

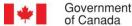
## INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

CICAD

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UNDERSTANDING UN DRUG CONTROL SCHEDULING RECOMMENDATIONS, INCLUDING LINKAGES AMONG AND IMPACT ON NATIONAL, REGIONAL AND INTERNATIONAL AGENCIES







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### **Legal Status of Schedules?**

- Integral to UN drug treaty framework:
  - Defined in the 1961 & 1971 Conventions (art. 1(u)/art. 1(g))
  - Specify drugs, substances, preparations, etc.,
     subject to measures of control in the Conventions
  - Essential to give effect to the provisions of the Conventions
- Unique for the Conventions in benefitting from a simplified treaty amending procedure, with roles for the WHO, CND, States Parties.

# Key Elements of WHO (ECDD) role in Scheduling: 1961 & 1971 Conventions

#### 1961 Convention

## Assess & make recommendations as to whether:

- Drugs & substances are "liable to abuse and productive of similar effects as substances in Schedule I or II OR convertible into a drug
- Drugs in Schedule I are "particularly liable to abuse and to produce ill effects & such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV"
- Preparations are "not liable to abuse & cannot produce ill effects ... & drug therein is not readily recoverable"

#### 1971 Convention

### Assess & make recommendations as to whether:

- **Drugs & substances** can result in:
  - (i) dependence and central nervous system stimulation or depression
  - (ii) similar abuse & similar ill effects as a substance in Schedule I, II, III or IV, AND

Sufficient evidence the substance is / is likely to be abused & constitute a public health & social problem warranting international control

Role in assessing preparations containing substances in schedule I

## Role of CND in Scheduling: 1961 and 1971 Conventions

- Consider WHO findings & recommendations
  - Determinative on medical / scientific matters (explicit in 1971
     C., art. 2(5))
  - Seek additional information (explicit in 1971 C., art. 2(5))
  - Consider other relevant factors (economic, legal, administrative, etc.) (same)
- Make scheduling decisions
  - 1961 Convention: In accordance with WHO recommendations (art. 3(3)(iii), art. 3(4 6))
  - 1971 Convention: Discretion to decide (art. 2(5-6), art. 3(4))
- Beyond scheduling, full range of treaty functions (e.g. Art. 8, 1961 C.)

# **Examples of States Parties' Roles in Scheduling: 1961 and 1971 Conventions**

- Share relevant information with UNSG (e.g. art. 3(1), 1961 C., art. 2(1), 1971 C.)
- Assess domestic health, safety, policy, legal implications, etc.
- Implement scheduling decisions, including domestic legal and regulatory controls (e.g. art. 3(7) 1961 C., art. 2(7), 1971 C.)
- Treaty interpretation

## Treaty & legal review of WHO ECDD Recommendations: Some considerations

- Consistency with WHO mandate and criteria in 1961, 1971 Conventions
- Alignment with international law principles
  - Vienna Convention on Law of Treaties or customary international law, general principles, etc.
- Related considerations