

The role of precursor law enforcement in preventing chemical diversion

1. The enforcement component of precursor control is becoming increasingly important because diversions of internationally controlled precursor chemicals from legitimate international trade are detected far less frequently than in the past, trafficking patterns are more complex, often involving domestic diversions with subsequent smuggling across international borders, and licit chemical markets are becoming increasingly diverse, not the least because of an increase in Internet-facilitated trade.
2. Changes in relation to the markets and patterns of trade of substances in Tables I and II of the 1988 Convention are compounded by the emergence of non-scheduled chemicals, including series of related “designer” chemicals and chemicals made on demand, most of which are without legitimate use and/or trade.
3. A balanced mixture of enforcement and regulatory measures is therefore essential. What that right balance is can vary from country to country and depend on the particular substance, but the ultimate goal of all efforts must be to deny traffickers the chemicals they require to manufacture substances of abuse, and to cooperate to that end.
4. At present, however, precursors are often not a law enforcement priority. Significant amounts of critical information remain unnoticed or underutilized, and international law enforcement cooperation with respect to precursors is frequently hampered by compartmentalization and lengthy or non-existent cooperation procedures. Far too often seizures are considered to be the end result of a law enforcement intervention. Available tools such as backtracking investigations or controlled (monitored) deliveries to identify and disrupt the sources and the criminal groups behind diversions are underutilized.
5. An increasingly large, complex, diversified and rapidly changing market for chemicals challenges authorities to devise solutions that allow for flexibility in enforcement interventions without adding the regulatory burden in the form of systematic international trade monitoring associated with the scheduling of a substance. While adding chemicals to the tables of the 1988 Convention will continue to be important for those chemicals most necessary for illicit drug manufacture, it is clear that effectively denying traffickers access to chemicals will also require active international cooperation on non-scheduled chemicals.
6. INCB has previously advocated that innovative solutions be implemented or tested, including the application of concepts such as that known as “immediate precursors” and the reversal of the burden of proof for suspicious transactions and stopped or suspended shipments. However, central to all these approaches is a legal framework which makes the supply¹ of any chemical for illicit purposes a crime, thus enabling law enforcement authorities to take action, exchange intelligence and cooperate across borders.
7. Article 12 of the 1988 Convention and relevant United Nations General Assembly (UNGA), Economic and Social Council (ECOSOC) and Commission on Narcotic Drugs (CND) resolutions provide the framework for international cooperation to prevent chemicals from reaching clandestine laboratories and, subsequently, preventing illicitly manufactured drugs and new psychoactive substances from reaching consumer markets. INCB considers precursor control to be an effective form of prevention of illicit activity, which needs to be given much higher priority by Governments. INCB invites all Governments to cooperate and participate in the Board’s initiatives to this end.

INCB is the independent, quasi-judicial body charged with promoting and monitoring Government compliance with the three international drug control conventions: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

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¹ Supply in this context refers to actions that lead to chemicals being available for illicit purposes (manufacture, acquisition and trafficking).