

253. Other challenges remain, such as the transition of security functions from international military forces to the national army and police, the ongoing national reconciliation process, the impact of conflict and the limited capacity of the Government to give priority attention to the increasing levels of drug trafficking and abuse in the country.

254. Despite those challenges, the Government has invested in an increase in licit crop cultivation, primarily in areas which are relatively poppy-free, and has expressed its commitment to addressing the illicit cultivation of opium poppy and cannabis plant in the country. It has also expressed its commitment to addressing drug trafficking and drug abuse through eradication campaigns, law enforcement measures, alternative livelihood initiatives and international cooperation at the regional and global levels. The Government has been fully cooperative with the Board, including through its readiness to facilitate a high-level mission of INCB to Afghanistan and its submission of a progress report on the drug-related situation in the country. INCB notes the increased engagement of the Government of Afghanistan with neighbouring countries during the reporting period.

255. While noting the progress made in Afghanistan over the last year, the Board remains concerned about the significant challenges surrounding the drug control situation. INCB asks the Government of Afghanistan to continue to keep it informed of developments with regard to the adoption and implementation of new national counter-narcotics policies. The Board recommends that the Government of Afghanistan continue strengthening its counter-narcotics capacity by drawing on specialized international technical assistance to address the drug problem and to strengthen its cooperation at the regional and international levels.

256. The Board encourages the Government of Afghanistan to strengthen its efforts to address widespread drug abuse in the country through the adoption of measures aimed at prevention, treatment, rehabilitation and aftercare for affected individuals. INCB notes the fundamental role played by alternative development initiatives in curbing opium poppy cultivation and providing farmers with legitimate means for supporting themselves and their families. INCB calls upon members of the international community to continue to support the Government of Afghanistan in its drug control and development efforts. INCB will continue to closely monitor the drug control situation in Afghanistan in cooperation with the authorities, as well as measures taken and progress made by the Government of Afghanistan in all

areas of drug control. To that end, the Board looks forward to its mission to Afghanistan in 2016.

F. Special topics

1. Precursor control: new developments, challenges and the way forward

257. Measures to monitor trade in precursor chemicals and prevent their diversion into illicit channels are key components of all strategies to prevent or curb illicit manufacture of and trafficking in narcotic drugs and psychotropic substances.

258. The mechanism for the monitoring of licit trade and the prevention of diversion is laid down in article 12 of the 1988 Convention, which has been complemented over the years by a series of resolutions at various levels of the international drug control system. The fundamental assumption underlying the system of international precursor control is that chemicals that can be used as drug precursors are licit commodities and that any transaction involving them is therefore presumed to be legitimate unless there is suspicion or evidence that the chemical concerned is to be used for illicit purposes. As such, “the procurement of chemicals necessary to manufacture drugs is one of the few points ... where drug trafficking intersects with legitimate commerce. Regulation of legitimate commerce to deny traffickers the chemicals they need is one of our most valuable tools in the battle against drug criminals.”¹⁴

259. INCB has reviewed the achievements, progress and challenges of international precursor control in its annual reports on precursors.¹⁵ Over the past 25 years, since the entry into force of the 1988 Convention on 11 November 1990, States have succeeded, through the Convention and the oversight work undertaken by INCB, in substantially reducing the diversion of substances listed in Tables I and II of the 1988 Convention from international trade into illicit drug manufacture. After a quarter of a century, the 1988 Convention enjoys near universal adherence by States worldwide. Through its provisions and requirements, the Convention has served to establish, in

¹⁴ Chemical Action Task Force, *Status Report for the 1992 Economic Summit* (Washington, D.C., June 1992), p. 11.

¹⁵ See E/INCB/2011/4, E/INCB/2012/4, E/INCB/2013/4 and E/INCB/2014/4.

partnership with industry, the infrastructure for the control of precursor chemicals. To support the monitoring of the licit trade in precursor chemicals and to prevent their diversion into illicit channels, INCB has developed electronic tools such as PEN Online and PICS, which are available to all States upon request at no cost. These tools have served the international community well in preventing illicit drug manufacture and the diversion of controlled chemicals.

New developments and challenges

260. In reviewing the effectiveness of international precursor control, INCB has also identified remaining gaps and has concluded that the key challenges facing precursor control today are a result of the following:

(a) The lack of comprehensive and systematic implementation of the provisions of the 1988 Convention and related resolutions of the General Assembly, the Economic and Social Council and the Commission on Narcotic Drugs;

(b) The emergence of new challenges not comprehensively addressed in the existing legal framework.

261. That the implementation of existing treaty provisions could be further improved is reflected in the fact that 150 Governments have registered for use of PEN Online, the automated global online system for the exchange of pre-export notifications, but only 109 Governments have requested to be pre-notified of some or all planned shipments to their territories.¹⁶ Considering that the international precursor control system focuses on the monitoring of international trade, it is now evident that in the past, insufficient attention had been placed on national controls and on the monitoring of domestic movements and the end use of precursor chemicals. INCB estimates that, depending on the specific precursor or group of precursors, between 30 and 95 per cent of all seizures reported are of substances originating within the country of seizure; in other words, those diversions are occurring outside the international precursor trade monitoring system. While serving as a reminder of the need for further action at the national level, those statistics are at the same time a reflection of the successes in preventing diversion at the international level.

¹⁶Importing countries can make it mandatory for exporting countries to inform them prior to a planned export by invoking article 12, paragraph 10 (a), of the 1988 Convention.

262. One of the largest new challenges today is the emergence of non-scheduled substitute chemicals, including “designer precursors”, to circumvent controls. In recent years, an increasing variety of such “designer” chemicals has emerged, typically manufactured on a made-to-order (demand) basis. The manufacture of those non-scheduled chemicals is, in itself, legal according to the existing international legal framework, although those chemicals are sourced with no other purpose than for use in illicit drug manufacture. Many of the chemicals are derivatives or common intermediates in regular drug synthesis that can be easily converted into a controlled precursor; many have no regular legitimate commerce or use, thus creating a challenge for the existing control system due to the sheer number of possible chemical starting materials and because the sourcing of those chemicals further blurs the area where drug trafficking intersects with legitimate commerce.

263. A second, related challenge identified by INCB is that posed by the great increase in the sophistication, diversification and scale of illicit synthetic drug manufacturing operations. As a result, there are virtually no limitations to the range of chemicals and manufacturing methods that can potentially be employed in illicit manufacture, including chemicals and methods that had previously been considered to be impracticable in illicit settings. Sophisticated, industrial-scale illicit manufacturing operations have been dismantled in all regions with the exception of Africa and most parts of Oceania. Such laboratories are the source of a significant portion of the illicit worldwide supply of synthetic drugs, while small-scale manufacture continues to supply markets of a more local nature.

264. The emergence of what are known as synthetic new psychoactive substances¹⁷ adds a potentially unlimited number of chemicals to those already being monitored in connection with the illicit manufacture of drugs under international control. However, the concepts and approaches developed in connection with monitoring non-scheduled chemicals could also be directly applied to address precursors of new psychoactive substances.¹⁸

¹⁷Although there is no universally accepted definition of new psychoactive substances, broadly they are referred to as substances of abuse, in either a pure form or a preparation, that are not controlled under the 1961 Convention or the 1971 Convention but which may pose a public health threat. New psychoactive substances can be man-made, synthetic substances or natural materials.

¹⁸They could also possibly apply to new psychoactive substances end products which are—from a chemical and control point of view—another set of non-scheduled substances, often with no known legitimate use other than in small amounts for research and laboratory analysis purposes.

265. Challenges are also evident in relation to heroin and cocaine manufacture. Especially in the case of cocaine manufacture, the chemicals and processes now being used increase manufacturing efficiency and reduce the amount of chemicals required. With regard to the sources of the chemicals used, there are still significant information gaps. What seems to be clear, however, is that the majority of those chemicals are either sourced from within the country of drug manufacture or are sourced from another country within the same region and then smuggled to the country of manufacture. For example, more than 80 per cent of potassium permanganate, the key oxidizer used in illicit cocaine manufacture, and more than 90 per cent of solvents originate within the country of seizure.¹⁹ For acetic anhydride, the key chemical for heroin manufacture, available data suggest that more than 80 per cent of the substance can be traced to other countries within the same region.²⁰ Further, there have been no reports of the diversion of potassium permanganate or acetic anhydride from international trade in more than five years.

266. Other developments posing a challenge for precursor control efforts at the national, regional and international levels are a consequence of the improvements in global communication, transportation and trade facilitation. An area of increasing concern is the growth of free trade zones and free ports, which often lack sufficient transparency. Another fact of modern life is the increase in the number and geographic extent of trade and customs unions.

The way forward: areas for action

267. In view of these developments, INCB has identified a set of priority actions for Governments,²¹ including the following:

(a) *Public-private partnerships.* All national authorities should adopt the concept of making industry a critical partner in the prevention of chemical diversion and formalize their commitment to such partnerships; industries and industry associations should incorporate the principles of chemical diversion prevention as integral components of corporate industry responsibility, accountability and credibility;

(b) *National regulatory controls.* Governments should review the effectiveness of their national chemical control systems and work to close any gaps in those domestic systems and make them fit their purpose;

(c) *Law enforcement.* Governments should provide their law enforcement authorities with the legal framework enabling them to take appropriate law enforcement action, where required. (The 1988 Convention provides guidance to develop national legislation to that effect for substances in Tables I and II and, in combination with article 13, for non-scheduled chemicals.) Law enforcement authorities should pay more attention to precursor chemicals used in illicit manufacture by investigating seizures, stopped shipments and attempted diversions in order to identify the sources of diversion and the criminal organizations behind those activities, and share their findings globally to prevent future diversions using similar *modi operandi*.

268. The special session of the General Assembly on the world drug problem to be held in 2016 provides an opportunity to recall the fundamental basis of precursor control, namely, international cooperation to prevent chemicals from being used in the manufacture of substances of abuse. The special session also provides an opportunity to acknowledge that the existing control system, which is based on the monitoring of licit trade, has a limited ability to deal and keep pace with large numbers of emerging chemicals, including series of related chemicals and “designer” chemicals, largely as most of these chemicals are without legitimate use and/or trade.

269. On the basis of those insights, INCB hopes that Governments will make use of the special session of the General Assembly in 2016 to reconfirm the importance of precursor control as a preventive component in a balanced drug control strategy. The Board also hopes that Governments will demonstrate the political will to accept a shared responsibility for precursor control, as there is virtually no country in which chemicals are not either manufactured, domestically distributed, used, imported, exported or re-exported or through which they transit. Finally, the special session in 2016 will provide the opportunity to lay the bases for a forward-looking strategy that addresses the limitations of the existing system, mainly in relation to non-scheduled chemicals, including “designer precursors” and precursors of new psychoactive substances. Concepts are available, such as those known as “immediate precursors” and the reversal of the burden of proof, which bring to life the spirit of article 12 of the 1988 Convention without overburdening authorities and industry.

¹⁹ E/INCB/2014/4, figure V.

²⁰ E/INCB/2014/4, figure XVI.

²¹ Technical details are contained in the 2015 report on precursors (E/INCB/2015/4) and the reports of previous years.