, principally males in the 17-30 age group, abused them, often in combination with opiates, alcohol and cannabis. The abuse of barbiturates or non-barbiturate sedative-hypnotics is reported from Burkina Faso, Central African Republic, Côte d'Ivoire, Kenya, Mali, Morocco, Nigeria, Senegal, South Africa, Togo and Tunisia. Secobarbital is abused in Côte d'Ivoire, often in combination with amphetamines. Kenya, Senegal and South Africa report methaqualone abuse.

12. Mali and South Africa report small-scale abuse of hallucinogens.

The Americas

13. Cocaine and cannabis are the major drugs of abuse, with combinations of two or more drugs, often involving alcohol, continuing to be the growing pattern throughout the region.

Abuse of narcotic drugs

14. The abuse of heroin by injection remains a serious problem in Canada and the United States of America, although the available data indicate a declining trend in such abuse. In Canada, 3,275 persons were known to be abusing heroin in 1985 compared with 5,478 in 1984 and 5,813 in 1983. Most of the heroin abusers were in the 30-39 age group. Approximately 32 per cent were female. In Canada, 4,028 persons were also known to be abusing synthetic narcotics and opiates other than heroin in 1985, compared with 3,420 such cases reported for the previous year. In the United States, it was estimated that in 1984 492,000 persons abused heroin; 97,500 persons were registered for heroin

abuse, and 10,300 for abuse of opiates other than heroin. The average age of heroin abusers is higher today (30 years or more) than it was in the early 1970s. Moreover, heroin abuse remains a significant cause of drug-related injuries and deaths. A number of other countries and territories, including Argentina, Bolivia, Ecuador, Guatemala, Honduras, Mexico and Netherlands Antilles (NL), report opiate abuse, but relatively limited. Ecuador reports increasing abuse (by injection) of morphine derivatives among the adult population. In the Netherlands Antilles (NL), heroin is abused, often in combination with cocaine, by immigrants or people temporarily staying on the islands.

15. Cocaine abuse has become the major drug problem in the region. Sniffing or injection of cocaine hydrochloride and smoking of cocaine base or coca paste has increased rapidly in many countries and territories. Coca paste, an intermediary product of cocaine extraction from coca-leaves, is increasingly being abused (by smoking) in the countries that produce it, including Bolivia, Colombia and Peru. Coca paste or cocaine are abused in Argentina, Barbados, Belize, Canada, Cayman Islands (UK), Colombia, Ecuador, Guyana, Haiti, Jamaica, Mexico, Netherlands Antilles (NL), Panama, Trinidad and Tobago, Uruguay, United States and Venezuela. The smoking of cocaine base or coca paste is a particularly dangerous pattern of abuse as it rapidly produces a high level of cocaine in the blood. Coca leaf chewing continues where it is traditionally rooted in certain population groups in the Andean countries.

16. Bolivia reports a large increase in coca paste smoking. In 1985, some 11,000 abusers were registered, but it was estimated that 40,000 persons abuse the product. The authorities consider that the reasons for the increase are easy access to and low cost of the paste, associated with family disintegration and ignorance of the hazards of abuse. Coca paste is often used in combination with cannabis or alcohol; over the past five years, this combination has accounted for 10 deaths. The paste is mainly abused by urban males in the 15-25 age group. The abusers usually start with cannabis or volatile solvents and progress to multiple drug abuse involving coca paste, cocaine and alcohol. Cocaine hydrochloride is also abused, often in combination with volatile solvents, but the number of abusers is much lower. In Colombia, coca paste and cocaine abuse are most common in the 12-24 age group. Ecuador reports increasing abuse of coca paste and cocaine base, often in combination with cannabis and alcohol, and mainly in the 18-20 age group.

17. Canada reports increasing abuse of cocaine, mainly in the 25-29 age group. Approximately 20 per cent of abusers are female. Cayman Islands (UK), reports an increase in psychological and social problems associated with cocaine abuse. Abusers are mainly in the 19-25 age group; 33 per cent are female. The Netherlands Antilles (NL) reports a large increase in cocaine base smoking and cocaine sniffing. Abusers cut across all social strata, are most often in the 15-50 age group, and approximately 40-50 per cent of them are female. Abusers often resort to crime to obtain money to purchase drugs. Trinidad and Tobago report a large increase in cocaine base smoking. The abuse affects all social strata, but mainly urban residents in the 20-35 age group. Here again it is associated with crime and vagrancy. The cocaine is often used in combination with cannabis. In the United States, cocaine abuse has remained a serious problem. In Uruguay, abuse of cocaine hydrochloride, mainly by people in the 22-27 age group, is growing.

18. Cannabis remains the most widely abused illicit drug in the region, affecting almost all countries and territories. Bolivia, Dominica, Guyana, Panama, St. Vincent and the Grenadines and Uruguay report a large increase in

abuse. In Jamaica, cannabis, including its oil, is smoked. Most abusers are males. The growth in the tetrahydrocannabinol content of the cannabis plant over the years and the developing tendency to use cannabis in combination with other psycho-active substances has led to an increase in the number of injuries and other health, psychological and social problems resulting from cannabis abuse in Jamaica.

19. In Bolivia, cannabis smoking, usually in combination with coca paste, volatile solvents or alcohol, has escalated among the youth population, the male-female ratio being 6:1. In British Virgin Islands (UK), cannabis abuse is most prevalent among low-income groups, the unemployed and school drop-outs. In Cayman Islands (UK), increased psychological and social problems are associated with cannabis abuse. In Chile, cannabis is abused by youth, often in combination with alcohol, stimulants or inhalants. In Dominica, cannabis abuse is rising, mainly among males in the 18-30 age group, both urban and rural. In Ecuador, cannabis is abused mainly by adolescents, often in combination with coca paste or alcohol. Guyana reports a large increase in cannabis abuse in all social strata, but particularly among low-income 17-35-year-old urban dwellers.

20. In the Netherlands Antilles (NL), cannabis abuse is widespread, cutting across all social strata, and with approximately equal male-female involvement. It is increasingly being replaced by cocaine abuse, however. Nicaragua reports that several hundred persons abuse cannabis. Panama reports increased abuse, mainly by the unemployed and students in the 16-35 age group. This is often associated with crime, traffic accidents, loss of jobs and family abandonment. Trinidad and Tobago report cannabis smoking, mainly by persons in the 15-30 age group. St. Vincent and the Grenadines report a large increase in cannabis smoking among people in the 12-40 age group. In Uruguay, the same is true of the 16-25 age group, the male-female ratio being 5:1. In the United States, surveys show a substantial decrease in cannabis use among young people, but the level remains, nevertheless, very high. Cannabis abuse is also reported from Argentina, Canada, Colombia, Haiti, Honduras, Mexico, Peru and Venezuela.

Abuse of psychotropic substances

21. Countries reporting the abuse of amphetamine-type stimulants include Argentina, Chile, Colombia, Ecuador, Honduras, Mexico, United States and Uruguay. In Uruguay, amphetamines are increasingly being abused by young people, by injection or orally, and often in combination with alcohol. In the United States, the illicit manufacture, trafficking and use of methamphetamine continued to increase during 1985. Some 266 illicit methamphetamine and 70 illicit amphetamine laboratories were uncovered.

22. The abuse of benzodiazepines, minor tranquillizers, barbiturates or non-barbiturate sedative-hypnotics is reported by Argentina, Bolivia, Colombia, Ecuador, Honduras, Mexico, United States and Venezuela. In Ecuador, the abuse of benzodiazepines has increased, mainly among young adults. Trinidad and Tobago reports that approximately 20 per cent of drug abusers use benzodiazepines and minor tranquillizers.

23. The abuse of hallucinogens is reported as a problem in Canada, Ecuador, Mexico and the United States. In Canada, 4,072 persons were known to be abusing hallucinogens, mainly LSD, in 1985, compared with 4,595 in 1984; some 1,987 persons were abusing PCP, compared with 2,552 in 1984. Ecuador reports increasing abuse of naturally occurring hallucinogens, such as "magic"

mushrooms. Secondary school students and foreign tourists visiting rural areas are the most prevalent abusers of naturally occurring hallucinogens, which are often used in combination with alcohol. In the United States, PCP continues to dominate the illicit hallucinogenic market. It is increasingly used by intravenous injection, often in combination with heroin or cocaine. The availability and abuse of LSD decreased in 1984, but LSD-related hospital emergencies showed a 24 per cent increase in 1985.

Abuse of volatile solvents

24. Argentina, Bolivia, Chile, Ecuador, Mexico, Panama, Peru, United States and Uruguay report the abuse of volatile solvents. Bolivia and Ecuador are experiencing increasing abuse of these solvents, often in combination with cannabis, cocaine, coca paste or alcohol. The abusers are most often in the 10-16 age group.

Asia and the Far East

Abuse of narcotic drugs

25. In Asia and the Far East, the drug abuse situation continues to deteriorate. Heroin abuse has now reached epidemic proportions in a number of countries and areas, including several not previously affected. Bangladesh, reporting a heroin-abuse problem for the first time, estimated 10,000 heroin abusers in 1985. While India had no records of heroin abuse prior to 1981, recent information available from treatment facilities indicates a rapid spread of heroin abuse among urban populations. Sri Lanka, where heroin abuse had not been a problem prior to 1982, estimated 24,000 abusers in 1985.

26. Heroin abuse remains a serious problem in Burma, Hong Kong (UK), Macao (P), Malaysia, Singapore and Thailand. In Burma, where it continues to increase, 8,830 abusers were registered in 1985, but it is estimated that approximately 17,600 persons are addicted. Increased heroin abuse is also reported from Thailand: 43,914 opiate addicts, mainly heroin abusers, were admitted for treatment in 1985. Heroin abuse trends in Hong Kong (UK), Malaysia and Singapore show a tendency to stabilize, but the magnitude of the problem remains great. In Hong Kong (UK), 33,448 heroin abusers were registered in 1985 and 12 heroin-related deaths were recorded. In Malaysia, of 14,101 opiate abusers treated in 1985, some 10,110 were seeking treatment for the first time. In Singapore, in 1985, an estimated 6,500 persons were addicted to heroin and 12 heroin-related deaths were recorded.

27. Heroin is predominantly abused by smoking in Malaysia and Singapore, by inhalation in Sri Lanka, by injection in Bangladesh, Macao (P) and Thailand, and by either injection or inhalation in Hong Kong (UK). When heroin is difficult to obtain, addicts turn to opium, cannabis or psychotropic substances. Most heroin abusers in 1985 were young, single males. The percentage of women addicts ranged from 0.4 in Sri Lanka to 6 in Singapore. The youngest addicts, by age group, were in Sri Lanka (16-30) and the oldest in Singapore (25-39).

28. In Sri Lanka, heroin abuse is confined mainly to big cities, but in Thailand it has spread to both urban and rural areas. Malaysia reports that heroin abuse has spread to almost all states of the country and that abusers are predominantly from the lower- and middle-income groups, generally unskilled and semi-skilled workers. In Singapore, abuse is also most prevalent among unskilled workers. Approximately two thirds of the heroin

abusers in Hong Kong (UK) and Singapore held jobs at the time their addiction was detected. In Singapore, most young heroin addicts are school drop-outs. Hong Kong (UK) reports that 80 per cent of its heroin abusers have had previous convictions. In Malaysia, a variety of criminal activities are associated with heroin abuse. In Sri Lanka, too, crime is associated with it, as are family breakdown, unemployment and male prostitution.

29. The smoking or eating of opium is traditionally rooted in certain parts of the region. In most cases, opium abusers are older than heroin abusers. In Burma, 31,956 opium addicts were registered in 1985, but it was estimated that approximately 159,700 persons were addicted and that 79,800 of these were daily users. It is estimated that 30,000 persons used opium in Bangladesh in 1985. In the same year, India had 31,714 registered opium addicts (mainly older people), a figure slightly lower than that of the previous year. Opiate addiction is also reported from Hong Kong (UK), Malaysia, Republic of Korea, Philippines, Singapore and Sri Lanka, but the numbers of abusers are lower. Thailand estimates that the number of opium addicts has increased.

30. Opiates other than heroin and opium are abused in many countries, but the numbers of abusers are relatively small. In 1985, Malaysia registered 534 such cases and Hong Kong (UK) 1,087. In the Philippines 1,156 cough-syrup abusers were registered.

31. Bangladesh reports a cocaine abuse problem, but its magnitude is not known. The Philippines reports several dozen registered abusers and Japan a small number.

32. Cannabis is widely abused in many countries by smoking or eating it. Most abusers are males in the 15-29 age group. The percentages of female abusers range from 0.5 in Malaysia to 16 in Japan. Bangladesh reports that an estimated 2.5 million persons use it, often in combination with opium. Singapore and Thailand report increasing abuse, mainly among young males. In 1985, 1,584 cases of cannabis abuse were registered in Malaysia, and 1,906 cases in the Philippines. In India, cannabis is abused mainly by low-income industrial and plantation workers, but also, to a small extent, by students and educated youth in the upper-income groups. Japan estimates that 7,000 to 30,000 persons abused cannabis in 1985. Burma, Korea, Hong Kong (UK) and Maldives also report cannabis abuse, but the number of abusers is relatively low.

Abuse of psychotropic substances

33. In Japan, methamphetamine abuse (by injection) continues to be a serious problem. In 1985, 23,344 methamphetamine abusers were registered, but it is estimated that up to 500,000 persons may be abusing stimulants. The abuse is country-wide and approximately 18 per cent of the abusers are female. Amphetamine-type stimulants are also abused in Hong Kong (UK), Malaysia, Republic of Korea and Philippines, but the numbers of reported cases are much lower. Bangladesh also reports stimulant abuse, but the extent is not known.

34. Reporting the abuse of benzodiazepines, Bangladesh estimates that approximately 1 million persons abuse sedative-hypnotics, 700,000 on a daily basis. In 1985, registered abusers of tranquillizers and sedative-hypnotics numbered 3,193 in Burma, 1,029 in the Philippines and a few hundred in Hong Kong (UK). In Thailand, the abuse of these substances, mainly by persons in the 20-24 age group, is a cause of concern. Bangladesh reports hallucinogen abuse, but the extent of the problem is not known. Some cases are reported

from Hong Kong (UK), Malaysia and the Philippines.

Abuse of volatile solvents

35. Japan estimates that up to 1 million of its adolescents sniff volatile solvents. This abuse pattern is country-wide. In 1985, 47 deaths were attributed to the practice. Bangladesh and Thailand also report solvent abuse. In the same year, Singapore registered approximately 1,000 cases of such abuse and the Philippines over 100.

Multiple drug abuse

36. Multiple drug abuse is the most prevalent pattern in Indonesia and the Philippines. Other countries report the problem, but to a lesser extent. Most often heroin addicts, when they cannot obtain a sufficient supply of heroin, resort to opium, benzodiazepines or cannabis.

Europe

Abuse of narcotic drugs

37. Of 32 reporting countries, 22 stressed problems of heroin abuse. In Austria, heroin is the second (after cannabis) most frequently abused drug; of 16,349 known drug abusers, 20 per cent abuse heroin. In Finland, heroin abuse (by injection) is increasing; when heroin is difficult to obtain, other narcotics are used. In France, heroin abuse (generally by injection), has also increased. Most abusers are in the 21-25 age group, and approximately 18 per cent of them are female. In 1985, 129 deaths were caused by heroin overdose. An estimated 75,000 persons abused the drug in 1984, often in combination with cocaine. In Italy, heroin abuse (by injection) remains a serious problem. In 1985, 20,000 abusers received treatment. Most of them were in the 18-29 age group; 20 per cent were female. There were 237 deaths from overdose. Heroin is often used in combination with benzodiazepines and minor tranquillizers. In Monaco, heroin is increasingly being abused (by injection), often in combination with alcohol.

38. In the Netherlands, an estimated 15,000 to 20,000 persons abused heroin (by smoking or injection) in 1985. They were mainly in the 20-35 age group, came from large urban areas, and were in the lower-income group or unemployed. The heroin is often used in combination with methadone, cocaine, amphetamines or benzodiazepines. In 1985, there were up to 150 heroin-related deaths. Portugal reports an escalation in heroin abuse (by injection). This is attributed mainly to increased supplies of the drug and the underlying psychological problems of its users. The heroin is commonly used in combination with cannabis. Most abusers are young people, but over 21. Some 20 per cent are female. In Spain, in 1985, an estimated 80,000-120,000 people abused heroin (by injection), often in combination with benzodiazepines or alcohol; 142 deaths were caused by overdose. Most abusers are in the 15-29 age group.

39. Heroin abuse in the United Kingdom in 1985 was approximately 25 per cent higher than in 1984. Most abusers are in the 21-25 age group; 29 per cent are female. Most new users inhale the drug. The shift from injection to inhalation has reduced heroin-related morbidity and mortality, but has led to an increase in overall use. The heroin is often used in combination with cocaine, methadone, dipipanone or morphine. In Denmark, heroin abuse (by injection) has decreased slightly. Most abusers are in the 20-30 age group;

30 per cent of them are female. The heroin is often abused in combination with sedatives or alcohol. In 1985, there were 158 heroin-related deaths. In the Federal Republic of Germany, heroin abuse has decreased slightly, but an estimated 12,300 persons (mainly in the 25-30 age group) abuse the drug by injection. In 1985, 151 deaths were caused by heroin overdose.

40. In Liechtenstein, heroin abuse (by injection), often combined with alcohol, has been observed mainly among persons in the 20-25 age group. The abusers are becoming involved with the drug at a much earlier age than in the past, however. In Luxembourg, heroin abuse (by injection) remains a problem, mainly among youth in the 20-24 age group. The heroin is often abused in combination with alcohol or psychotropic substances. Norway and Sweden report heroin abuse (by injection), but it appears to be levelling off. In Turkey and Yugoslavia, the numbers of heroin abusers are relatively small, but increasing. In Yugoslavia, heroin is usually abused in combination with cannabis or morphine.

41. Switzerland reported that an estimated 10,000 persons were heavy abusers of heroin in 1984. Belgium, Greece, Ireland and San Marino also reported heroin abuse in 1984.

42. Abuse of opiates other than heroin is reported from Austria, Bulgaria, Cyprus, Czechoslovakia, Denmark, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, Portugal, Switzerland, Turkey, USSR and Yugoslavia. Hungary reports a large increase in dihydrocodeine abuse (orally or by injection), and an increase in codeine abuse. The abusers are mainly in the 18-30 age group. Hungary also reports the abuse of a decoction of poppy straw (to which one death has been attributed). In Czechoslovakia, codeine abuse (by injection), sometimes in combination with methamphetamines, has increased among youth. In 1985, the number of persons prosecuted for drug offences was nearly three times that of the preceding year.

43. Poland reports increasing abuse of opiates, mainly a decoction of poppy straw, sometimes in combination with benzodiazepines. Abuse is most prevalent among unemployed urban dwellers in the 18-24 age group; 25 per cent of the abusers are female. Opiates are taken orally or by injection. In 1985, 109 opiate-related deaths were recorded. Opiate injection has caused an increase in the incidence of hepatitis and syphilis. In the USSR, of 8,999 drug abusers admitted for treatment in 1985, most had used preparations derived from opium, including morphine and codeine. A small percentage had used synthetic narcotics.

44. Cocaine has emerged as one of the major drugs of abuse in Europe. In the Federal Republic of Germany, cocaine abuse has increased, mainly in the 25-30 age group. There were five deaths from overdose in 1985. Luxembourg reports a large increase in abuse (by injection), mainly among the 20-24 age group. The cocaine is often abused in combination with alcohol and psychotropic substances. In the Netherlands, cocaine abuse has also increased, mainly in the high-income group, but the trend is towards more middle-income involvement. A 1984 survey showed that 75,000 persons in the 15-24 age group had used cocaine at some time in their lives. Norway reports increasing cocaine abuse (by sniffing), mainly by 20-30-year-old people in the worlds of business, fashion and music. The problem has not yet reached the street level. Spain reports increasing abuse of cocaine (by inhalation), often in combination with alcohol. In 1985, the number of abusers was estimated at 70,000, mainly in the 20-39 age group.

45. In the United Kingdom, the evidence suggests that while cocaine abuse has increased, it has not yet reached the street level to any significant extent. The drug is mainly abused during weekends, the predominant methods of consumption being smoking the pure cocaine base and combining it with heroin. In France, cocaine abuse has decreased slightly, but it remains a significant problem. Abusers are mainly in the 20-24 age group. In 1985, four deaths were caused by overdose. Other countries reporting cocaine abuse include Belgium, Bulgaria, Greece, Iceland, Ireland, Poland, Portugal, Sweden, Switzerland and Yugoslavia.

46. Cannabis continues to be the most widely abused drug in Europe. In Austria, of 16,349 known drug abusers, 62 per cent abuse cannabis. Denmark reports that approximately 25 per cent of persons in the 14-18 age group has used cannabis and that there has been an increase in the overall number of abusers. Finland and Monaco also report increased cannabis abuse. In Italy, an estimated 500,000 people abused cannabis in 1985. In the Netherlands, a 1984 survey showed that 300,000 persons in the 15-24 age group had used cannabis at some time in their lives. In the Federal Republic of Germany, cannabis abuse is levelling off. An estimated 20,100 persons abuse cannabis herb, resin or concentrate. The abusers are mainly in the 18-21 age group. In Sweden, an estimated 12,500 persons in the 15-35 age group were abusing cannabis in 1984. Of those, 6,300 smoked cannabis exclusively, 4,400 combined it with amphetamines, 500 with opiates and 1,300 combined it with both amphetamines and opiates. In Switzerland, an estimated 10,000 persons abused cannabis resin in 1984. France reports some decrease in cannabis abuse. Cannabis abuse is also reported from Bulgaria, Belgium, Liechtenstein, Luxembourg, Norway, Poland, San Marino, Turkey, USSR, United Kingdom and Yugoslavia. In most countries, the abuse affects all social strata, but it is most prevalent among urban dwellers in the 18-29 age group.

Abuse of psychotropic substances

47. The Federal Republic of Germany reports a large increase in amphetamine abuse. Increased abuse of amphetamine-type stimulants (by injection) is also reported from Finland and Norway. In Finland, amphetamines are often used in combination with other psycho-active substances. In Spain, an estimated 350,000-400,000 persons abused amphetamines in 1985. In Sweden, approximately 1,400 persons abused amphetamine-type stimulants in the same year. In the Netherlands, a 1984 survey showed that 37,000 persons in the 15-24 age group had used amphetamines at some time in their lives. In the United Kingdom, amphetamines are often abused in combination with opiates. Other countries reporting the abuse of amphetamine-type stimulants include Bulgaria, Belgium, France, Iceland, Luxembourg and Portugal.

48. The Federal Republic of Germany reports 5,900 abusers of benzodiazepines and minor tranquillizers and 2,000 abusers of other depressants in 1985. In the Netherlands, the 1984 survey showed that, at some time in their lives, 1.6 million persons in the 15-24 age group had used benzodiazepines and minor tranquillizers, and 1.75 million had used other depressants and sedatives. Cyprus reports the abuse of diazepam, lorazepam and clorazepate, mainly by persons in the 30-50 age group, 60 per cent female. In Denmark, 70 per cent of those abusing benzodiazepines and tranquillizers are women between the ages of 25 and 80. Poland in 1985 had 7,594 registered abusers of benzodiazepines and minor tranquillizers and 1,429 abusers of other depressants and sedatives. The German Democratic Republic and Iceland report that hundreds of persons abuse benzodiazepines. In Italy, benzodiazepines are frequently abused in combination with heroin, and in Spain with alcohol or heroin. Yugoslavia

reports 1,269 abusers of tranquillizers or sedative-hypnotics for 1985.

49. In Hungary, the abuse of glutethimide, often in combination with dihydrocodeine, is increasing. The abusers are mainly in the 18-30 age group. Iceland, Ireland, Luxembourg, Malta, Portugal, Sweden and Turkey also report abuse of tranquillizers or sedative-hypnotics.

50. The Federal Republic of Germany reports that 1,500 persons abused hallucinogens in 1985. In the Netherlands, the 1984 survey shows that 25,000 persons in the 15-24 age group have used hallucinogens at some time in their lives. Poland, Portugal and Yugoslavia also report relatively small numbers of hallucinogen abusers.

Abuse of volatile solvents

51. Czechoslovakia, Norway, Poland, Portugal, Spain and Turkey report the abuse of volatile solvents, mainly by younger adolescents. In Spain, the number of abusers in 1985 was estimated at 20,000.

Multiple drug abuse

52. Multiple drug abuse, involving two or more substances in various combinations, is widespread and attended by serious medical and psychological problems.

Near and Middle East

53. The continuing spread of heroin abuse in the region, and an outbreak of cocaine abuse in Egypt, are the most striking features of the drug abuse situation. Abuse of benzodiazepines, methaqualone, amphetamines and, in particular, combinations of drugs, also continues to spread, often with considerable rapidity. Cannabis is still the most common drug of abuse. Opium addiction, which is well established in the region, shows a tendency to stabilize, or even to decrease.

Abuse of narcotic drugs

54. Egypt reports a large increase in heroin abuse (by injection and inhalation). The drug is often used in combination with cocaine, Mandrax (a preparation containing methaqualone and diphenhydramine) or methaqualone. It is mainly abused by urban males in the 20-40 age group. The abuse of opium has decreased slightly. In Kuwait, heroin continues to be abused (by injection), mainly among middle-income urban males in the 20-30 age group. It is often used in combination with cannabis, tranquillizers and alcohol. Opium is also abused in Kuwait, but it causes fewer problems. Qatar reports increased heroin abuse, mainly by males in the 17-25 age group; opium abuse has decreased. In Pakistan, heroin abuse (by smoking) has increased. In 1985, an estimated 300,000 persons abused the drug, often in combination with cannabis. Most abusers are urban dwellers in the 15-45 age group. In Pakistan also, some 377,000 persons abused opium (by smoking), in 1985, often in combination with cannabis or Mandrax. Opium abusers tend to be older people from both urban and rural areas. Iraq reports some opium abuse, but the extent is not considered to represent a major problem.

55. Egypt reports a large increase in cocaine abuse, often in combination with heroin. Abusers are mainly in the higher-income groups. Kuwait reports a small number of cases of cocaine abuse.

56. In Egypt, abuse of cannabis resin (hashish) is showing signs of decreasing, but it remains widespread among all social strata, urban and rural alike. Most abusers are in the 20-40 age group. Jordan reports increased cannabis abuse, mainly by males in the 17-40 age group. In Kuwait, cannabis is abused mainly in combination with heroin, tranquillizers or alcohol. In Qatar, cannabis smoking is tending to fall off, but there is a trend towards combining benzodiazepines with cannabis. In Pakistan, an estimated 595,000 persons abused cannabis resin in 1985. Abusers, whose numbers appear to be growing, range in age from 15 to 60 and are found in urban and rural areas, particularly in the lower-income groups. Mandrax is often abused in combination with cannabis. Iraq, again, reports hashish abuse, but not to any grave extent.

Abuse of psychotropic substances

57. Egypt reports a large increase in methamphetamine abuse (by injection). Abusers are mainly in the 20-50 age group. Some deaths have occurred. Amphetamine abuse is also reported from Kuwait, but the incidence is relatively small.

58. Methaqualone abuse has also increased in Egypt. The abusers, who often combine it with heroin, are mainly males in the 20-40 age group coming from both urban and rural areas. Some deaths have occurred. In Kuwait, tranquillizers and sedative-hypnotics are often abused in combination with other substances, such as heroin, alcohol and cannabis. Most abusers are middle-class urban dwellers in the 25-35 age group. Qatar reports abuse of diazepam and flunitrazepam, often in combination with heroin or cannabis, and mainly in the urban areas. Abuse of the former drug tends to be stable, but that of the latter is increasing. In Pakistan, in 1985, an estimated 51,000 persons abused benzodiazepines and minor tranquillizers, and 85,000 other depressants; Mandrax was often abused in combination with opium and cannabis.

Abuse of volatile solvents

59. Kuwait, Qatar and Pakistan report the abuse of volatile solvents, such as benzine and glue. Pakistan alone had an estimated 289,000 abusers in 1985.

Oceania

60. Multiple drug abuse is widespread and has contributed significantly to the incidence of drug-related deaths.

Abuse of narcotic drugs

61. The abuse of opiates remains a serious problem in the region. In Australia and Cocos (Keeling) Islands (AUS), the abuse of heroin (by injection) shows a tendency to increase, predominantly among unemployed persons in the 18-30 age group in major urban centres. Of 229 heroin-related deaths in 1985, 181 were caused by overdose. The most frequent problems associated with abuse are theft, prostitution (to pay for the drug), unemployment, health impairment and family disruption. In New Zealand, heroin is abused mainly by persons in the 15-24 age group. The prevalence of abuse is pegged at the medium level, compared with that for opium (low) and synthetic narcotics and opiates other than heroin and opium (high). Synthetic narcotics (such as buprenorphine, pethidine, methadone, dextromoramide and dextropropoxyphene) and opiates other than heroin and opium (such as codeine and morphine and home-manufactured morphine) are abused (injected or eaten)

mainly by 15-19-year-olds. In 1985, of 20 deaths caused by the abuse of these substances, 17 had involved the use of synthetic narcotics and 3 opiates other than heroin and opium; 12 of the deaths were the result of multiple drug abuse, sometimes involving additional substances. Papua New Guinea reports a small number of cases of opium and heroin abuse.

62. Australia reports an increase in cocaine abuse (by sniffing), mainly in the larger urban centres. Abuse is most prevalent among 20-40-year-olds in the middle- and upper-income groups. Some cocaine abuse is also reported from New Zealand.

63. In Australia, cannabis smoking, often in combination with alcohol, continues to be relatively widespread, affecting most sections of the population, especially in the 15-30 age group. Some 40 per cent of the abusers are female. Abuse is often associated with behavioural disorders and traffic accidents. In New Zealand, marijuana, cannabis resin and cannabis oil are increasingly being abused, mainly by persons in the 15-19 age group; one cannabis-related death was reported in 1985. In Papua New Guinea, cannabis herb, hashish and cannabis oil are readily available and there is a high and growing illicit demand for them. In 1985, there were 5,000 registered abusers, but it was estimated that 10,000 persons abused cannabis-type substances. Abusers tend to be in the 20-40 age group and 30 per cent are female. Fiji also reports some cannabis abuse.

Abuse of psychotropic substances

64. In New Zealand, the abuse (by eating) of anorexiant (such as diethylpropion hydrochloride and phentermine resinate), anti-depressants and amphetamines continues to be a problem. The abuse of amphetamine-type stimulants, mainly by 15-19-year-olds, is reckoned to be at the medium level, compared with levels for other forms of drug abuse. In 1985, 20 deaths were caused by the abuse of these stimulants; in 9 cases, other substances were also involved.

65. In Australia, the abuse (by eating) of benzodiazepines and minor tranquillizers is relatively widespread and increasing among all levels of the population, mainly in the 30-50 age group. Most abusers are female. In 1985, 116 deaths were attributed to the use of benzodiazepines and tranquillizers (both minor and major). A high level of abuse of benzodiazepines and minor tranquillizers, as well as sedative-hypnotics, including barbiturates, is also reported from New Zealand. Abuse of benzodiazepines is most prevalent in the 15-19 age group, and of barbiturates and other depressants in the 19-24 age group. In 1985, 19 deaths were related to the abuse of those substances, often in combination with other substances.

66. LSD and hallucinogenic mushrooms are being abused (by eating) in New Zealand, mainly by 15-19-year-olds. The prevalence of the abuse is at the medium level, compared with levels for other forms of drug abuse.

Abuse of volatile solvents

67. Australia and New Zealand report the abuse of volatile solvents such as petrol, glue and aerosols. In the latter country, it caused seven deaths in 1985. In Australia, petrol sniffing is a problem among some aboriginal children and young adults, mainly males, in rural areas. Sniffing glue and aerosols is relatively widespread among urban youth. In general, the abusers are in the 10-14 age group. In urban areas, they are predominantly female,

and in rural areas, male. In New Zealand, the abuse of solvents has increased, especially among 10-14-year-old Maori children in urban areas. The increase is associated with a growth in social problems, as many abusers are "street kids" who have turned to shoplifting and other forms of theft to support themselves.

III. MEASURES TO REDUCE ILLICIT DEMAND FOR DRUGS BY REGION

Africa

Drug abuse assessment

68. Few of the reporting countries are implementing programmes to assess drug abuse. Côte d'Ivoire, Madagascar and Mauritius collect relevant data mainly on the basis of medical and police records.

Prevention

69. In Ghana, a pharmaceutical society organizes lectures, symposia and films on drug-related topics. In Côte d'Ivoire, informational and educational programmes aim at increasing public awareness of drug abuse problems and preventing such problems. In Madagascar, drug abuse has been incorporated into the programme of medical studies. In Morocco, a drug information programme is provided for medical and secondary school students. In Nigeria, law enforcement personnel are briefed on drug abuse prevention. Lectures on prevention are also delivered to students and other youth. In Togo, the national health education service provides periodic courses on drug abuse prevention for university and secondary school students. In Zimbabwe, a group of pharmacists is preparing a drug education programme.

Treatment, rehabilitation and social reintegration

70. In Ghana, treatment for drug abuse is available from three psychiatric hospitals. In Côte d'Ivoire, a social reintegration centre, currently at the experimental phase of development, provides services for persons with behavioural difficulties, including drug abusers. In Madagascar, ex-addicts receive agricultural ergotherapy; a long-term social reintegration programme is also available. In Mauritius, treatment is available for abusers of opiates, cannabis and psychotropic substances.

The Americas

Drug abuse assessment

71. Of the 23 reporting countries and territories, 12 conduct drug abuse surveys or maintain statistics of drug-related treatment or medical emergencies. Central registers of known drug abusers are maintained in five countries and territories.

Prevention

72. In Argentina, the National Centre for Social Re-education (CENARESO) provides training in drug abuse prevention for various professional groups. It also organizes conferences for students, parents, and teachers to promote prevention. In addition, it provides drug-related educational programmes for young people. In Bolivia, pamphlets are disseminated which provide information on drug abuse problems. In Canada, drug education and information

programmes, aimed at specific groups, are carried out by the Government, education boards, private organizations, and the police. In Cayman Islands (UK), the Public Health Service co-operates with school authorities in educating school children with regard to drug problems. In Colombia, the Ministry of Communication has organized a campaign on drug abuse prevention; the Ministry of Education provides training for teachers and educators on the use of free time as a strategy for drug abuse prevention among youth; the national family welfare system trains educators in strategies of drug abuse prevention in the family; and the Ministry of Agriculture supports a crop-replacement programme for coca-growing areas. In Dominica, the police provides information for different target groups.

73. In Ecuador, national prevention programmes include (a) specialized training for personnel from institutions concerned with children, youth and the family; (b) early-stage intervention activities; and (c) special programmes for students and for persons from urban and rural communities. In Guyana, the accent is on the use of mass media and the presentation of lectures and an audio-visual slide programme in schools and clubs. In Mexico, a drug educational programme for schools, launched by the Attorney General's office, deals, *inter alia*, with problems of drug-related delinquency. In Netherlands Antilles (NL), lectures on prevention are delivered to various population groups.

74. In Panama, prevention is promoted through the mass media and an educational programme designed for teachers and parents. In Trinidad and Tobago, an extensive prevention campaign is supported by the mass media, primary health care personnel, religious organizations and youth groups. In the United States, prevention includes providing drug information, educating specific population groups, suggesting alternatives to drug use, and helping to solve the psychological, social and other drug-related problems of youth. An important recent development is the "parent movement for drug-free youth" in which government institutions, civic groups and individual citizens co-operate closely to design and implement preventive programmes.

Treatment, rehabilitation and social reintegration

75. In Argentina, CENARESO provides treatment and social reintegration programmes for addicts, as well as training for professionals in the field of drug abuse. In Canada, treatment and rehabilitation programmes are carried out in centres operated by provincial governments, municipalities and private organizations. Methadone treatment is available from physicians specially authorized by the Government. Supportive counselling and social services normally form part of the treatment. Agencies at the municipal level provide vocational training programmes. In Chile, treatment for drug abusers is available mainly in psychiatric hospitals. In 1985, 11,059 persons with drug abuse problems in Colombia received help from special assistance centres, health centres and hospitals. Vocational training, group therapy, family treatment and social reintegration programmes were also provided. In Ecuador, treatment is available to abusers in general hospitals, psychiatric hospitals and rehabilitation centres.

76. In Mexico, treatment programmes for drug abusers, which include family therapy, are carried out by "centres for youth integration". In the Netherlands Antilles (NL), treatment and social reintegration programmes are provided by social workers, psychologists and psychiatrists who use various methods, including family therapy. In Panama, treatment and rehabilitation are the responsibility of psychiatric hospitals and other health centres.

Voluntary groups also endeavour to facilitate social reintegration for ex-drug abusers. In Trinidad and Tobago, a "drop-in" centre and religious organizations assist in the work of social reintegration.

77. In the United States, 272,042 drug abusers were admitted in 1984 to state-supported, drug-abuse treatment units. The units provide detoxification, maintenance and drug-free therapy in outpatient, residential and hospital facilities. Social reintegration is assisted by a wide range of federal, state, private and religious organizations. Emphasis is placed on vocational rehabilitation to enable the patient to become self-supporting and more self-reliant. In Venezuela, treatment and rehabilitation programmes are provided by a psychiatric hospital and private institutions.

Asia and the Far East

Drug abuse assessment

78. Of the ten countries and territories that provided information for 1985, eight maintain national-level registers of known abusers as well as statistics on drug abuse treatment. Five carry out sample surveys of abuse. Four collect statistics on drug-related medical emergencies and deaths.

Prevention

79. Most reporting countries and territories carry out prevention programmes aimed at risk groups as well as the general public. Such programmes in Bangladesh, India, Japan, Maldives, Republic of Korea and Sri Lanka rely mainly on the use of mass media and the dissemination of printed material. Some of the programmes are combined with ongoing anti-narcotic campaigns. In India, a campaign has been organized for university students. In the Republic of Korea, one has been organized for school counsellors and inspectors. In Sri Lanka, lectures and seminars are arranged for parents, community leaders and risk groups.

80. In Burma, school-level prevention programmes include regular instruction in drug education; exhibitions, essays and other forms of competition; special training for teachers; and alternatives to drug use. A compulsory, drug education programme has been launched in former opium-growing areas in support of crop-replacement programmes. Prevention programmes for parents focus on meetings, talks and discussions. Moreover, specific programmes have been arranged for parents (including illiterate ones) in former poppy-growing areas.

81. In Hong Kong (UK), prevention activities include the use of a mobile unit to present audio-visual anti-narcotics programmes to various population groups; school-level programmes and talks; community involvement projects; anti-narcotics campaigns; and a "youth against drugs scheme" which encourages youth groups to design and implement prevention projects.

82. In Malaysia, drug-abuse prevention is focused (a) on the schools and (b) on community action programmes. In the schools, prevention activities include the establishment of counselling and guidance clubs; parent-teacher associations; youth clubs; self-help camps; and anti-drug committees. Drug-related topics are included in school curricula and special training courses are laid on for teachers. Community action programmes include group discussions; sermons; stage shows; an abuse/trafficking telephone service; the development of community self-help groups and rehabilitation committees;

and the training of ex-addicts to instruct community groups in the problems of drug abuse.

83. In the Philippines, an intensive prevention programme has achieved considerable success. In schools, special abuse-related programmes have been designed for administrators, teachers, students and parents. Moreover, drug abuse prevention has been incorporated into school study programmes. Greater involvement of young people in community-level prevention activities has also been generated. Prevention-related seminars, workshops and training courses are conducted for various professional and voluntary organizations.

84. In Singapore, drug education is a regular component of school instruction. Student welfare committees develop prevention programmes and assist other students in need of help. Training courses for teachers are conducted. Guidelines on how to identify and deal with students involved in drug abuse have been issued to schools. The Singapore Anti-Narcotics Association, a voluntary group, organizes prevention programmes for parents, students, servicemen and workers.

85. In Thailand, prevention programmes include an anti-narcotics campaign, the dissemination of information through the mass media, and a fund-raising campaign for drug abuse control projects. A seminar on preventive education has been conducted for school management and teachers. In 1985, an evaluation of the prevention programmes was initiated.

Treatment, rehabilitation and social reintegration

86. Seven countries and territories provided information on treatment, rehabilitation and social reintegration, which is summarized below. In Burma, 1,709 opiate addicts received treatment in 1985. Detoxification is carried out at treatment centres operated by the Department of Health, and rehabilitation at social support centres, trade training centres and vocational training centres operated by the Social Welfare Department. Two rehabilitation centres providing comprehensive care have been set up by the Central Committee for Drug Abuse Control. Social reintegration, after-care and follow-up services are provided by voluntary social workers supervised by drug abuse control committees. The Social Welfare Department, which provides short training courses for volunteer social workers, envisages training 50 such volunteers per year and increasing the number of trade training centres. Rehabilitation is achieved in 40.4 per cent of cases.

87. In Hong Kong (UK), 17,705 persons were treated for addiction to opiates, mainly heroin, in 1985. Twenty-four voluntary, out-patient, methadone-treatment clinics for heroin addicts are operated by the Medical and Health Department. In addition to detoxification and maintenance services, the clinics provide support services, such as counselling and financial and housing assistance. Methadone is prescribed by medical officers. It is administered in the clinics under strict control to prevent its diversion into illicit channels. The treatment is not associated with any significant side effects and helps patients to achieve family and social stability, as well as gainful employment. Treatment with methadone has been found to be particularly useful in the case of heroin addicts whose treatment by other programmes has failed repeatedly.

88. In Malaysia, over 14,000 opiate addicts were treated on a compulsory basis in 1985. The "cold turkey" method is applied in detoxification wards. Rehabilitation is carried out in centres which provide addicts with moral,

religious and other forms of counselling, education, work therapy and vocational training. Job placement is provided by non-governmental "half-way houses" which co-operate with the private sector. Voluntary and other community organizations play an important role in after-care, mobilizing resources through a "neighbourhood counselling scheme". Drug rehabilitation committees, established in various localities, provide guidance and assistance in job placement, after-care and social reintegration. The average recidivism rate among opiate abusers one year after leaving treatment is 39.1 per cent.

89. In the Philippines, 2,409 drug abusers were treated at residential treatment centres, rehabilitation centres and drop-in centres in 1985. After-care and social reintegration services are provided by social workers. The average recidivism rate among cannabis abusers one year after leaving treatment is 20.1 per cent.

90. In Singapore, 2,150 opiate addicts were treated on a compulsory basis at drug rehabilitation centres in 1985. Approximately six months before discharge, they are placed in a "release programme", operated as a half-way house. They are allowed to work outside and to go home at weekends and on the eves of public holidays. Upon their return, their urine is tested for the presence of drugs. After completion of the release programme, they are placed under statutory supervision. The relapse rate among opiate addicts two years after leaving the drug rehabilitation centres decreased from 70 per cent in 1977 to 57.3 per cent in 1983.

91. In Thailand, 43,914 opiate addicts were admitted for treatment and rehabilitation in 1985. In Sri Lanka, the figure was 775.

Europe

Drug abuse assessment

92. Eighteen reporting European countries conduct drug abuse surveys and 21 maintain statistics on treatment for drug abuse or drug-related medical emergencies. Twelve keep central registers of known drug abusers and 18 maintain statistics on drug-related deaths.

Prevention

93. Most reporting countries carry out prevention programmes. They are usually targeted at young persons at risk of becoming involved with drug abuse, but they are also intended to reach parents and others such as teachers, who have a good deal of contact with children and youth. The public is usually reached through the mass media, and various target groups through the dissemination of printed materials. Several countries use audio-visual set-ups for educational or training purposes. Many countries conduct training courses for professionals in drug abuse prevention techniques and have incorporated drug education into the regular school programmes, often within the framework of health education. There is a general tendency for local community members to become involved in school programmes aimed at preventing drug abuse. Non-governmental organizations are also increasingly involved in drug abuse prevention programmes in Europe. Some specific programmes that are implemented in particular countries are indicated below.

94. In the Federal Republic of Germany, the Government uses the media to promote drug abuse prevention programmes for young persons. The programmes are directed particularly to youth clubs. Drug educational programmes are

sponsored by state authorities. In Luxembourg, in addition to information and documentation centres, an association of parents of drug users is active in providing information and assistance on abuse prevention. In the Netherlands, in addition to initiatives at the local or community level, so-called consultation bureaus on alcohol and drugs carry out prevention programmes in various parts of the country. In Norway, an experimental drug education programme is underway in primary schools, starting with first grade. In addition, social workers in approximately 60 communities are involved in street-level prevention programmes. In Poland, "alternative-to-drugs" programmes for youth, which include sport and other leisure-time activities, are organized by an association for drug abuse prevention. In Switzerland, a multidisciplinary school-level prevention programme is being prepared. In France, centres have been established to promote the involvement of families in drug abuse prevention. Moreover, "prevention clubs" have been set up to promote the participation of youth in healthy, "alternative" activities.

95. In Italy, health education programmes for youth in school and in the army include drug abuse prevention. In Spain, drug information and educational programmes are being implemented for local and provincial administrations.

96. In the United Kingdom, a national campaign on heroin abuse prevention, featuring television commercials and other forms of advertising, which began in February 1985, is directed towards youth "at risk". Two video packages have been produced, one for training non-specialized social workers who work with youth, and the other for use in schools. The campaign is seen to be yielding positive results.

Treatment, rehabilitation and social reintegration

97. Most European countries report a variety of treatment programmes. Detoxification is usually carried out under medical supervision, after which different forms of treatment, rehabilitation, after-care and social reintegration programmes are available. In most countries, these programmes are multidisciplinary. In some they are financed by the Government; in the majority, however, they are the responsibility of provincial or local authorities. In many countries, voluntary non-governmental and religious organizations are increasingly involved in providing social reintegration services for ex-drug addicts. The rehabilitation and social reintegration of opiate addicts involves long-term care. This is provided by various facilities, such as after-care, rehabilitation, and vocational training centres; therapeutic communities; and out-patient clinics. In Sweden, home care is also provided.

98. The effectiveness of the programmes depends to a large extent on the initiative and dedication of the personnel providing treatment. The unstable life-style of former addicts, their difficulty in getting jobs, and the reluctance of neighbourhoods, employers and schools to accept them are factors that unfavourably affect the success rate of treatment, rehabilitation and reintegration programmes. The reported success rates vary greatly. In Austria, the average recidivism rate one year after leaving treatment is 23 per cent for all drug abusers; in Bulgaria, 50 per cent for opiate abusers; in Iceland, 30 per cent for opiate abusers; in Poland, 35 and 20 per cent for opiate and psychotropic substance abusers respectively; and in Luxembourg, 30 per cent for opiate abusers.

99. In the Federal Republic of Germany, long-term treatment facilities can be

accommodate 3,000 drug abusers. Vocational training is part of all long-term treatment programmes. Italy reports that in 1985 some 20,000 opiate abusers were admitted for treatment. Social reintegration programmes are carried out in many cities and are financed by local authorities. In the Netherlands, approximately 15,000 opiate abusers were admitted for treatment in 1985. There are four general types of social reintegration programmes: supervised accommodation; training and adjustment to work; education of addicts; and after-care. These services are offered even when the addict is not completely detoxified. In Spain, 15,500 opiate abusers were admitted for treatment during 1985. An evaluative pilot study of the effectiveness of treatment commenced in 1986 and a programme for registration of heroin addicts will be implemented in 1987. In the United Kingdom, the authorities, as well as voluntary services, provide rehabilitation facilities in either residential accommodation, day centres or advisory and counselling centres. In addition, the Department of Employment offers help in finding employment for drug addicts following treatment.

Near and Middle East

Drug abuse assessment

100. Egypt and Kuwait conduct drug abuse surveys and Kuwait, Qatar and Pakistan keep statistics on treatment for drug abuse or drug-related medical emergencies.

Prevention

101. In Egypt, an extensive prevention campaign includes the use of mass media and the dissemination of printed material to the general public. Symposia and conferences are organized by professional and non-governmental organizations for various population groups. In Kuwait, prevention programmes are carried out in schools and universities. Seminars and symposia are organized on the topic of drug abuse and the mass media are used to disseminate relevant information. In Qatar, the mass media carry programmes on drug abuse prevention and preventive education is provided in schools and universities.

Treatment, rehabilitation and social reintegration

102. In Egypt, social reintegration includes psychological counselling and vocational training. The average recidivism rate one year after leaving treatment is 17.3 per cent. In Iraq, treatment is available in two psychiatric hospitals and in a medical centre. In Kuwait, a hospital for psychological medicine treated 304 cases of drug addiction in 1985. In Qatar (which reports 784 multiple drug abusers for 1985), after treatment, social reintegration is provided through the mosque. In Pakistan, two post-treatment rehabilitation and vocational training programmes are available.

Oceania

Drug abuse assessment

103. Australia and New Zealand conduct surveys of drug abuse and collect statistics on drug abuse treatment and drug-related medical emergencies and deaths. In Australia, some states, particularly those that operate methadone maintenance programmes, keep registers of known drug abusers. Papua New Guinea maintains a central register of known drug abusers.

Prevention

104. In Australia, prevention programmes are carried out at national or regional levels for specific groups and for the general population. New or expanded programmes focus on promoting awareness and providing training for health workers. The awareness campaigns are aimed at reducing the demand for benzodiazepines, tranquillizers and other depressants. Special educational programmes have been carried out in areas in which the abuse of volatile solvents is increasing. In New Zealand, the Department of Education carries out drug education programmes in primary and secondary schools. The programmes also deal with problems of alcohol and tobacco consumption.

Treatment, rehabilitation and social reintegration

105. In Australia, as part of a national campaign against drug abuse, facilities for the treatment of heroin abusers have been expanded and the number of places in the methadone maintenance programmes increased; further increases are envisaged. Social reintegration and vocational training assistance is provided by voluntary community groups, religious groups, employment services, self-help organizations, community health centres and psychiatric hospitals. In New Zealand, clinics, religious groups and the private sector provide abusers with treatment, as well as rehabilitation and social reintegration services.

INTERNATIONAL NARCOTICS CONTROL BOARD

Vienna

**Report of the International Narcotics
Control Board
for 1986**



UNITED NATIONS

ABBREVIATIONS

The following abbreviations are used, except where the context otherwise requires:

<i>Abbreviation</i>	<i>Full title</i>
Board (or INCB)	International Narcotics Control Board
Commission on Narcotic Drugs (or Commission)	Commission on Narcotic Drugs of the Economic and Social Council
Council	Economic and Social Council of the United Nations
1961 Convention	Single Convention on Narcotic Drugs, signed at New York on 30 March 1961
1971 Convention	Convention on Psychotropic Substances, signed at Vienna on 21 February 1971
Division of Narcotic Drugs (or Division)	Division of Narcotic Drugs of the United Nations Secretariat
Fund (or UNFDAC)	United Nations Fund for Drug Abuse Control
General Assembly	General Assembly of the United Nations
ICPO/Interpol	International Criminal Police Organization
Narcotic drug	Any of the substances in Schedules I and II of the 1961 Convention, whether natural or synthetic
1972 Protocol	Protocol amending the Single Convention on Narcotic Drugs, 1961, signed at Geneva on 25 March 1972
Psychotropic substance	Any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV of the 1971 Convention
Secretary-General	Secretary-General of the United Nations
WHO	World Health Organization

For a full list of the international drug control treaties, see document E/INCB/1985/1.

NOMENCLATURE OF COUNTRIES AND TERRITORIES

In referring to political entities, the Board is guided by rules governing the practice of the United Nations. The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Board concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

REPORTS PUBLISHED BY THE INCB IN 1986

This annual Report is supplemented by the following three detailed technical reports:

Estimated World Requirements of Narcotic Drugs in 1987 (E/INCB/1986/2)

Statistics on Narcotic Drugs for 1985 (E/INCB/1986/3)

Statistics on Psychotropic Substances for 1985 (E/INCB/1986/4)

Comparative Statement of Estimates and Statistics on Narcotic Drugs for 1985 (not published in 1986)

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INTERNATIONAL NARCOTICS CONTROL BOARD

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for 1986**



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FOREWORD

1. The International Narcotics Control Board is the successor to drug control bodies, the first of which was established by international treaty more than half a century ago. A series of treaties confer on the Board specific responsibilities. The Board "shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes" and "to ensure their availability for such purposes". The Board shall also endeavour "to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs." In carrying out its responsibilities, the Board is enjoined to act in co-operation with Governments and to maintain continuing dialogues with them in order to further the aims of the treaties. Such dialogues are pursued through periodic consultations and through special missions arranged in agreement with the Governments concerned.

2. The Board consists of thirteen members, elected by the Economic and Social Council^{1/}, who serve in their personal capacities, not as government representatives^{2/}. Three members with medical, pharmacological or pharmaceutical experience are elected upon the nomination of the World Health Organization and ten members upon the nomination of Members of the United Nations and Parties which are not Members.

3. The Board collaborates with other international bodies concerned with drug control. These include not only the Council and its Commission on Narcotic Drugs, but also the relevant specialized agencies of the United Nations, particularly the WHO. At the secretariat level, such collaboration takes place between the Board's staff on the one hand, and those of the Division of Narcotic Drugs and the United Nations Fund for Drug Abuse Control on the other, in the pursuit of their distinct and complementary tasks. By decision of the Secretary-General, the Under-Secretary-General for Political and General Assembly Affairs, Mr. William B. Buffum, serves as overall co-ordinator for United Nations drug-control-related activities.

4. The treaties require the Board to prepare annual reports on its work. These reports analyse the drug control situation world-wide, so that Governments are kept currently aware of existing and potential situations which may endanger the objectives of the Conventions. In the light of the developing situation, the Board draws Governments' attention to weaknesses in national control and in treaty compliance. It also makes suggestions and recommendations for improvements at both the national and the international levels.

5. The Board, with the support of UNFDAC, conducts regional seminars and training programmes for drug control administrators from developing countries. These officials receive training with regard to specific measures Governments should take to carry out those treaty provisions which concern Parties' co-operation with the Board. Moreover, a number of national administrations send officials to the Board's headquarters for training. When resources are available, the Board proposes to provide national administrations with a manual designed to facilitate their control tasks.

6. The Board's expenses are decided by the General Assembly in accordance with the Conventions ^{3/}, which also stipulate that Parties not Members of the United Nations shall contribute to these expenses. Since 1980 the staff and financial resources made available to the Board remained at the same level until 1986 when those resources were substantially decreased as a result of the financial crisis facing the United Nations.

7. The Board is fully aware of the severity of the financial crisis facing the United Nations. Nevertheless, it is the Board's duty to state that the reduction in its resources during 1986 necessarily curtailed the level of the activity the Board was able to undertake. Although the Board met twice as mandated by the 1961 Convention, the length of its sessions were reduced by some fifty per cent. The result was that the Board was not able to study in depth existing and potential situations which might endanger the attainment of the aims of the treaties, nor to undertake any missions to promote compliance. Moreover, the Board could review in only a cursory manner the control over the movements of narcotic drugs and psychotropic substances. The Board was compelled in 1986 to carry out only partially its responsibilities under the 1971 Convention, as explained elsewhere in this Report.

8. The Board has reviewed its priorities and decided how its staff and financial resources can be used most effectively. It further decided to finance one day of its fall session by dispensing with members' subsistence allowance, as well as interpretation and conference facilities. It has also agreed to dispense with translation for some of its working documents, to reduce documentation for its sessions by at least 35 per cent and to reduce the size and duration of meetings of its Committee, which studies estimates of medical requirements for drugs.

9. The Board's annual Report is normally supplemented by four detailed technical reports, mandated by the Treaties, containing data on the licit movement of narcotic drugs and psychotropic substances required for medical and scientific purposes, and the Board's analyses of this information. The titles of these reports are to be found on the inside of the front cover of this Report. From 1980 to 1985, the Board streamlined and consolidated the presentation of these publications, required for the proper functioning of the control over the legitimate movement of narcotic drugs and psychotropic substances. The annual production costs were reduced by some 50% between 1980 and 1985. Further reduction of its overall resources during 1986 have compelled the Board to cease publication of the Comparative Statement of Estimates and Statistics on Narcotic Drugs for 1985. The publication of Statistics on Psychotropic Substances for 1985 has been made possible by a special contribution of a Member State to UNFDAC.

10. The lack of adequate resources has already had adverse impact on the international drug control system. If this situation persists or worsens, the system could well be in jeopardy.

Overview

11. Over the last two decades the abuse of drugs, both natural and synthetic, has progressively spread, now affects virtually all countries, and menaces all segments of society, including young persons and even children. A variety of drugs are abused. The drug of choice and the method of drug taking shift from time to time. The fashion in one abuser population inevitably attracts other such populations, within countries and across national borders. Drugs currently being abused include cannabis, cocaine, heroin and several psychotropic substances. Health hazards are aggravated by the simultaneous consumption of two or more drugs, frequently in combination with alcohol and tobacco, and by the use of ever more dangerous means of drug-taking. A new hazard affects abusers who take drugs by intravenous injection and therefore are at high risk of contracting the deadly Acquired Immunodeficiency Syndrome (AIDS).

12. Wherever illicit cultivation, production and trafficking occur, abuse by the local population almost inevitably ensues. A few years ago, a serious problem developed in certain countries of South America, where coca leaf is produced, when young persons, particularly in urban centers, began to smoke coca paste along with tobacco and/or cannabis. This form of cocaine abuse spread quickly to rural areas in the South American countries concerned and thence to other regions. In the United States, many young persons, particularly in urban centers, have begun to smoke pure cocaine in crystalline form, which is being mass marketed at relatively low prices on the streets, where it is known as "crack." Cocaine hydrochloride powder has been abused by sniffing or injection, for many years. The smoking of cocaine is particularly hazardous because the drug reaches the brain within seconds, produces intense euphoria which quickly disappears, and leads the abuser to ever more compulsive consumption in increased amounts, resulting in severe dependence and related criminal behaviour. Hazards to health include hyper-excitability, depression, paranoia, hallucinations, and can lead to convulsive seizures and even death. The abuse of cocaine has already begun to spread to other parts of the world where the pure crystalline form of the drug, or coca paste, is likely to be trafficked and the fashion of smoking adopted. Urgent action by Governments to contain and stop such destructive drug abuse challenges many countries. Prevention campaigns targeted at high risk groups constitute the first priority. When individuals who might be tempted to experiment with dangerous substances are made aware of their devastating effects, many may reject such behaviour.

13. The Board believes that the WHO could provide timely and needed assistance to the international community by convening a panel of individuals currently knowledgeable about the abuse of cocaine and its effects. Such a panel would identify the hazards of using the drug by injection, sniffing and smoking. The panel would discuss not only the harmful effects on the body, and particularly the brain, but also on behaviour. Furthermore, the panel could review experience gained by various affected countries in developing methods of treatment and prevention. The panel's objective might be to draw up two reports. The report on treatment would be directed primarily to Governments and the health community. The report concerning harmful effects for abusers might best be drawn up in non-technical language, for use by the general public and in prevention campaigns.

14. Too little is known about the actual extent of drug abuse, patterns of abuse, and shifts in such patterns. Periodic epidemiological surveys are essential to devising effective demand-reduction programmes targeted at high-risk populations. As previously observed, the dynamics of abuse today and the speed with which fashions spread require urgent expansion of research aimed at providing a greater understanding of the root causes of abuse. Unless illicit demand for drugs is diminished, the reduction of illicit supply in one area can have significant but only temporary impact, since the elimination of one source of supply will merely be offset by reliance on another.

15. Drug abuse in the work place is causing substantial losses in terms of absenteeism, productivity and accidents. To prevent drug abuse and induce abusers to seek treatment, employers in some countries have established drug-testing programmes for their employees. Such programmes are particularly emphasized in enterprises in which abuse can lead to public safety disasters.

16. Illicit production and manufacture of drugs takes place in a growing number of countries, located in many regions worldwide. These illicit activities are financed and master-minded by criminal organizations with international links and with accomplices in financial circles. In certain regions, drug trafficking is closely inter-connected with other major criminal activities. Such activities sometimes include trafficking in weapons and are associated with subversion and international terrorism. The vast sums of money generated by illicit trafficking are concealed by being "laundered" through legitimate enterprises. This whole process undermines the economic and social order, spreads violence and corruption, and imperils the very political stability and security of some countries.

17. The crisis in drug abuse has reached such dimensions that it occupies priority attention at the highest level in many countries. Some Heads of State have declared it a threat to national security. Parliaments in many countries are so concerned that they are devoting more attention to legislative measures to permit expanded counter-action. At the community level, many parents, religious leaders, local authorities, teachers, sport and entertainment personalities and individuals are organizing themselves to take action and express social disapproval for drug-taking in an endeavour to bring about a drug-free society. This non-governmental momentum at the citizen level is being linked, from neighbourhood, to city, to nation, to other nations.

18. Intra- and inter-regional co-operation at the governmental level is being further developed. During 1986, a number of policies and recommendations for specific activities to reduce the dimensions of the drug problem were considered by organizations which deal with major regional economic, social and political issues. These include such organizations as the Council of Arab Ministers of Interior, the Association of Southeast Asian Nations, the Commission of the European Communities, the Council of Europe, the economic summits of major industrialized countries, the Organization of American States, the Organization for Economic Co-operation and Development, the Organization of Islamic Conference and the South Asian Association for Regional Co-operation. At the multilateral level, specialized regional and

inter-regional conferences were also convened by the United Nations to consider developments concerning illicit production, trafficking and abuse with a view to co-ordinating counter-action.

19. Moreover, at the operational level, enforcement activities were carried out to eradicate illicit cultivation and to apprehend criminals and disrupt their activities. During 1986, greater areas of illicit cannabis, opium poppy and coca bush were destroyed in several countries. This is attributable in part to the greater use of methods which permit the advance detection of the location and extent of cultivation to allow eradication on a larger scale. In one country research and testing are progressing with a view to identifying more effective and environmentally safer chemicals to eradicate the coca bush, at an accelerated pace and over larger areas. If eradication activities are pursued on a sustained basis and by more countries, the collective impact should be progressively to reduce the vast amounts of opiates, cannabis and cocaine on the illicit markets.

20. Several programmes in countries in which narcotic crops are illicitly produced combine eradication with redevelopment of the growing areas, so that farmers can earn their living by legitimate means. This concept served as the very basis for the first drug control programmes initiated in the early 1970's, under the aegis of the United Nations, and is proving ever more valid. It is essential that farmers whose illicit crops are destroyed are helped to turn to legitimate activity. Eradication not associated with redevelopment will prove only temporary and no long-term progress will have been achieved.

21. In the late 1960's, when the drug abuse problem began to become acute, Governments acted to strengthen international controls over narcotic drugs and to establish control over psychotropic substances by concluding new treaties. The controls on narcotic drugs for licit use can be assessed as working generally satisfactorily and diversion from legitimate trade is relatively minimal even though the volume of transactions is enormous. The more recently instituted controls for psychotropic substances have begun to permit the detection of more and more diversions and attempted diversions into the illicit traffic. Neither the 1961 nor 1971 Convention can produce maximum impact unless all States become Parties, enact enabling legislation and establish the necessary administrative mechanisms and regulations to permit full implementation.

22. The 1961 and 1971 Conventions contain provisions against illicit trafficking. Many Governments believe that these provisions should reflect more specifically measures required to contain and reduce the large-scale trafficking which has emerged in recent years. The General Assembly requested the Commission to initiate, as a matter of priority, the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances. Pursuant to the Commission's decisions, which included the identification of 14 elements to be included in the draft convention, the Division, in consultation with Governments, has prepared a preliminary draft which has been circulated to Governments for comment prior to its consideration by the Commission in 1987. The Board has provided assistance by preparing provisions designed to control specific chemicals used for the illicit processing or manufacture of narcotic drugs or psychotropic substances ^{4/}. The Board believes that

strengthened treaty obligations are needed to counter the new challenges posed by the highly sophisticated trafficking carried out today. The Board therefore hopes that a new treaty capable of attracting widespread ratification can be concluded and come into force at the earliest practicable time. In the meantime, however, Parties to the 1961 and 1971 Conventions remain obligated to take effective measures to stop illicit trafficking. 5/

23. In previous Reports, the Board referred to traffickers' heavy reliance on transporting drug contraband by sea. Developments during 1986 show an escalation in this mode of drug trafficking, and the closest co-operation among countries is required urgently. The Board notes with satisfaction that the draft of the new Convention against illicit traffic in narcotic drugs and psychotropic substances contains provisions which specify co-operative measures to thwart illicit traffic by sea.

24. Described elsewhere in this Report 6/ are gaps in the international control system set forth in the 1961 and 1971 Conventions, together with some suggestions as to how the Conventions might be strengthened to reinforce controls on poppy straw and prevent its abuse, and to extend the controls which now apply to Papaver somniferum to other species of Papaver from which opiates can be extracted. With respect to the 1971 Convention, amendments to relevant provisions could formalize voluntary measures now being carried out by most Governments to prevent the diversion of Schedule II substances 7/.

25. Since its establishment in 1971 the United Nations Fund for Drug Abuse Control has become a major focus of activity designed to support Governments' efforts to carry out their obligations to eliminate illicit production, trafficking and abuse. Since 1982, voluntary contributions to the Fund have reached \$US 105 million, double the total contributions received during the first decade of its existence. The Fund is therefore now able to support programmes in many countries. Furthermore, co-ordination between the Fund and its major contributors has made it possible for national, bilateral, and other multilateral programmes of action to complement and reinforce one another. The Board urges Governments to continue to provide increasing support for the Fund.

26. The international drug control system, which evolved over the last eighty years, rests on the recognition that drugs cannot be controlled and abuse contained unless all countries not only take national action but also co-operate internationally. During this whole period, international conferences have been held at regular intervals, at least once every decade, to up-date control mechanisms and adjust them to meet changing circumstances. Since the last major international conference was convened fourteen years ago, the drug control situation has seriously deteriorated. Therefore, the Secretary-General's initiative to convene a conference at the ministerial level in June 1987 is particularly timely as evidenced by the widespread support it has received from Governments and Parliaments. The International Conference on Drug Abuse and Illicit Trafficking will afford an opportunity for Governments to reaffirm their dedication to achieving the aims of the drug control treaties and their determination actively to undertake programmes to carry them out and to provide the required resources. The Board remains ready to continue to provide all possible assistance to the Secretary-General. It has lent the services of its Deputy-Secretary for one and one-half years to serve as

Deputy Secretary-General for the Conference and has otherwise contributed to the preparations. A draft comprehensive multidisciplinary outline of future activities in drug abuse control will be before the Conference. This document will set forth specific possibilities for various kinds of action available to Governments, organizations and communities to deter and reduce drug abuse, to eradicate illicit and uncontrolled production, to suppress trafficking, and to strengthen national and international drug control.

* * *

Impact of reduced resources on the operation of the control systems ^{8/}

27. Since 1979 the number of psychotropic substances under international control has increased threefold, whereas the Board's resources have substantially decreased because of the United Nations financial crisis. As a result, some of the Board's tasks must temporarily be deferred. Decisions by the Board as to whether to defer carrying out some monitoring activities on particular drugs will take into account the relative danger posed to public health by abuse of the drugs concerned. High priority will therefore be accorded to Schedule II substances ^{9/}. For the time being, the Board's resources do not permit it to carry out fully all controls for all substances recently included in Schedules III and IV, notably in respect of analyzing data received from Governments to ascertain trends and possible diversions from the licit international trade. The Board would therefore welcome the Commission's advice as to which of these substances special attention should be directed. The Board will, of course, accord priority to any substance in Schedule III or IV in the event that available data shows that the substance is being extensively abused and causing significant public health problems.

28. In addition, the Board has temporarily assigned lower priority to further work concerning the question of demand and supply of opiates for medical and scientific needs and to the control of the movement of precursors and specific chemicals.

OPERATION OF THE INTERNATIONAL DRUG CONTROL SYSTEM

Narcotic drugs

Status of the treaties

29. The number of Parties to the 1961 Convention in its original or amended form now stands at 118. The Board notes with appreciation that almost all States not yet Parties to the Convention nevertheless provide information and otherwise co-operate with the Board. States not yet Parties are urged to adhere to the Convention as soon as possible so that the treaty network can operate with maximum effectiveness.

Co-operation with Governments

30. An analysis of the co-operation extended by Governments over the last year shows that of the 185 countries and territories in the world, 135 provided all the data required by the 1961 Convention, ⁴⁶ provided at least one statistical return and only five countries ^{10/} provided no

information. Co-operation on the part of a number of countries is at present not adequate and constitutes a loophole in the international narcotics control system. The Board endeavours persistently to promote remedial action by the Governments concerned.

The control system : Current assessment

31. The international control system, as it relates to the movement of narcotic drugs for medical and scientific purposes, continues to operate in a generally satisfactory manner. Available information shows that, at the national level, diversion of narcotic drugs from licit channels, in respect of both wholesale and retail trade, remains minimal, particularly in view of the substantial amounts of such drugs used for medical and scientific purposes. Nonetheless, attempts to divert such drugs frequently occur but are thwarted, both because national authorities are vigilant and the international control mechanism for narcotic drugs, now in place for half a century, is fully entrenched.

Control of international trade

32. A major reason for the system's general effectiveness in preventing diversion of narcotic drugs from the licit international trade is that such trade must be conducted within estimates of medical requirements, for all narcotic drugs under international control and for all countries. Exporting countries are obligated not to authorize exports in excess of the estimates confirmed or established by the Board for all countries, as published annually and updated monthly by the Board. This limitation applies even when exports are based on valid import authorizations. If import orders are greater than the estimates, the exporting countries should always consult with the Board. Most exporting countries do so. Governments are also reminded that drugs donated by philanthropic and other organizations are subject to the same measures of control which are required for any export, in particular with respect to the import and export authorization system.

33. To thwart attempts at diversion, it is essential that before authorizing exports, the authorities concerned should carefully examine import requests, and in cases of doubt as to their authenticity, should consult the Board or the importing countries from which these requests have supposedly originated. A number of import requests which appear suspicious frequently prove to be fraudulent. Therefore, importing countries should respond promptly to inquiries from the Board or the exporting countries.

34. A systematic examination by the Board of texts of sample import certificates shows that improvements are urgently required. Identification of the exporter and importer as well as the certificate's period of validity is often omitted. Furthermore, the authorities issuing the certificate do not always correspond to those specified in declarations submitted to the Secretary-General by the Government concerned. Moreover, a large number of the sample certificates are in a form which can be easily counterfeited. Accordingly, the Board has requested more than 40 Governments to revise their certificates, emphasizing the need to avoid compromising the security of international trading transactions. Concrete suggestions have been made to these Governments regarding the proper format of the certificate and the

elements it should contain. Their attention has been drawn to the requirement in the 1961 Convention 11/ that Governments adhere closely to the model approved by the Commission.

35. Tight control requires the authorities of the country which imports narcotic drugs to return promptly to the exporting country the export authorization, after endorsing it, as stipulated in article 31 (7) of the 1961 Convention. The Board stresses this injunction once again, since a study shows that the majority of export authorizations issued during the past few years were either not returned by importing countries, or returned so late that inquiries designed to trace consignments that might have gone astray were impeded. The Board has made representations to the authorities concerned and asked them to take remedial measures.

Excessive consumption of narcotic drugs for medical purposes

36. Abuse stemming from excessive and mis-prescription requires effective counter-measures by Governments. Of prime importance is the systematic monitoring of prescriptions. A number of countries are doing so by using computers.

37. An up-to-date table published by the Board 12/ indicates the number of therapeutic doses consumed per inhabitant for 50 countries. This table shows a wide disparity in consumption of narcotic drugs between countries which are comparable in terms of health care, incidence of certain illnesses and living standards. For example, in Denmark, consumption per inhabitant is approximately three times more than in Sweden. Governments, particularly in those countries where the consumption is high, will wish to review practices for prescribing and dispensing narcotic drugs with a view to limiting their use for actual medical needs and avoiding over-prescription.

Demand for and supply of opiates for medical and scientific purposes

38. In 1985, the Board published a special report 13/ concerning the supply and demand of opiates for licit requirements. This report responded to a request by the Council 14/ that the Board monitor the implementation of the Council's resolutions aimed at re-establishing and maintaining a world-wide balance, as well as reducing excessive stocks of opiate raw materials. The special report updated the previous detailed study published by the Board in 1980 15/. It also provided information to enable Governments to assess the degree of implementation of these resolutions.

39. The Council, by resolution 1986/9 of 21 May 1986, requested the Board to continue to monitor the implementation of its previous resolutions and to report to it through the Commission in 1987. Although the Board's reduced resources have required it to accord a lower priority to this activity and defer implementation of the Council's request, the following brief review of the current situation may be helpful to Governments.

40. Since 1974, the demand for opiates for medical purposes had leveled off at around 190 tons per year in morphine equivalent. In 1985, demand reached 200 tons, mainly as a result of increased use of codeine -- which continues to account for more than 80 per cent of the global needs for opiates -- as well as of dihydrocodeine and pholcodine. In the medium term, the demand for opiates seems likely to remain at the current level.

41. With regard to supply, substantial decreases in the area of poppy cultivation have progressively reduced production in India and Turkey. In India, after severe crop damage in 1984, opium production reached 789 tons in 1985. This represents 86.8 tons in morphine equivalent, less than half of the peak recorded in 1978. Production estimates furnished by the country for 1986 and 1987 amount to 83.4 tons and 77.9 tons, respectively, in morphine equivalent. In Turkey, the area of cultivation was reduced to approximately 5 000 ha as of 1985, less than 10 per cent than that of the peak year 1977. In 1985 and 1986, the country's poppy straw production amounted to 9.2 and 8.4 tons respectively in morphine equivalent. Australia's poppy straw production reached its highest level in 1985, when 56.1 tons in morphine equivalent were produced. In 1986, production amounted to 48.5 tons. Taking into account the yield in morphine attained in 1985 (1.13 %), the highest ever, the country is reducing the area of poppy cultivation to 3 550 ha in 1987. Poppy straw production in France amounted to 20.7 tons and 11.7 tons in morphine equivalent in 1985 and 1986, respectively. The area to be licensed will be reduced to 3 765 ha in 1987 as compared with 4 200 ha during the last three years. In Spain, while production amounted to 11.2 tons of morphine equivalent in 1985, it declined to 5.9 tons in 1986 mainly due to a very low yield in harvest. Approximately the same area of 4 500 ha is being maintained for 1987.

42. General observations made in the 1985 Report regarding the balance between supply and demand remain valid. As of 1980, global production and demand have been in approximate balance. Statistics for 1985 as well as estimates for 1986-1987 confirm this trend. However, the question of excessive stocks of opiate raw materials is yet to be resolved. Opium stocks in India remain high at 2 116 tons at the end of 1985, 233 tons in morphine equivalent. In Turkey, 17 000 tons of poppy straw were destroyed in 1985, bringing the stocks to 37 500 tons. This stock represents 90 tons of morphine, when calculated on the basis of the industrial yield attained in the country. Current stocks in India and Turkey would together cover the world needs for more than one and one-half years.

Psychotropic Substances

Status of the 1971 Convention

43. In 1986, Malaysia, Somalia and the United Kingdom, became Parties to the 1971 Convention, bringing the number of Parties to 84. The Board reiterates its plea that all States not yet Parties promptly adhere to the Convention.

Co-operation with Governments

44. Most countries and regions 16/, whether Parties or non-Parties, furnish to the Board the information specified in the Convention. Over 160 countries have also provided the additional voluntary data requested by the Board concerning the assessment of their medical requirements for Schedule II substances; approximately 140 have provided information on international trade in these substances on a quarterly basis. In addition, pursuant to the Board's recommendation endorsed by the Council 17/, more than 60 Governments are voluntarily furnishing detailed import and export data on Schedules III and IV substances.

Scope of Control

45. The decision of the Commission to include 17 phenethylamines into the schedules of the 1971 Convention has increased the number of psychotropic substances under international control to 93 as of August 1986. This represents a threefold increase over the substances originally included in the Schedules of the Convention. The provisions of the Convention have thereby been extended to several central nervous system stimulants, including fenetylline. This substance has been widely abused in the Near and Middle East where millions of tablets have been seized. Abuse has also been reported by some European countries. In view of the frequent diversions of fenetylline from the licit trade and the level of its abuse, all Governments should carry out promptly the controls required by the 1971 Convention for such Schedule II substances. Exporting countries should confine their exports solely within the assessments of annual medical requirements published by the Board for all countries.

46. All preparations containing psychotropic substances, even though the dosage is very low, should be controlled in the same manner as the substance itself. Exports and imports of such preparations are required to be reported to the Board as part of trade statistics, pursuant to article 16, unless a formal exemption has been granted in accordance with article 3. In order for the Board to monitor international trade meaningfully, Governments should apply export/import requirements 18/ even to exempted preparations.

Monitoring of international trade

47. Sixty-three Governments have informed the Board that they have extended the system of import and export authorizations provided for in Article 12 (1) to cover not only international trade in substances listed in Schedules I and II but also Schedule III, as requested by the Council 19/, as well as most substances in Schedule IV. All Latin American countries have taken such action, as have a number of countries in other continents. Of special note is action by some major manufacturing countries, such as the Federal Republic of Germany, Italy, and Spain, which require import and export authorizations for all psychotropic substances. The Board hopes that other countries will also apply these measures, thus strengthening controls.

Prohibition of Imports and Exports

48. The 1971 Convention, unlike the 1961 Convention, does not contain any express provision requiring that authorities of exporting countries act in accordance with the laws and regulations of the importing countries. It would, however, not be compatible with the spirit of international co-operation if exports were permitted contrary to the laws and regulations of importing countries. Therefore, exporting countries which have not yet subjected exports of Schedules III and IV substances to prior authorization, should make sure that more stringent controls over trade in importing countries are scrupulously respected. They should in particular ensure that these substances are not exported without the necessary import authorization required by the legislation of the importing country. The Board stands ready to assist Governments by providing information on the trade controls in importing countries.

49. To date, 14 countries have notified the Secretary-General that they prohibit the import of certain psychotropic substances, thus obligating exporting countries to cease exports of such substances to the countries concerned. These countries and the substances prohibited are enumerated in the "Green List", which the Board makes available to Governments. Article 13 can provide protection against unwanted substances and additional countries may wish to avail themselves of its provisions.

Methaqualone

50. Since 1984 when traffickers were apprehended for smuggling millions of tablets of methaqualone from Europe to Southern Africa, information available to the Board has not revealed any major diversion from Europe of this Schedule II substance into the illicit traffic. However, several attempts to divert more than three tons were made during 1986. The vigilance of the authorities of the European countries concerned, who co-operated closely with the Board, foiled the traffickers' efforts. An element which permitted this result is the information published by the Board concerning the medical requirements of the alleged importing countries. This enabled the exporting countries to make inquiries which revealed that import certificates for the transactions in question had been falsified.

51. The Board has previously suggested that the manufacturing and exporting countries concerned consider the problem posed by the existence of large stocks of methaqualone and the decreasing legitimate demand, and may wish to cease further manufacture. The Board is gratified that Austria, the Federal Republic of Germany and Hungary have not manufactured methaqualone during 1985 and have reduced their manufacturers' stocks.

Secobarbital

52. Many manufacturing countries, acceding to a request by the Council, have strengthened controls on exports of this Schedule III substance. Their vigilance and close collaboration with the Board have prevented several attempts to divert secobarbital into illicit channels. Nevertheless, some exporting and importing countries are not applying strict control, with the result that large quantities of this substance continue to be diverted, primarily to Africa. This gap in international co-operation should be closed promptly. In particular, countries should institute prior authorization of imports and exports and confine shipments within the assessed medical requirements, as published by the Board.

Precursors and specific chemicals used for the illicit manufacture of narcotic drugs or psychotropic substances

53. In its Reports for 1984 and 1985, the Board stressed that Parties to the 1961 and 1971 Conventions are obliged to use their best efforts to apply to substances which do not fall under the Conventions, but which are used in the illicit manufacture of drugs, such supervision as may be practicable */.

*/ 1961 Convention, article 2 (8); 1971 Convention, article 1 (9). However, while there is provision for bringing precursors of narcotic drugs under international control [1961 Convention, article 3 (3) (iii)], the 1971 Convention does not provide for similar action in respect of the precursors of psychotropic substances.

54. The Board is aware that certain Governments, particularly in countries where illicit manufacture occurs, are taking measures to prevent the import of specific chemicals used for such manufacture. These measures have in fact proven so successful that traffickers moved some of their operations to countries where they could obtain such chemicals, thus demonstrating that the control of chemicals can be effective only if stringent measures are applied universally.

55. In its Report for 1985 the Board noted that as a first step to assist the international community, it would invite all Governments to provide information on the measures they are taking or contemplate taking to reduce the availability of chemicals for illicit manufacture. Accordingly, in November 1985, the Board sent a questionnaire to Governments requesting them to supply information. To date, 56 countries and regions have replied. When a sufficient number of replies have been received the data will be analyzed and published, when the Board's resources permit.

56. During 1986, the Board, in response to the Commission's request, prepared draft provisions on measures to control specific chemicals for incorporation in the draft of the new Convention against trafficking in narcotic drugs and psychotropic substances, which is now before Governments for their consideration and comment 20/.

Analogue of controlled substances

57. In its Report for 1985 21/, the Board drew attention to the phenomenon of "designer drugs", to the dangers associated with their abuse and to the serious challenge posed for drug control. This problem, which emerged in the United States, concerns the clandestine manufacture of certain analogues of substances controlled by national law and/or under the Conventions, but which are not themselves under control because the chemical composition of the parent substance has been slightly altered, even though the analogue has similar or even more potent effects than the parent substance.

58. This clandestine activity and abuse continues to occur, mainly in the state of California. However, during 1986, manufacture is known also to have taken place in the eastern part of the United States. Legislation to make it possible for the Drug Enforcement Administration (DEA) to treat "designer drugs" as controlled substances has been enacted.

59. In view of the potential for the spread of this problem to other countries, Governments will wish to remain vigilant. Action at the international level would also be timely. The Board welcomes the WHO's plans to discuss, in collaboration with national authorities, the Division and ICPO/Interpol, the question of analogues of controlled substances with a view to disseminating information, providing training for the identification of such substances and proposing possible action by Governments.

MEASURES TO STRENGTHEN AND IMPROVE INTERNATIONAL CONTROL

60. The first international drug control treaties concluded at the beginning of this century distinguished in the first instance between the trade in narcotic drugs required for legitimate purposes and the

trafficking in drugs for abuse. These treaties focused on controlling the licit movement in drugs and established a mechanism to monitor this movement. The success of this approach, now applied virtually universally, is demonstrated by the fact that today, as previously noted, diversions from the licit trade in narcotic drugs are minimal, despite the many thousands of persons and transactions involved and the large volume of trade */.

61. The controls for narcotic drugs which evolved over half a century were embodied in the 1961 Convention and were strengthened further by the 1972 Protocol. In summary, these controls require prior authorization for the cultivation, production, manufacture, conversion and compounding of preparations, wholesale trade and retail distribution, as well as exports and imports of drugs. The premises in which these operations take place must conform to certain conditions and safeguards. All persons engaged in such operations are subject to governmental control and must be adequately qualified. Records are required to be kept to show the quantities produced and manufactured and every acquisition and disposal. Each international transaction must be approved by the competent authorities of both the importing and exporting countries. Finally, detailed accounting of all movements of narcotic drugs must be periodically reported to the national authorities and to the Board so that the licit trade can be monitored and diversions detected.

62. The control system for narcotic drugs works as follows:

- First, every country and territory throughout the world must establish its estimated requirements for narcotic drugs for the ensuing year. These estimates are submitted to the Board, which studies and approves them, following, as appropriate, consultations with the national authorities concerned. If a country or territory fails to submit estimates, the Board is bound to establish them. The estimates are published by the Board before the beginning of the year to which they relate and are up-dated monthly. These estimates bind all Parties in their relations, both with other Parties and non-Parties.

- Second, international trade must be conducted within the limits of the estimates. National authorities are required to exercise supervision over all movements of narcotic drugs from the producer to the consumer. These authorities must also report to the Board on a quarterly basis detailed information on exports and imports. Other movements are reported annually.

- Third, the Board studies these data, and, in cases of excesses in exports or imports, it notifies the Governments concerned and requests remedial action.

- Finally, at the end of the year to which the estimates relate, the Board audits the data for each country and each drug, and, if discrepancies occur, requests corrective action.

*/ At present, nearly 500 tons of narcotic drugs are legitimately manufactured annually, of which 200 tons enter international commerce, the remainder being used in the manufacturing countries.

63. On the other hand, the 1971 Convention does not establish for psychotropic substances as comprehensive a system of control as that in force for narcotic drugs. In response to the Board's recommendations, a number of additional measures to strengthen the system are being voluntarily carried out by most Governments. These measures establish for those psychotropic substances, which are more liable to abuse and therefore controlled under Schedule II, a simplified system of estimates for medical requirements, based on that which has proven so effective for narcotic drugs. The publication of annual medical requirements, provided at present by 160 countries and regions, constitutes valuable guidance to exporting countries so that exports can be limited to the medical needs of importing countries and excessive manufacture avoided. To monitor international trade and facilitate the detection of diversions, additional voluntary measures requesting that statistics on imports and exports be provided quarterly to the Board have also met with wide acceptance.

64. In view of the evident readiness of Governments to carry out the voluntary measures designed to strengthen the controls for Schedule II substances, it may be timely for these measures to be incorporated into the 1971 Convention, possibly pursuant to the simplified amendment procedure set forth in that Convention 22/.

Reinforcement of control on poppy straw

65. Under the 1961 Convention, cultivation of Papaver somniferum for the purpose of producing opium is subjected to strict measures of control. Unlike opium, poppy straw itself is not defined as a narcotic drug under the Convention, and, therefore, is not controlled in the same stringent manner. Moreover, the 1961 Convention subjects poppy straw to control only after it has been delivered to a drug factory for processing or has entered the international trade. The Plenipotentiary Conference which adopted the 1961 Convention concluded that a stricter régime would be neither justified nor practicable for poppy straw at that time on the grounds that the straw itself was not liable to dangerous abuse and was not likely to be used by traffickers because of the large amounts required for the clandestine manufacture of small quantities of opiates.

66. In its Report for 1985, the Board drew attention to the emergence of the abuse by individuals of preparations obtained from poppy straw 23/. These preparations were made from capsules stolen from poppy fields cultivated for the licit purpose of obtaining seeds or of producing straw for the manufacture of narcotic drugs. Although limited in scale, such abuse has occurred in a number of cases and in several countries. The proximity of the areas of poppy cultivation to major urban centres and the increasing content of morphine in the capsules entail the risk that this form of abuse may spread.

67. In view of this misuse of poppy straw, some of the affected countries have already amended their legislation to strengthen domestic control measures applied to this raw material. One Government has instituted a licensing system to control poppy cultivation and tighten supervision over cultivation. The relevant law provides for progressive concentration of cultivation on tightly supervised plantations to be located far from urban centres, and establishes severe penal sanctions for offenders.

68. In recent years, poppy straw has become the most important raw material for the manufacture of opiates. Some countries in which cultivation for such purposes takes place have voluntarily instituted licensing systems and applied strict controls. Pursuant to the 1972 Protocol, these countries submit to the Board estimates, statistics and the geographical location of the area to be cultivated. These countries also voluntarily submit annual statistics of actual production and stocks.

69. Measures to the effect described above and the experience gained in their application should be studied with a view to strengthening controls over poppy straw, such as by amending the Convention to formalize the voluntary practice.

Bringing papaver bracteatum and other species of poppies yielding opiates under control

70. Papaver somniferum has been the only source of opiates for medical and scientific needs. Morphine, the principal alkaloid, is extracted from the latex (opium) or the capsules (poppy straw) and is converted into other opiates, mainly codeine. The Papaveraceae family includes other species yielding opiates; interest in them as a possible commercial source of alkaloids began in the early 1970's. One of these species, Papaver bracteatum, a perennial plant indigenous to Iran, received particular attention at that time because of its high content of thebaine.

71. An international research project, financed by UNFDAC and co-ordinated by the Division, was conducted in 37 countries during the early 1970's. This and other research programmes accumulated enough knowledge to make it possible for several countries to envisage embarking on commercial cultivation of this plant. However, in view of the over-supply in recent years of raw materials for medical needs produced from Papaver somniferum, the Commission and the Council, in 1982, appealed to Governments to consider refraining from embarking on the commercial cultivation of Papaver bracteatum ^{24/}.

72. Papaver bracteatum is nevertheless being cultivated in a few countries for research purposes. The Board considers that the time has now come to bring all species of Papaver from which opiates can be extracted within the scope of the 1961 Convention. One possibility which merits study would be for Parties to propose the amendment of the definition contained in Article 1 (1) to include, in addition to Papaver somniferum, all species of Papaver from which opiates can be extracted.

Administrative and Legislative Measures

73. In this and previous Reports, the Board has recommended steps which Governments could take to facilitate the workings of the control system. The Board itself has put into effect a number of measures to ease the tasks incumbent on national authorities under the treaties. Indicated below are some observations to which the Board invites the attention of the authorities responsible for policy-making and treaty implementation.

74. Many countries maintain special administrations responsible for applying the provisions of the Conventions as the Conventions themselves require ^{25/}. However, not all countries have such administrations which are so essential for the effective co-ordination of the activities of the various ministries or departments concerned with drug control. Countries

not having such arrangements should urgently establish them. It is apparent that co-ordination needs to be improved in many countries, both developed and developing. It is also apparent that in certain countries the lack of an adequate number of trained personnel impedes the functioning of the special administration or other responsible co-ordinating authority. In addition, in some countries the responsible staff is not placed in the Government at a level which permits effective co-ordination.

75. Some countries Parties to the Conventions have not yet even enacted the necessary enabling legislation and regulations to enforce the provisions of the Conventions within their territories. Such action should receive priority attention. Moreover, decisions of the Commission placing drugs under international control should be promptly followed by national action to give effect to those decisions. Failure to do so not only violates treaty obligations, but also undermines effective control, both in the defaulting country and in other countries.

76. The Board has stressed in its Reports over several years that there is an urgent need for the international community to provide such assistance as developing countries may need to establish or strengthen national drug control administrations, to formulate the necessary legislation and administrative procedures, to train adequate staff and retain their services in the drug control administration for a sufficient time. Moreover, developing countries could better protect their peoples against unwanted drugs and facilitate control by limiting the number of narcotic and psychotropic drugs to be imported, by designating the fewest possible number of customs points of entry for such imports, and by reducing to a minimum the number of wholesalers licensed to import and distribute these drugs.

77. On the retail side, all countries should keep prescription practices under careful review and monitor the issuance of prescriptions to prevent misuse. Psychoactive drugs should be prescribed only by properly trained physicians. To promote rational use of such drugs and prevent their misuse and abuse, objective information on their effects should be periodically up-dated and made available to physicians, pharmacists and para-medical personnel.

ANALYSIS OF THE WORLD SITUATION

78. In analysing the drug control situation world-wide, as well as in particular regions and countries, the Board benefits from information obtained from Governments, United Nations organs, specialized agencies and other competent international organizations, including the International Criminal Police Organization (ICPO/Interpol). During 1986, circumstances did not permit the Board to undertake any missions to countries to permit it to appraise first hand existing or potential situations which might endanger the attainment of the aims of the treaties and promote compliance.

NEAR AND MIDDLE EAST

79. The large quantities of opium and heroin seized, both within the region and abroad, necessarily indicate the existence not only of extensive areas of illicit poppy cultivation, but also of a substantial heroin manufacturing capacity. Cannabis is also seized frequently and in large amounts.

80. Opium has been traditionally abused in the region. In recent years the easy availability of locally manufactured heroin has led to widespread and escalating abuse of this drug within the region. Psychotropic substances are also abused, in particular methaqualone and fenetylline.

81. If an effective attack is to be mounted against opium production, there must first be a systematic survey of areas in which illicit poppy cultivation is believed to be taking place. In 1984, Iran proposed that such a survey be made within the region encompassed by the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East ^{26/}, in order to identify the sources of opium accurately and to allow concentration on poppy-eradication efforts. At the Sub-Commission's meeting in Teheran in September 1985, Iran stated its willingness to have an aerial photographic survey carried out over its territory during the poppy-flowering period, if the necessary financial resources could be found. The feasibility and possible funding of such a survey are being assessed. The Board urges that any assistance required be provided promptly by the international community.

82. It is essential that Governments place special emphasis on intra- and inter-regional action to dismantle trafficking organizations and seize their assets. Similarly, the Governments concerned should co-operate with a view to dismantling the numerous heroin laboratories which exist within the region and to preventing the availability of acetic anhydride for such manufacture.

83. The Board reiterates that countries in the region which are not already doing so should conduct periodic epidemiological surveys to determine the actual extent of apparent escalating abuse. Such surveys are essential prerequisites for the formulation of demand-reduction programmes which correspond to the needs of the countries concerned and therefore offer the maximum prospects of success.

84. During 1986, UNFDAC continued to provide assistance to support the efforts of several Governments in the region to curb illicit production, trafficking and abuse. In Afghanistan, the Fund approved a project for the treatment of drug dependent persons. A treatment and rehabilitation project already underway in Egypt was extended to the end of 1986, and a law enforcement project was initiated to provide the police of Egypt with telecommunications equipment, training and advisory services. A two-year project, which supports the Jordanian Police, was also initiated. In Pakistan, five ongoing projects aimed at rural development, illicit crop eradication, and prevention of drug abuse and treatment of abusers continue to be implemented. In Turkey, a project to extend to four more provinces a telecommunications system for law enforcement was approved, as well as a project aimed at maintaining and strengthening the controls on the production of poppy straw for medical use. Bi-lateral projects, complementing the Fund's efforts, are also carried out in some countries.

85. Drugs abused within Afghanistan include opium and cannabis. Moreover, seizures suggest that heroin and methaqualone are also abused. The Government is taking steps to develop prevention, treatment and rehabilitation programmes.

86. Seizures of opium and cannabis within Afghanistan have doubled in 1985, as compared with 1984, while heroin seizures increased tenfold. Strengthened enforcement activity is therefore evident. The high rate of seizures of opiates suggests that significant illicit poppy cultivation is bound to be taking place within or along the borders of the country. The Government has enacted legislation providing severe penalties for traffickers.

87. Large seizures of opiates continue to be made in the Islamic Republic of Iran, primarily at the eastern frontiers of the country. Traffickers apprehended have included mainly nationals of Afghanistan and also of Pakistan and India. Enforcement activity has resulted in the decrease in the purity of heroin at the street level by some 50% and an increase in prices by between 20 and 30%. Under Iranian law, the penalties for offences related to trafficking in precursors and essential chemicals are as severe as those for narcotic offences. As mentioned above, the Government is willing to authorize an aerial survey under the auspices of the United Nations to identify any illicit poppy cultivation within Iran.

88. Abuse of drugs, particularly opiates, remains serious. The extent of abuse of psychotropic substances is not known, but small-scale diversion, especially of barbiturates, has occurred through thefts from pharmacies. Rehabilitation facilities are available for drug dependent persons. In addition, the Government is improving co-ordination of the various agencies involved in drug control.

89. In Pakistan, illicit opium production which had fallen to the record low of 45 tons during the 1984/85 growing season, nearly tripled to 120 tons during 1985/86. This reversal of the trend towards decreasing production may be attributable in part to the high level of illicit demand for opiates, within Pakistan itself and beyond. Mobile illicit heroin laboratories, using opium produced on both sides of the Afghan/Pakistan border, have been discovered and dismantled in the tribal areas. The volume of manufacture and the level of enforcement activity are demonstrated by the doubling of heroin seizures between 1984 and 1985 to an amount reaching almost five tons. Seizures of cannabis have also doubled during the same period.

90. A number of redevelopment projects are operational in several poppy growing areas. The Government has indicated its intention, beginning with the 1986/87 growing season, effectively to enforce its ban on poppy cultivation in two major such areas, namely, Gadoon and Dir. Enforcement of the ban is also foreseen in those portions of the Bajaur and Mohmand tribal areas where redevelopment programmes are planned.

91. Illicit domestic consumption of drugs is serious. Heroin abusers in the country are estimated to have reached half a million, and even larger numbers of persons are dependent on opium and cannabis. The abuse of psychotropic substances, including methaqualone, is spreading. Treatment facilities are being expanded and preventive education programmes are being launched, with the assistance of community groups and non-governmental organizations. The continuing active involvement of the health authorities is essential. Progress in achieving a reduction in the high level of domestic consumption necessarily also requires parallel reduction in drug availability at the street level. There is also need to

review the control of the distribution of psychotropic substances for medical use. Drastic reduction in the number of authorized wholesalers and retailers is essential for effective control.

92. The Government is considering legislation to increase penalties for drug offenses and to permit the seizure of assets of traffickers. Enhanced co-operation at the operational level between Pakistan and other countries in neighbouring regions is a prerequisite for more effective action to reduce trafficking.

93. Turkey continues successfully to enforce its ban against the production of opium. Again during the last growing season, the Government's aerial and ground surveillance in 67 provinces showed no diversions from poppy cultivation licensed for the production of poppy straw and seeds. Situated as it is between Asia and Europe, transit trafficking involving heroin and cannabis, takes place in Turkey. The Government is strengthening its capability to guard its sea coasts since drugs are trafficked out of the country mainly by sea.

94. The authorities in States in the eastern part of the Arabian Peninsula remain concerned about drug abuse. Cannabis is widely abused, as are opiates, although to a lesser extent. Large amounts of psychotropic substances, including amphetamines, fenetylline and methaqualone are seized and abused in most countries in the sub-region. Counter-action is being taken both in individual countries and sub-regionally. The Board reiterates its hope that Bahrain, Oman, Qatar and the United Arab Emirates will formalize their de-facto implementation of both the 1961 and 1971 Conventions by becoming Parties at the earliest possible time.

SOUTH ASIA

95. Situated between major sources of illicit drugs, India is used as a transit country for illicit traffic in heroin, originating in parts of the Near and Middle East and Southeast Asia. Acetic anhydride, originating in India, is smuggled to certain of these neighbouring countries for use in the manufacture of heroin, some of which is trafficked back to and through India. Seizure data suggest that opium is also illicitly trafficked mainly internally and that a portion of the drug is diverted from the licensed growing areas. Some illicit manufacture of heroin is known to have taken place within India in recent years. Enforcement operations throughout the country have netted enormous seizures, mainly of heroin and cannabis.

96. In 1984, the Government prohibited the manufacture, import and sale of methaqualone. The drug, illicitly manufactured, has remained available in the traffic both within India and abroad, where it is trafficked mainly towards southern African countries. The large seizures of methaqualone, which continued to occur at exit points during 1985 and 1986, show both the volume of the illicit manufacture and the efficiency of enforcement.

97. Major urban centers, particularly Bombay and New Delhi, which are trans-shipment points for heroin trafficking, are afflicted by a steep rise in heroin abuse. A survey is being conducted in nine major cities to identify the extent of abuse. Programmes aimed at preventing abuse and treating dependent persons are being developed. Moreover, enforcement is being directed to reducing the availability of drugs at the street level.

98. Following the enactment in November 1985 of the Narcotic Drugs and Psychotropic Substances Act, a Narcotics Control Bureau was established to co-ordinate counter-action. Legislation also provides for the forfeiture of traffickers' assets. The Prime Minister's Office continuously monitors developments. UNFDAC has developed, in co-operation with the Government, a master plan for the provision of assistance in law enforcement, prevention of drug abuse and treatment and rehabilitation of drug dependent persons.

99. Enhanced co-operation at the operational level between India and other countries in neighbouring regions is a prerequisite for more effective action to reduce trafficking.

100. In Sri Lanka, heroin related offences increased almost tenfold between 1984 and 1985 and the most severe penalties were meted out to offenders. Nationals of the country, who were initially recruited as couriers for opiates produced in the Near and Middle East region, subsequently organized trafficking groups in Western Europe and established links with international criminal networks. UNFDAC is supporting a law enforcement project in Sri Lanka.

101. In Nepal, large scale trafficking of cannabis continues. Drug abuse, especially heroin, is reported to be spreading, and nationals of the country have become increasingly involved in international heroin trafficking. In 1986, legislation was amended to increase penalties for drug trafficking.

EAST AND SOUTHEAST ASIA

102. Extensive eradication of illicit poppy cultivation during the 1985/86 crop year, both in Burma and Thailand, reduced the production of opiates in the region. Large seizures, especially in Thailand and Hong Kong, further diminished opiate supplies. Some mobile heroin laboratories along the Thai/Burmese border were dismantled, and traffickers shifted their operations elsewhere. There were indications of attempts to smuggle into the region opiates originating in the Near and Middle East. Illicit cultivation of cannabis remains widespread.

103. Heroin abuse in some parts of the region appears to have stabilized, as countries reinforced preventive education and rehabilitation programmes and intensified law enforcement. Cannabis and psychotropic substances are also abused.

104. Since its inception, UNFDAC has supported drug control programmes in the region. Bilateral co-operation involving a number of countries in the region is also well established. ASEAN ^{27/} countries are endeavouring to unify their counter attacks. Furthermore, regional co-operation also takes place within the framework of meetings of the heads of narcotics law enforcement agencies held under the auspices of the United Nations. Several countries in the region are studying their legislation with a view to enabling their authorities to confiscate assets of traffickers.

105. Burma has continued vigorously to eradicate illicit poppy crops. During the 1985/86 growing season, more than 13 000 hectares of poppy were destroyed, mostly in the Shan State. This was achieved by aerial spraying of herbicides and manual destruction. The area eradicated was 50 percent

greater than the previous year. Acetic anhydride continued to be smuggled into Burma for the manufacture of heroin. Strict controls exercised by the Thai authorities had created a scarcity of this chemical in the border area where such manufacture takes place. Most of this heroin entered the international illicit traffic via Thailand, although some amounts left via India or were shipped via the Andaman sea.

106. Large scale cannabis cultivation was detected along the southeast border of Burma and 65 tons were destroyed.

107. Heroin abuse remains serious within the country. Legislation has been amended to provide more severe penalties for abusers who fail to register for treatment. The extent of abuse of psychotropic substances is not known but abuse of methaqualone is believed to have increased. Programmes for the treatment of drug dependent persons are carried out. The rehabilitation component of these programmes includes training in agricultural techniques and livestock breeding.

108. The international community continues to assist Burma's drug control programmes. These programmes encompass eradication, enforcement, provision of alternative income possibilities for poppy farmers and demand reduction. UNFDAC has maintained a multi-sectoral programme in Burma for the past decade. A new five-year agreement between the Government and UNFDAC was signed in June of 1986. This agreement foresees a contribution by UNFDAC of US\$ 10.5 million. On its side, the Government has undertaken to conduct eradication campaigns to keep pace with the programme's implementation with the goal of achieving complete eradication of opium production by the end of the five-year period. Support is also provided through bilateral arrangements. The firm commitment of the Government to combat illicit drug activity is evident and warrants the continuing support of the international community.

109. In Thailand, approximately 26 tons of opium were estimated to have been illicitly produced in 1985/86, some ten tons less than the previous crop year. The authorities carried out an eradication campaign, destroying some 1 700 ha of poppy cultivation - nearly quadrupling that eradicated the previous year. Programmes have been in place for a number of years looking towards the redevelopment of poppy growing areas and the provision of alternative income possibilities for farmers. Poppies are eradicated as these programmes are developed. During 1986, UNFDAC has formulated new large-scale highland development projects to eliminate illicit poppy cultivation and reduce drug demand. These additional projects require an UNFDAC contribution of around US \$9 million over the next five years. Action to prevent acetic anhydride from reaching the heroin laboratories along the Thai/Burmese border resulted in some of them being shifted south, near the Malaysian border. The discovery of the first amphetamine laboratory in Thailand in 1986 may indicate growing abuse of this drug.

110. Illicit cannabis cultivation continues within the country but the authorities endeavour to eradicate it. Since only a relatively small percentage of the total opium production in the region is estimated to originate in Thailand itself, the country's enforcement efforts focus mainly on interdicting opiates produced elsewhere in the region. The high rate of seizures is reflected in significantly increased prices which have prevailed for the last two years. High level consultations between Thailand and Burma have resulted in an agreement to strengthen co-operation to suppress drug trafficking.

111. The abuse of opiates, cannabis and psychotropic substances remains high. Over 400 heroin "dens" are believed to exist in Bangkok. A long-term plan is envisaged for the elimination of these and other retail outlets. This plan is being developed by all agencies concerned in collaboration with the city of Bangkok.

112. Thailand's drug control efforts continue to merit the support of the international community.

113. In the past, illicit opium production has taken place in the Lao People's Democratic Republic. There is no information as to the present situation. The authorities have supplied to the Board some of the information required under the 1961 and 1971 Conventions. The Board hopes to develop its dialogue with the Government and for that purpose to send a mission to the country at the earliest possible opportunity.

114. Opiates continued to be smuggled by trawler into the Territory of Hong Kong from Thailand. Large seizures of heroin caused temporary price increases but traffickers replenished their stocks quickly. Despite intensive law enforcement, Hong Kong remains a trans-shipment point for trafficking. Cannabis originating in the Philippines enters the Territory in bulk in container cargo. Lesser amounts were trafficked from Thailand, India and Nepal.

115. Heroin abuse appears to have stabilized. The abuse of cannabis and psychotropic substances, mainly methaqualone, may be on the increase but is not estimated to be currently significant. However, drug wholesalers are required to submit quarterly returns of all legitimate imports of psychotropic substances. The ready availability of a range of treatment programmes, linked with after-care services and extensive education programmes, should promote further progress in the reduction of drug abuse. Non-governmental organizations play a significant role.

116. In Malaysia, there has been a decline in the number of newly reported heroin addicts. This may be attributable to the Government's determined action against drug trafficking as well as its comprehensive programmes for rehabilitation, together with after-care support by the community. Opiates continue to enter the country from Thailand and Burma. Attempts to smuggle these drugs from India and Pakistan have also been detected. Nevertheless there has been a heroin shortage, indicated by price increases and reduced purity, and the use of psychotropic substances as substitutes. Better control of psychotropic substances is envisaged by means of computerization and an increase in personnel. UNFDAC is supporting projects in the fields of law enforcement, legislation and demand reduction. Penalties for drug offences are most severe.

OCEANIA

117. Heroin and cannabis continue to be smuggled into Australia, mainly from Southeast Asia. Attempts are also made to traffic heroin and cannabis resin from Southwest Asia. Amphetamines, illegally produced domestically, are widely available. In 1985, three amphetamine and two methylamphetamine laboratories were destroyed, and during the first five months of 1986, two such laboratories were dismantled. Seizures show that cocaine is also being abused.

118. The authorities are taking comprehensive counter-action. The three-year National Campaign Against Drug Abuse, launched in 1985, is led by a Ministerial Council on Drug Strategy. The campaign encompasses new or strengthened programmes for preventive education, treatment/rehabilitation and law enforcement, as well as research and training. Legislation was enacted at the end of 1985 providing for the establishment in New South Wales of a commission to investigate drug crimes, especially those related to organized crime.

119. Due to New Zealand's geographical location illicit drug availability is limited. Some heroin was trafficked via Australia. The local illicit manufacture of morphine and heroin from preparations containing codeine continues, with 18 such cases detected in the first six months of 1986. Measures taken to limit the availability of such preparations at the retail level by reducing the number of tablets per package and requiring special authorization for any sales exceeding two packages have reduced sales. However, thefts of codeine-based products from pharmacies and warehouses have increased. Cannabis oil is also extracted domestically, mostly from locally cultivated cannabis. Cocaine seizures increased slightly, part of which may have been destined for Australia. Trafficking by mail occurs and involves in particular LSD from the Netherlands.

EUROPE

Eastern Europe

120. Most countries in the region are Parties to both the 1961 and 1971 Conventions. In general, drug abuse does not constitute a serious public health problem, even though in some countries there is growing concern that the cultivation of narcotic plants gives rise to more numerous cases of diversion locally. In some countries, instances of abuse of certain psychotropic substances, often in combination with alcohol, have also been noted.

121. Situated between major regions where narcotic drugs are illicitly produced and consumed, drugs are trafficked through Eastern Europe, usually from east to west. Customs inspection facilities are being strengthened in a number of countries. Other measures designed to bolster counter-action include the joint training of customs officers, the frequent exchange of information between law enforcement agencies and periodic consultations among the authorities of the countries concerned.

122. In Poland, the abuse of a locally prepared decoction containing alkaloids, obtained from poppy capsules clandestinely harvested from legitimate cultivation, has given rise to great concern. The authorities have adopted a series of measures, including new legislation, to cope with this problem 28/.

123. In Czechoslovakia, sporadic cases of the abuse of certain psychotropic substances, often in combination with alcohol, have been noted. A limited abuse of methamphetamine, illicitly manufactured locally from ephedrine, has been detected. Transit trafficking of heroin, originating in the Indian sub-continent and destined for Western Europe, has led the authorities to strengthen their enforcement capabilities, in

particular at customs control points. The authorities are co-operating actively with other countries concerned.

124. In the Soviet Union, the authorities are increasingly concerned by the still limited but apparently growing abuse of some narcotic drugs. The drugs are obtained primarily from fields of cannabis grown for industrial purposes or growing wild, as well as from poppy fields. Thefts of drugs from medical or para-medical institutions increasingly occur. Studies are being carried out in some Republics as well as by the central government to assess the situation and develop remedial measures both to strengthen controls and to treat and rehabilitate drug abusers.

Western Europe

125. With the exception of Malta and San Marino, all countries in Western Europe are Parties to the 1961 Convention in its original or amended form. On the other hand, of the 26 countries in the region, ten, including such manufacturing countries as Austria, Belgium, the Netherlands and Switzerland, have not yet ratified the 1971 Convention. Ratification by all manufacturing countries and their full implementation of the provisions of the Conventions are essential if the international control system is to function with maximum effectiveness and diversions to the illicit traffic prevented. The Board therefore urges all countries which have not yet done so to become Parties to the 1971 Convention at the earliest possible time.

126. In a number of countries, data collected during 1985 and part of 1986 by the drug enforcement services show a stabilization, or even, in some instances, a decline in drug-related deaths. In some countries, the average age of victims is reported to have increased, as is the average age of known drug dependent persons. In several countries, heroin abuse remains at a high level, while in others, such abuse appears to be stabilizing, and in some cases, decreasing. The abuse of cocaine is now widespread and increasing in some countries.

127. Heroin remains widely available. Total quantities seized in 1985 exceeded those made in 1984. Data available for 1986, indicate that similar trends are likely to continue. The largest quantities were seized in the United Kingdom, the Netherlands and France. Both the number of persons involved and the number of seizures have decreased. Indications are that trafficking may be better organized and that larger quantities are being smuggled by air and by sea. In 1986 an individual seizure of 220 kg of heroin originating in Kabul was made in Rotterdam. More than 50% of the total quantities seized in the region were known or presumed to have been obtained or produced in the Near and Middle East and South Asia, while about 18% were estimated to have originated in South East Asia. Five heroin laboratories were discovered in 1985, four in the Netherlands and one in Switzerland.

128. Cocaine continues to be widely trafficked and abused in several countries in the region. Quantities seized, as well as the number of seizures and of persons involved, had declined both in 1984 and 1985; but trends observed so far in 1986, indicate a new upsurge, particularly in France, the Federal Republic of Germany and the United Kingdom. In the Federal Republic of Germany, the number of cocaine users as well as cocaine-related deaths are increasing. Trafficking in cocaine to and

through Spain remains at a high level. While most of the seizures are made at airports, law enforcement services believe that ever increasing quantities of cocaine are smuggled into Europe in bulk through seaports without detection. Containers seem to be increasingly used for that purpose. Unless law enforcement agencies are provided with additional financial and technical means, traffickers will undoubtedly use seaports even more frequently than airports. There are indications that, probably as a result of controls enforced on precursors and specific chemicals in some South American countries, traffickers are shifting some refining operations to countries where chemical industries are situated. Occasional seizures of coca paste are made in Western Europe.

129. During 1985, total quantities of cannabis seized in Western Europe were the largest ever, and represent an increase of 450% as compared with those seized in 1975. This trend is continuing in 1986. Although most of the cannabis originates abroad, the drug is increasingly being grown illicitly in some countries of the region. One quarter of the cannabis seized in the region originated in the Near and Middle East, while North Africa and countries south of the Sahara were the source of almost 20%. Cannabis originating in South America is increasingly seized in Western Europe, and accounted for 25% of the seizures in 1985. The size of seizures indicates the enormous amounts of cannabis being abused in the region.

130. Abuse of central nervous stimulants, primarily amphetamines, continues to take place in the United Kingdom and in the Scandinavian countries. Abuse is sharply increasing in the Federal Republic of Germany. In most cases, the drug is manufactured clandestinely, primarily in the Netherlands and in the Federal Republic of Germany. Large amounts of LSD continue to be seized, mainly in the Netherlands, where it is believed that the drug is manufactured clandestinely.

131. Diversion of some psychotropic substances from legitimate manufacture in Western Europe continues to occur. Secobarbital is mainly trafficked to West Africa, while fenetylline is trafficked to the Middle East. It is regrettable that a few exporting countries are neither parties to the 1971 Convention nor are equipped with the necessary national legislation enabling their drug control administrations to prevent such diversions. The Board has recommended over the last few years a number of measures to remedy this situation. However, most national administrations collaborate closely with the Board. As previously noted, their vigilance and co-operation with each other and with the Board has, as last year, prevented the diversion of several tons of psychotropic substances into the illicit traffic.

132. Policy makers are urged to strengthen prevention programmes since the supply of and trafficking in drugs is unlikely to be curtailed unless there is a dramatic decrease in the demand. In particular, they should heed the indications that cocaine traffickers are seeking to expand markets in Western Europe. The authorities in Western European countries in which cannabis is illicitly grown should also carry out detection and eradication programmes.

NORTH AMERICA

Canada

133. The abuse and illicit trafficking of drugs remain serious and cause growing concern. Cannabis and its derivatives are most commonly abused. The bulk of supplies originates abroad, although amounts produced clandestinely within the country are increasing. Cocaine is plentiful and is widely abused, particularly in metropolitan centres. The authorities anticipate that the smoking of cocaine in the form of "crack" will occur ^{29/}. There are also ample quantities of heroin of high purity on the illicit market. Most of it originates in Southeast Asia, but heroin of Mexican provenance is also readily available. Diversion from licit supplies of various opiates, as well as some benzodiazepines, occurs mainly in metropolitan areas. Clandestine manufacture of some psychotropic substances continues to concern the authorities. Amphetamines and LSD are trafficked to Canada from the United States.

134. The Canadian Government is pursuing an active programme to contain drug abuse and to counter trafficking. Federal drug units are concentrating on dismantling major trafficking operations. A national programme focuses on the identification and tracing of assets relating to trafficking. A special narcotics interdiction task force has been created, and teams of customs officials have been located at key ports of entry.

135. In October 1986, the Government announced that Canada intends to become a Party to the 1971 Convention.

Mexico

136. Despite the country's current stringent economic situation, the Mexican authorities continue to accord the highest priority to the extensive law enforcement campaign which they have been conducting since 1976. Action against illicit cultivation of narcotic crops and drug trafficking is being intensified, particularly with the help of the Army.

137. As a result, 25,000 Mexican soldiers have been taking part in the eradication campaign and have destroyed thousands of hectares of cannabis and opium poppy cultivation. The Mexican Navy has continued its interdiction operations in the Caribbean Sea against drug traffickers. The system in operation, which observes and controls the national coastal strip, has yielded important results, particularly in the Southern part of the country, where large amounts of drugs have been seized. During the first eight months of 1986, the authorities seized and destroyed large amounts of cannabis and cocaine.

138. According to a recently conducted study, cannabis remains the most widely abused drug within the country. Heroin is consumed mostly along Mexico's northern frontiers. Sporadic cases of cocaine and coca paste abuse have also been detected. Abuse of organic solvents continues to pose a serious problem. The authorities are engaged in efforts to assess the drug abuse situation within the country as a necessary step toward remedial action. The Mexican Government, through its concerned agencies, has extended and intensified its national drug programme. More resources are being allocated in the areas of prevention and rehabilitation.

United States of America

139. The illicit consumption of a variety of drugs, often taken in combination, remains a major public health problem. Cannabis continues to be the most widely abused drug, although surveys show that its use by young persons has declined. Heroin abuse is believed to have stabilized. Other dangerous drugs, such as methamphetamine, PCP and fentanyl analogues continue to be abused. Today, the drug causing the greatest concern is cocaine, which is estimated to be used regularly by between four and five million persons. The current method of taking cocaine is to smoke a purified form of the substance known on the streets -- where it is mass marketed at a relatively low price -- as "crack" ^{30/}.

140. A large part of the cannabis abused in the country originates abroad, although domestic cultivation has increased. A part of the domestically grown cannabis plants is of the more potent sinsemilla variety. During 1986, eradication of domestically grown cannabis was carried out both manually and by aerial spraying of herbicides. All 50 states were involved in the campaign. The cocaine originates in Latin America. Heroin originates in Mexico, Southwest and Southeast Asia. Synthetic narcotics and psychotropic substances are for the most part manufactured in clandestine laboratories in the United States. The volume of trafficking is very large. The price of drug abuse in the country amounts to billions of dollars each year in increased health care costs, lost productivity, and related crime and violence.

141. Comprehensive counter-measures have been actively pursued over many years in the fields of law enforcement, prevention of drug abuse and treatment and rehabilitation of drug dependent persons. During 1985, over 10 000 persons were convicted for drug crimes and nearly US \$250 million of their assets seized by the Drug Enforcement Administration (DEA).

142. The United States continues actively to participate in the international campaign against illicit production, trafficking and abuse. It provides substantial support, both through UNFDAC and under bilateral and regional arrangements. The United States supports programmes in some 30 other countries.

143. In September 1986, President Reagan characterized drug trafficking as a threat to national security and announced the launching of a national "crusade" against drugs, to include a combination of complementary efforts by the Government and the private sector. The objectives of this campaign are: drug-free work places, drug-free schools, effective drug abuse treatment, expansion of international co-operation, strengthened law enforcement, and increased public awareness and prevention. The President stressed that the end to the drug abuse epidemic would come through a combination of tough laws and a dramatic change in public attitude, the ultimate goal being a drug-free generation. In October 1986, the President signed into law the Anti-Drug Abuse Act of 1986 adopted by the Congress. The new law will permit intensified and accelerated action to attain the six objectives mentioned above. In the fiscal year 1987, over US \$2 400 million has been authorized for these purposes.

THE CARIBBEAN, CENTRAL AND SOUTH AMERICA

144. Enormous areas continue to be cultivated in coca-bush in Bolivia and Peru, the two major world producers, while new areas of illicit cultivation are emerging in other parts of the region. This expansion of cultivation, coupled with the ready availability of specific chemicals throughout Latin America during the last decade, has contributed to a significant increase in the illicit production and traffic of cocaine. Nevertheless, intensified enforcement activities undertaken by several countries in recent years and the curtailment and monitoring of trade in specific chemicals, particularly ether, have disrupted some of the activities of the traffickers and forced them to find new havens for their supplies as well as new traffic routes.

145. Moreover, authorities in many countries have indicated an ever deepening anxiety about the menace of drug abuse, especially about the serious risks presented by the smoking of coca paste and the increasing and spreading abuse of cocaine and cannabis. Amphetamines are also abused in certain countries.

146. In this somber picture certain hopeful signs can be perceived. Eradication of coca bush and cannabis cultivation is being carried out in several countries. Drug control legislation has been strengthened and special emphasis has been placed upon demand-reduction campaigns. Moreover, regional co-operation, including some joint enforcement efforts, has expanded. It is of utmost importance that the momentum be maintained and that parallel activities be carried out in all countries of the region facing similar problems.

147. The legitimate requirements for cocaine worldwide are minimal and steadily decreasing. It is imperative that the licit suppliers -- namely, Peru and, to a lesser extent Bolivia -- license and effectively control the limited areas required for medical needs and the extraction of aromatic substances. The size of the licensed area should not exceed the estimated world requirements as published by the Board. Coca leaf used for chewing must similarly be under license and subjected to the control measures stipulated in the 1961 Convention as soon as possible.

148. During 1986, UNFDAC has intensified its activities in Latin America and the Caribbean. The Fund's total support covering various multi-year programmes for the region amounts to US \$53.8 million. New agreements were signed with the Government of Bolivia for law enforcement, prevention, treatment and rehabilitation activities which complement the current programme of agricultural diversification and agro-industrial development in the Yungas. Within the framework of the multi-sectoral programme agreement signed in February 1985 between the Government of Colombia and UNFDAC, new activities have been integrated into the coca crop substitution project in the Cauca Department. A memorandum of understanding was signed in May 1986 with the Ecuadorian Government, which has agreed to eliminate illicit coca cultivation within a period of five years in exchange for a commitment from UNFDAC to support a drug control plan. In Peru, UNFDAC is supporting a two-year project for crop substitution and community development in the Quillabamba area. In that country UNFDAC is also financing two rural and agro-industrial development projects in the area of Tingo Maria as well as prevention and treatment activities. UNFDAC has also started assisting other countries in the

region, including Argentina, Brazil and Paraguay, in the formulation and implementation of nation-wide drug control plans. Prevention and treatment projects are also operational in the Bahamas and Jamaica. A regional project financed by UNFDAC and executed by ICPO/Interpol provides for the establishment of a telecommunication system in the Caribbean and Central America for narcotics control and related law enforcement. Additional regional activities are being developed in co-operation with the CARICOM secretariat. Assistance is also provided under bilateral arrangements. The dimensions of the problem in the region require large-scale and sustained support for Governments' efforts if a significant impact is to be made.

149. A training seminar for administrators in charge of drug control and law enforcement in Latin America and the Caribbean was organized jointly in Madrid by the INCB and the Government of Spain with the financial support of UNFDAC, from 10-20 March 1986. Participants from 21 countries had the opportunity to familiarize themselves with the practical aspects of the implementation of the international drug control treaties. An evaluation of the seminar's impact in terms of improved reporting to the Board will be carried out as of 1987.

150. The Inter-American Specialized Conference on the Traffic in Narcotic Drugs, held in Rio de Janeiro, Brazil, from 22 to 26 April 1986, under the auspices of the Organization of American States concluded that international co-operation is indispensable to confronting successfully the multinational drug trafficking organizations. The Conference also urged member countries to strengthen the operational capabilities of their customs and police services and to investigate the source of funds of notorious drug traffickers. In addition, the Conference endorsed the establishment of strict controls on the manufacture, importation and exportation of precursors and specific chemicals required for the illicit production of drugs.

151. In Bolivia, the uncontrolled and illicit cultivation of the coca bush continued unabated throughout 1985. The authorities estimate that in 1985 Bolivia produced between 120 and 160 thousand tons of coca leaf. While the Chaparre and the Yungas remained the main centers of illicit cultivation, increasing cocaine production activities took place in the provinces of Beni and Santa Cruz where traffickers were establishing large processing facilities.

152. The new Government installed in August 1985 stated its intention to engage its resources in an attack against narcotics trafficking and to prevent the institutional corruption which threatened the security of the State. In July, the authorities, with the technical and logistical support of the United States, began searching out and destroying cocaine processing facilities in Beni and the Chapare in north-central Bolivia. Despite the fact that major traffickers managed to escape, the authorities consider the overall operation successful. A new decree-law was enacted in July. This law orders that property seized from traffickers be delivered to State institutions engaged in the country's campaign against illicit trafficking and drug abuse. The authorities are taking steps to prevent traffickers from re-establishing refineries. The price of coca leaf in Beni and Chapare has dropped significantly and provides an opportunity to persuade cultivators to shift to other crops. The Board urges that full advantage be taken of this opportunity.

153. Despite the efforts undertaken by the new Government of Peru following its pledge to accord high priority to fighting corruption and narcotics trafficking, there have been indications of further increases in coca cultivation during the last part of 1985 and the beginning of 1986. Furthermore, a tendency to move cocaine processing facilities closer to the areas of coca leaf cultivation has led to an increase in the amount of coca paste and cocaine available for consumption by the local population. The smoking of coca paste and the widespread use of cocaine remain a matter of serious concern to the Peruvian authorities.

154. In August 1986 the Peruvian authorities conducted a major offensive against clandestine air strips and coca processing laboratories. Fourteen such air strips and four large laboratories were destroyed by airplanes in the northern jungles of the country. The Government announced that a similar major offensive would be conducted in the Upper Huallaga Valley, the largest illicit coca cultivation area in Peru. The high level of unrest in this area has sharply hampered previous drug control efforts.

155. In Brazil illicit drug traffic has gradually increased in recent years and is likely to expand further. Brazil's extensive borders with Colombia, Peru, Bolivia and Paraguay, together with its vast and almost unexplored regions offers drug traffickers an enormous area in which to undertake illicit cultivation, manufacture and traffic.

156. Since 1983, the Government has undertaken several coca eradication operations in the state of Amazonas where most cultivation appears to be centered. Several hundred hectares of coca cultivation were eradicated. In addition, the authorities located and destroyed a number of cocaine refineries and seized large quantities of specific chemicals used for the illicit manufacture of cocaine.

157. Brazil is the only major manufacturer in South America of specific chemicals, mainly of acetone and ethyl ether. Moreover, the country serves as an entry point for chemicals originating in the United States and Europe. Enforcement operations undertaken by the authorities are directed at restricting trafficking of these chemicals to neighbouring countries. The success attained has been partially offset by the increased use of these chemicals in newly established laboratory operations inside Brazil itself.

158. Illicit cannabis cultivation occurs mainly in the northeast of the country. In 1985, the authorities seized very large amounts of cannabis. Some limited eradication operations have been conducted in recent years.

159. In Colombia, the high level of activity against illicit trafficking continues. Extensive areas of illicit cultivation of cannabis has been eradicated. Special army and police units have been in charge of destroying coca plantations manually and testing coca plant eradication by the aerial spraying of herbicides. The authorities have indicated that, once the tests demonstrate the effectiveness of the chemicals used, they will proceed to eradicate extensively by aerial spraying the illicit coca cultivation, estimated to occupy from 30,000 to 50,000 hectares.

160. Several tons of cocaine have been destroyed, many cocaine refineries have been dismantled and chemicals seized. Clandestine landing strips have been destroyed, both in Colombia and in neighbouring countries, with the co-operation of the authorities concerned.

161. Alarmed by the significant increase in drug abuse, and particularly the smoking of coca paste, the Government has launched a national campaign aimed primarily at education. One of the objectives of the campaign is to provide state and private institutions educational, informational and scientific materials. For example, the country's leading newspaper widely distributed a booklet entitled "I Prefer to Live", which describes different types of addiction, explains how to recognize them and where treatment facilities are located. The campaign is aimed mainly at persons between 12 and 25 years of age -- which is the population group most affected by such drugs as coca paste and cannabis.

162. In February, the Government enacted a new drug control statute which broadens the prerogatives of the National Drug Control Council and establishes an Advisory Committee of Experts to outline policies and strategies to fight drug abuse. The law increases penalties for drug trafficking-related offences and imposes very high fines. It also emphasizes prevention.

163. In recent years, Ecuador, has been mainly a transit country for coca derivatives originating mostly in Peru and Bolivia. However, extensive areas of illicitly cultivated coca have recently been discovered within Ecuador. The Government is undertaking vigorous counter-action.

164. Several enforcement operations conducted in the northeastern part of the country from September 1984 to April 1986 resulted in the destruction of almost 600 ha of coca bush. In addition, 81 laboratories were dismantled and large quantities of specific chemicals used for the illicit manufacture of cocaine were seized. The ready availability of these chemicals in Ecuador continues to pose a serious threat. Of special concern to the authorities is the soaring increase in the abuse of coca paste. Cocaine and cannabis are also widely abused. Preventive education programmes are carried out country-wide.

Central America

165. Illicit cultivation of cannabis and transit traffic in cannabis and cocaine occur in most countries in the region.

166. In Belize, the authorities have continued to eradicate illicit cannabis cultivation by aerial spraying of herbicides. Growing violence in the northern districts of the capital appears to be drug-related. The police have destroyed airstrips being used by the traffickers.

167. Panama's geographic location attracts traffickers who use it as a transit point for cannabis and cocaine traffic coming from South America and for the laundering of trafficking-related funds. Cannabis is illicitly produced in the country. In 1986, the authorities eradicated such production through aerial spraying of herbicides, resulting in a sharp decline in production.

The Caribbean

168. In the Caribbean, hundreds of islands, vast areas of surrounding water, and many illicit landing strips provide ready facilities for international drug smuggling. The strategic location of this area between centres of illicit production and consumption, and the existence of banking arrangements which facilitate the laundering of money from drug

transactions, make some Caribbean countries the favoured choices of traffickers. The staggering profits obtained from criminal trafficking foster corruption and even destabilize political organization.

169. In Jamaica, the Government continued its fight against illicit cannabis cultivation and traffic. A significant decrease in cannabis seizures has been attributed to eradication, which was confirmed by aerial surveys. The authorities believe that, as a result of tighter security measures at the airports, traffickers are now increasingly conducting their traffic through the sea ports. The growing amounts of drugs hidden in shipments of other products has become a threat to Jamaica's licit exports.

170. The lack of rehabilitation facilities, especially with regard to cocaine abuse, is causing great concern. Two surveys are to be conducted in the country to study epidemiological patterns and review rehabilitation facilities.

AFRICA

171. Of the 51 countries in the continent, 30 are Parties to the 1961 Convention, 21 of which are also Parties to the 1971 Convention. Twenty-one countries are Parties to neither Convention. For 1985, more than one-half of the countries in the region provided the information requested by the Board; most of the remaining countries provided partial information and one provided no information. A prior requirement in many countries is the enunciation of determined commitments to effective drug control at the policy level.

172. An improvement in reporting overall requires the strengthening of national legislation and control machinery, better monitoring of drug imports as well as of retail distribution, and increased trained personnel who, at present, are too few. Surveys to determine the extent of drug abuse are necessary for the development of programmes to prevent and reduce abuse.

173. Cannabis is abused throughout the continent. The drug is produced in many countries. Large quantities are trafficked abroad -- mainly to Western Europe, primarily from Morocco, but also increasingly from countries south of the Sahara, in particular Ghana and Nigeria. Seizures in certain countries of equipment used to extract resin and oil is an ominous sign.

174. Heroin, until recently virtually unknown in Africa, is now abused in Mauritius and Nigeria. These countries serve as transit points for heroin originating in Asia and intended for Western Europe and North America. Other transit countries such as the Côte d'Ivoire and Ghana, where large seizures of heroin have already taken place, are also particularly at risk of becoming centers of abuse. Nationals of a number of African countries are often used as couriers in the international traffic in heroin and other drugs.

175. Another ominous recent development is the appearance of cocaine as evidenced by seizures made in the Côte d'Ivoire, Ghana and Nigeria. This suggests that traffickers are seeking to establish smuggling routes from South America through Africa to other regions. Abuse of cocaine has already begun in some countries.

176. Trafficking in psychotropic substances is substantial and increasing, and the abuse problem is becoming more and more serious. Amphetamines and secobarbital preparations are widely available in West Africa and, to a lesser extent, in Central Africa. Trafficking in methaqualone is substantial in eastern and southern Africa. Abuse mainly occurs in southern Africa. Diazepam has recently been seized in a number of African countries.

177. A growing number of countries are strengthening their drug control legislation. These include Botswana, Côte d'Ivoire, Malawi, Nigeria and Swaziland.

178. In 1986, UNFDAC significantly expanded its support for drug control programmes in African countries. It developed new programmes in Benin, Mauritius, Nigeria, Senegal, Somalia, Sudan and Zimbabwe. The Fund's assistance includes projects aimed at the prevention of drug abuse, training for police and customs officials and the provision of laboratory equipment for identifying confiscated substances. The deteriorating situation calls for active support from the international community.

179. International assistance is also being provided to improve countries' compliance with the treaties in regard to the licit movement of drugs. The Board's contribution consists essentially in providing training for national officials. With the financial assistance from UNFDAC, the Board organized, in December 1985 in Madagascar, its second regional African training seminar for administrators, from 25 countries, who are responsible for monitoring the licit movement of drugs. The success of the seminar will be shown by improved reporting to the Board by the participating countries in the coming years. An evaluation will be undertaken.

(Signed) Betty C. Gough
President

(Signed) Adolf-Heinrich von Arnim
Rapporteur

(Signed) Abdelaziz Bahi
Secretary

Vienna, 31 October 1986

Notes

- 1/ During 1986 the membership of the Board is as follows: Mr. Adolf-Heinrich von ARNIM, Dr. CAI Zhiji, Professor John EBIE, Professor Ramon de la FUENTE MUNIZ, Dr. Diego GARCES-GIRALDO, Ms. Betty C. GOUGH, Mr. Ben HUYGHE BRAECKMANS, Professor S. Oguz KAYAALP, Dr. Mohsen KCHOUK, Sahibzada RAOOF ALI KHAN, Professor Paul REUTER, Professor Bror A. REXED, Sir Edward WILLIAMS. The curricula vitae of Board members are to be found at Annex I of the Report for 1985 (E/INCB/1985/1).
- 2/ 1961 Convention, article 9 (2) and (3).
- 3/ Article 6 of the 1961 Convention and article 24 of the 1971 Convention.
- 4/ E/CN.7/1987/2
- 5/ Articles 35, 36 and 37 of the 1961 Convention; articles 21 and 22 of the 1971 Convention.
- 6/ See paragraphs 63 - 77
- 7/ See paragraphs 63 and 64
- 8/ See also paragraphs 7 to 10 above.
- 9/ See paragraph 45 below.
- 10/ Bolivia, Kampuchea, People's Democratic Republic of Korea, Liberia and Viet Nam.
- 11/ Article 31, para. 5
- 12/ See document E/INCB/1986/3, Table VII (C)
- 13/ "Demand and Supply of Opiates for Medical and Scientific Needs" (E/INCB/1985/1/Supp.)
- 14/ Resolution 1984/21 of 24 May 1984
- 15/ "Demand and Supply of Opiates for Medical and Scientific Needs" (E/INCB/52/Supp.)
- 16/ Article 1 (k) of the Convention defines "region" as "any part of a State which pursuant to article 28 is treated as a separate entity for the purposes of this Convention."
- 17/ Resolution 1985/15
- 18/ 1971 Convention, article 12
- 19/ Resolution 1985/15
- 20/ E/CN.7/1987/2
- 21/ E/INCB/1985/1, paragraphs 56-61
- 22/ Article 30, paragraph 1, subparagraph b and paragraph 2
- 23/ E/INCB/1985/1. paragraphs 35, 151 and 155
- 24/ Council Resolution 1982/12
- 25/ Article 17 of the 1961 Convention and article 21 of the 1971 Convention.
- 26/ 17th and 18th meetings of the Sub-Commission, February and October 1984.
- 27/ Composed of Brunei, Indonesia, Malaysia, the Philippines, Singapore, Thailand.
- 28/ E/INCB/1985/1, para. 151.
- 29/ See paragraph 12
- 30/ See paragraph 12