



STATUTE OF THE INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

[As Amended by the Twentieth Regular Session of CICAD Held in Buenos Aires, Argentina, October 15-18, 1996 and Adopted on June 4, 1997 by Resolution AG/RES. 1457 (XXVII-O/97) of the Twenty-Seventh Regular Session of the General Assembly of the OAS Held in Lima, Perú, June 1-5, 1997]

Chapter 1

NATURE, PRINCIPLES AND OBJECTIVES

Article 1

The Inter-American Drug Abuse Control Commission (hereinafter "CICAD" or "the Commission") is an entity of the Organization of American States (hereinafter "the Organization"), established by the General Assembly of the Organization (hereinafter "the General Assembly") in accordance with Article 53 of the Charter of the Organization.

CICAD shall enjoy technical autonomy in the performance of its functions, within the limits of the Charter of the Organization, this Statute and the Regulations, and the mandates of the General Assembly.

CICAD performs its functions in accordance with the framework of the Inter-American Program of Action of Rio de Janeiro against the Illicit Use and Production of Narcotic Drugs and Psychotropic Substances and Traffic Therein (hereinafter "the Program of Action of Rio de Janeiro"), the mandates of the General Assembly, and the decisions taken by the Commission.

Article 2

The activities of the Commission are governed by the applicable rules of the Organization, this Statute and the Regulations, the decisions of the General Assembly, and of the Commission.

Chapter II

MEMBERSHIP

Article 3

The Commission shall be composed of all the member states of the Organization that, at their request, are elected by the General Assembly.

Article 4

Each of the member states of the Organization elected to the Commission shall appoint a Principal Representative and such Alternate representatives and advisors as it deems necessary.

Article 5

Each member state of the Commission shall inform the Secretary General of the Organization (hereinafter "the Secretary General") of any changes in the composition of its representation.

Article 6

Those member states of the Organization that are not members of the Commission shall have the right to participate in the Commission's meetings with voice but without vote and may participate in the activities of the Commission in accordance with its Regulations.

Article 7

The participation of the Permanent Observers of the Organization in the activities of the Commission shall be determined in accordance with the Regulations.

Article 8

Membership on the Commission shall be for an indefinite period. However, should a member state wish to resign its membership, it shall so inform the Secretary General in writing. The Secretary General shall so advise the General Assembly. The resignation shall take effect at the next regular session of the Commission. The Executive Secretary of the Commission (hereinafter "the Executive Secretary") shall advise the other member states of the Commission of the resignation.

Chapter III

QUORUM AND VOTING

Article 9

A majority of the member states of the Commission shall constitute a quorum.

Article 10

Each member state shall have the right to one vote. The Commission shall adopt its decisions by an absolute majority of the member states present, when agreement cannot be reached by consensus.

Chapter IV

ELECTION PROCEDURE

Article 11

Every member state of the Organization having an interest in membership on the Commission shall so inform the Secretary General in writing no less than thirty days before the opening of the session of the General Assembly at which the election for membership will be held.

In presenting its candidacy, a member state shall express its intention to participate actively and fully in the work of the Commission and to cooperate in carrying out its activities, in accordance with the Program of Action of Rio de Janeiro, this Statute and the Regulations, the mandates of the General Assembly, and the decisions of the Commission.

The Secretary General shall promptly inform the member states of the Commission and the Executive Secretary of the receipt of such an expression of interest.

Article 12

Once informed of the candidacies formalized by the interested member states, the General Assembly shall proceed to elect the members to the Commission in accordance with the Assembly's Rules of Procedure.

Article 13

Once the member states of the Commission have been elected, the respective governments shall inform the Secretary General without delay of the names of their Principal and, if any, Alternate Representatives.

Article 14

Membership on the Commission shall begin immediately following the member state's election.

Chapter V

BUDGET AND FINANCE

Article 15

The expenses of the Commission shall be borne by the Organization as provided by the Organization's approved program-budget.

Each member state shall bear the costs of its own representatives to participate in the regular and special sessions of the Commission.

Article 16

The activities approved by the Commission to be executed by the Executive Secretariat shall be financed by:

- a. The appropriations assigned by the General Assembly;
- b. Voluntary contributions to the CICAD Specific Fund by member states of CICAD, other member states of the Organization, Permanent Observers, other international organizations or private donors. The CICAD Specific Fund shall be governed by its own Statute.

The Executive Secretary shall present a report to the Commission on the origin of private donations and the purposes to which they will be put.

Chapter VI

DUTIES

Article 17

The member states of the Organization shall cooperate with the Commission in accomplishing its objectives.

Article 18

The Representatives of the member states that serve on the Commission shall attend and participate in the regular and special sessions held by the Commission and carry out the mandates entrusted to them.

Chapter VII

FUNCTIONS

Article 19

The functions of the Commission shall be the following:

- a. To serve as a consultative and advisory body of the Organization on the illicit use, production, traffic and distribution of drugs, and related offenses;

- b. To assist the member states of the Organization through international and regional coordination and cooperation, in order to facilitate the execution of actions and the adoption of measures required:
 - i. To prevent the illicit use of narcotic drugs and psychotropic substances and to promote the treatment, rehabilitation and social reintegration of drug-dependent persons;
 - ii. To prevent, control and appropriately penalize the production of and illicit traffic in narcotic drugs and psychotropic substances, the laundering of proceeds of crime, the diversion of precursors and essential chemicals, the illegal traffic of arms and other related offenses; and
 - iii. To promote the regulation of controlled substances and inhalants and prevent, control and appropriately penalize their illicit production, traffic, distribution and abuse;
- c. To comply with the mandates of the General Assembly;
- d. To consider and approve the programs to be executed by the Executive Secretariat. The Secretariat will endeavor to estimate the preliminary cost of each project;
- e. To study the reports, plans and annual work programs presented to it by the Executive Secretary;
- f. To give assignments to the Executive Secretary that are consistent with the latter's mandates;
- g. To present to the General Assembly an annual report and such special reports as it may deem advisable;
- h. To conduct technical cooperation activities when so requested by one or more member states of the Organization, to the extent that the Commission's budget permits;
- i. To establish cooperative relations in matters related to the Commission's mandate with other international organizations, with the Permanent Observer states of the Organization, and such other entities as the Commission determines; and
- j. To recommend the measures it may deem advisable for the operation of the Executive Secretariat of the Commission.

Chapter VIII

HEADQUARTERS AND MEETINGS

Article 20

The headquarters of the Commission shall be the General Secretariat of the Organization.

Any member state of the Organization may invite the Commission to hold a meeting in its territory. The Commission shall decide on invitations to meet away from its headquarters.

Article 21

The Commission shall hold two regular sessions per year, one an ordinary session, the other to address specific technical topics determined by the Commission or such other matters that require its special attention. This latter meeting may take any form that the Commission decides.

The Commission shall hold special sessions whenever it so decides or at the request of a majority of its member states. In the latter case, the convocation shall be issued by the Executive Secretariat at the earliest opportunity.

The procedure for convening special sessions of the Commission shall be in accordance with the Regulations.

Chapter IX

CHAIRMAN AND VICE CHAIRMAN

Article 22

The Commission shall have a Chairman and a Vice Chairman elected from among its member states. The offices of Chairman and Vice Chairman shall be held by the Principal Representatives of those member states elected.

Elections to these offices shall be held each year, on the first day of the Commission's regular ordinary session.

Article 23

The Chairman and Vice Chairman shall each be elected by an absolute majority of the member states of the Commission present. If more than one round of voting is required, the candidate who receives the least number of votes shall be eliminated until a winning candidate is selected.

The voting shall be by secret ballot.

Article 24

The duties of the Chairman shall be determined in accordance with the Regulations.

Article 25

The Vice Chairman shall replace the Chairman in the event of the latter's absence, incapacity or resignation.

If the respective national authorities decide, for any reason, to change their Principal Representative while he is serving as Chairman or Vice Chairman of the Commission, the official named to replace him shall complete the term of office.

If a member state resigns from either the Chairmanship or the Vice Chairmanship, the Commission may hold a special election to fill the vacant office.

Article 26

The Chairman may delegate to the Vice Chairman such functions as he determines appropriate, in accordance with the Regulations.

Chapter X

THE SECRETARIAT

Article 27

The Commission shall have the support of the General Secretariat.

The Secretary General, in consultation with the Commission, shall designate an Executive Secretary, and an Assistant Executive Secretary of the Commission. These positions shall be positions of trust. The Executive Secretary and the Assistant Executive Secretary shall be persons highly versed in the subject matter.

Article 28

The Executive Secretariat is the technical operating and coordinating arm of the Commission, with the responsibility for carrying out the Commission's decisions and executing its programs.

The Executive Secretariat shall be staffed with the necessary professional and administrative personnel headed by the Executive Secretary, who, in discharging his functions, shall abide by the provisions of the applicable rules of the Organization, this Statute and the Regulations, the decisions of the General Assembly and of the Commission.

Article 29

The Executive Secretary shall also:

- a. Perform the technical and administrative activities that the Commission entrusts to him;
- b. Cooperate with the Secretary General in carrying out the activities foreseen for the General Secretariat in this subject matter;
- c. Advise the Commission on the performance of its functions;
- d. Prepare the programs to be executed by the Executive Secretariat which will endeavor to quantify the estimated cost of each project;
- e. Submit reports to the Commission on the activities of the Executive Secretariat;
- f. Transmit the decisions of the Commission to the Secretary General so that they may be forwarded to the governments of the member states of the Organization through the Permanent Missions;
- g. Maintain direct and ongoing coordination with the Permanent Representatives of the member states of the Organization and with the Principal Representatives to the Commission;
- h. Serve as Secretary of the Commission during its sessions.

Chapter XI

STATUTE AND REGULATIONS

Article 30

The present Statute, approved by the General Assembly, may be amended only by the General Assembly.

Article 31

The Commission shall adopt and amend its Regulations in accordance with this Statute, and shall notify the General Assembly of such amendments in its corresponding annual report.

Article 32

The present Statute shall take effect on the date of its approval by the General Assembly.

REGULATIONS OF THE INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

[As Amended by the Twenty-Seventh Regular Session of CICAD Held in Lima, Peru, November 4-7, 1997]

CHAPTER I

GOVERNANCE

Article 1

The activities of the Commission are governed by the applicable rules of the Organization, the Statute and these Regulations, as well as the decisions of the General Assembly of the Organization and of the Commission.

These Regulations supplement the Statute, which was approved by the General Assembly in Resolution AG/RES.1457 (XXVII- O/97), and serve to provide specific rules for the operation, administration and procedures of CICAD, for the achievement of its purposes and objectives.

In case of conflict between the Statute and these Regulations, the Statute shall take precedence.

CHAPTER II

MEMBERS

Article 2

The principal or alternate representative of the member states serving on the Commission shall attend and participate in its regular and special sessions and comply with the mandates the Commission may entrust to them.

Article 3

The Representatives of the member states of the Commission shall enjoy the privileges and immunities established in Article 134 of the Charter of the Organization of American States.

Article 4

Those member states of the Organization that are not members of the Commission shall have the right to participate with voice but without vote, in the meetings of the Commission except for closed sessions. Such meetings shall include, but not be limited to, those of any expert or working group of the Commission and such information or training seminars as the Commission may offer.

Chapter III

REPRESENTATIVES OF THE ORGANS, AGENCIES AND ENTITIES OF THE OAS, PERMANENT OBSERVERS TO THE ORGANIZATION AND SPECIAL GUESTS

Article 5

The Secretary General of the Organization, or his representative, may participate with voice, but without vote, in the Commission's meetings.

Article 6

Representatives of those organs, agencies and entities of the Organization with competence in areas related to the subject matter being discussed may attend and address the meetings of the Commission, except closed sessions.

Article 7

Representatives of international, regional and national organizations whose purpose is the control of the abuse and illicit traffic in drugs may be invited to the meetings of the Commission and may address the meetings at the invitation of the latter.

Article 8

The Permanent Observers to the Organization may also attend the meetings of the Commission, except for closed sessions, and may address the meeting at the invitation of the Commission.

Permanent Observer countries may be accompanied by representatives of agencies that perform functions similar to those of CICAD from their dependent territories situated in the Americas. At the request of the Permanent Observer representative, the Commission may invite the representative of the dependent territory to address the meeting.

Notwithstanding the foregoing, the representatives of the abovementioned dependent territories may, at the invitation of the Commission and with the authorization of the Permanent Observer country, attend the other meetings of the Commission referred to in Article 4, in accordance with its terms.

Article 9

The Commission may invite professionals and technical experts of recognized competence in the topics to be discussed at the Commission's meetings to attend as special guests. This may include making presentations to the meeting at the request of the Commission.

In addition, the Commission may invite non-government organizations that have a particular interest in a topic that is discussed at the Commission's meetings to attend as special guests and to make presentations at the request of the Commission.

Chapter IV

CHAIRMAN AND VICE CHAIRMAN

Article 10

The duties of the Chairman shall be:

- a. to plan the Commission's work program and submit it to the Commission for its consideration;
- b. to represent the Commission to organs of the Organization and other institutions;
- c. to convene the regular and special sessions of the Commission, in accordance with its Statute and these Regulations;
- d. to preside over the meetings of the Commission and to introduce the topics that appear on the work program approved for the corresponding session;
- e. to settle any points of order raised during the course of the Commission's proceedings;
- f. to put matters to a vote, in accordance with the Statute and these Regulations;

- g. to submit a written report to the Commission at the start of its regular and special sessions, as to how he has discharged the duties set forth in the Statute and these Regulations during the interval between sessions. This report will be considered by the Commission in order to comply with Article 19(g) of its Statute;
- h. to attend the sessions of the General Assembly of the Organization, and when the Commission so authorizes, meetings of other institutions that address issues relevant to the work of the Commission;
- i. to participate in the permanent or special subcommittees or expert groups or working groups created by the Commission;
- j. to perform the other functions conferred upon him in the Statute and these Regulations.

Article 11

The following procedure shall be followed to address the resignation by a member state of the office of Chairman or Vice Chairman as contemplated by Article 25 of the Statute.

In the event that the member state that holds the Chairmanship of the Commission resigns that office, the member state holding the Vice Chairmanship shall assume it. Special elections for a new Vice Chairman shall be held at the next session of the Commission.

Likewise, in the event that the member state that holds the Vice Chairmanship of the Commission resigns that office, the same procedure set out in the preceding paragraph shall be followed.

In the event that resignations in both offices occur at the same time, the Commission shall convene a special session at which special elections for both offices shall be held.

Article 12

The Chairman may delegate the functions set forth in Article 10, paragraphs b), h) and i) to the Vice Chairman or, in the latter's absence, to any other member of the Commission.

Chapter V

SECRETARIAT

Article 13

The General Secretariat of the Organization, in accordance with the allocation of funds in the Organization's program budget, shall provide secretariat services to the Commission. The Secretary General shall appoint the technical and administrative personnel to provide services to the Commission in accordance with the General Standards and such other rules or regulations governing the operations of the General Secretariat of the Organization.

Article 14

In addition to the functions stipulated in the Commission's Statute, the Executive Secretary shall have the following duties:

- a. to discharge the mandates that the Commission or its Chairman assigns to him;
- b. to direct, plan and coordinate secretariat services to the Commission;
- c. to prepare, in consultation with the Chairman, the draft agenda for each session;

- d. to advise the Chairman and the members of the Commission on the performance of their functions, when it is requested of him; and
- e. to submit a written report to the Commission on the work carried out by the Executive Secretariat in the interval between sessions and on any matter of a general nature that may be of interest to the Commission.

Article 15

The Assistant Executive Secretary shall replace the Executive Secretary in case of the latter's absence or incapacity.

Article 16

The Executive Secretary, the Assistant Executive Secretary, and the professional and administrative staff under him must observe the strictest confidence concerning the affairs of the Commission.

Chapter VI

FUNCTIONING OF CICAD

Article 17

Whenever the Commission decides, in view of the importance or the urgency of a matter, that a special session shall be convened, or at the written request of a majority of member states of the Commission to the Secretariat, the Secretariat shall forthwith convene the meeting to take place within thirty days.

Article 18

When a session of the Commission is held away from Headquarters, the government of the country of venue shall provide the services and facilities specified in the agreement to host the meeting that will be signed for that purpose.

Article 19

The sessions of the Commission shall be governed by its Statute, these Regulations and secondarily, by the pertinent provisions of the Rules of Procedure of the Permanent Council of the Organization of American States.

Article 20

The Commission may establish such permanent or special subcommittees, expert groups and working groups as it considers necessary.

Article 21

There shall be summary minutes of the regular and special sessions of the Commission which shall record the date and time, the names of the representatives of the member states and other participants present, the matters discussed, the decisions taken and any statement that the representatives may make for the record. For other meetings of the Commission such as those of its expert groups there shall be prepared a final report including a record of the participants present and decisions taken.

Chapter VII

Expert Groups

Article 22

The expert groups of CICAD referred to in these Regulations are advisory bodies of the Commission and their functions and mandates are established, amended and ended by the Commission. Such expert groups, however, shall determine their internal operation and manner of carrying on business provided these are consistent with the CICAD Statute, these Regulations and the Rules of Procedure of the Permanent Council of the Organization.

The expert groups and their members shall be responsible for the expenses they incur for their meetings unless other funds are available for this purpose.

Chapter VIII

EXPENSES

Article 23

For the purpose of Article 112.c of the Charter, the Commission shall present to the Secretary General its work program for each fiscal period. The consultation to which that provision of the Charter refers shall be made of the Commission or, in the event the Commission is not in session, of its Chairman.

Chapter IX

RELATIONS WITH OTHER ORGANIZATIONS

Article 24

In conducting its activities and with a view to maximizing cooperation in and coordination of its work, the Commission shall collaborate, through such agreements and contacts as it deems pertinent, with technical, governmental, nongovernmental and intergovernmental agencies engaged in similar activities.

Article 25

When the activities of the Commission are germane to the technical competence of an Inter-American specialized organization, the subsidiary organs, agencies and other entities of the Inter-American System, the Commission shall request their cooperation in carrying out said activities.

Chapter X

AMENDMENT OF THE REGULATIONS

Article 26

The present Regulations may be amended by a decision of the majority of the member states of the Commission. Such amendments shall be submitted to the General Assembly with the relevant annual report.

Article 27

These Regulations shall take effect on the date they are approved by the Commission.