

V. Conclusions and recommendations

209. The present chapter contains broad conclusions and recommendations to address challenges to, and existing gaps in, national and regional precursor control systems that have implications at the global level. The recommendations are presented to facilitate Governments in taking the action necessary to prevent trafficking in precursor chemicals. Summaries of the more detailed, technical recommendations, a number of which have already been made in previous years and are still valid, are included in the preceding chapters.

Need for full utilization of the provisions of article 12 of the 1988 Convention

210. Article 12, paragraph 8, of the 1988 Convention mandates the parties to take measures they deem appropriate to monitor the manufacture and distribution of substances in Table I and Table II of the Convention that are carried out within their territory. To this end, the article provides that the parties may put in place controls over persons and enterprises engaged in the manufacture and distribution of such substances and control under licence the establishment and premises in which such manufacture or distribution may take place. This provision, although not mandatory, is intended as guidance for Governments to curb domestic diversion of substances included in Table I and Table II. Indeed, several Governments have gainfully utilized this provision in respect of substances initially included in Table I and Table II and have been successful in identifying points of diversion through domestic controls.

211. With effective controls over the international trade in precursors, the diversion of precursors is now mostly domestic in nature. The Board is accordingly of the opinion that putting in place domestic controls over substances in Table I and Table II is critical to Governments' efforts to address diversion. Notably, the substances added to Table I since 2014 are mostly designer precursors, a number of which have no known legitimate uses. Domestic controls would aid Governments in thwarting attempts by traffickers to target legitimate chemical and pharmaceutical manufacturers in order to procure such substances. Since some of the recent additions to Table I are in the nature of pre-precursors or chemical intermediates of synthetic drugs such as fentanyl and amphetamines, legitimate manufacturers may be approached by traffickers specifically regarding the manufacture of such intermediates. The lack

of understanding of the potential domestic market for such customized syntheses, as well as the lack of domestic controls over them, despite their scheduling in Table I, undermines to a certain extent the purpose of such scheduling. **The Board therefore urges Governments to consider making use of the provisions of article 12, paragraph 8, relating to domestic controls.**

Use of the limited international special surveillance list and other INCB resources, such as the list of substances not under international control that are under national control in some countries

212. The Board has, for several years, drawn attention to the challenges that the proliferation of non-scheduled chemicals, in particular designer precursors, pose to international drug control efforts. The experience in the year 2020 has been no exception. For all the major classes of semi-synthetic and synthetic drugs – heroin, cocaine, amphetamine-type stimulants and fentanyls, as well as methaqualone – there were reports of the use of either non-scheduled chemicals or different methods that avoid the use of controlled precursors for illicit drug manufacture (see subsects. III.A.1 (d) and 2 (c), III.B.2., III.C.2 and III.D.2 and 3 above).

213. The Board believes that the legitimate chemical and pharmaceutical industries represent a key component in providing early warnings on the emergence of non-scheduled substances for use in illicit activities. With adequate awareness and education, those industries will be critical partners in Governments' efforts to control illicit drug manufacture. The Board has therefore strongly encouraged partnerships between Governments and the chemical industry and published guidelines in that regard in 2009, which were updated in 2013 and further complemented by practical notes in 2015. Furthermore, the Board has continued to publish the limited international special surveillance list of non-scheduled substances that are known to have been used in illicit drug manufacture but that are not under international control. Since 1998, the Board has continuously expanded the list, which at present not only lists 55 chemicals but also includes extended definitions that capture common derivatives, as well as other closely related chemicals that can be converted into one of the controlled precursors using readily applicable means. In 2019, the limited international special surveillance list was further updated to highlight those chemicals that do not have any known legitimate uses.

214. Moreover, with a view to facilitating enforcement action, the Board has also made available a list of

substances that are not under international control but that are controlled domestically in several countries. Specifically, the list is aimed at aiding government authorities in informing their counterparts in transit and destination countries more systematically about outbound shipments containing such chemicals, so that the authorities in those countries can anticipate and take action on incoming shipments. **The Board recommends that Governments make greater use of the limited international special surveillance list of non-scheduled substances and the list of substances not under international control but under national control in some countries, to prevent chemical diversion.** Both tools are available on the INCB secure website as part of the information package for use by competent national authorities.

Focus on the Internet – the clear web

215. The clear web (or “surface web”) has been known to be used by traffickers to source or sell precursor chemicals for illicit drug manufacture. Since, by their very nature, most chemical precursors are largely dual-use substances that have valid licit applications in the chemical or pharmaceutical industry but are also used in illicit drug manufacture, the listing of such chemicals on e-commerce websites on the clear web is itself not necessarily an indicator of illicit activity. However, the Board has been closely monitoring the listings of precursors such as acetic anhydride on business-to-business e-commerce websites and has pointed out to the Governments concerned the suspicious nature of such listings, determined on the basis of the countries from which inquiries were raised and the amount of the chemical being offered for trade. In one case, this led to the successful interdiction by the Government concerned of a large quantity of acetic anhydride intended to be trafficked for the purpose of illicit drug manufacture. The case serves as an example of the gains possible through voluntary cooperation with the private sector, in this case, business-to-business e-commerce platforms. The Board has organized several workshops bringing together the leading global business-to-business companies and relevant government partners, with a view to engaging all concerned stakeholders in a common forum.

216. However, the Board has observed that internationally controlled precursors, including fentanyl precursors such as ANPP and NPP, and MDMA precursors such as derivatives of 3,4-MDP-2-P methyl glycidic acid, continue to be listed on such e-commerce websites. Even certain alternative precursors, including designer precursors, of fentanyl have been noted on such websites, in some cases involving the same suppliers and/or intermediaries that are known to have been involved in illicit activities in the past.

217. The importance for Governments of focusing on business-to-business platforms that operate on the clear web, as a priority area in their drug control efforts, can therefore not be overemphasized. Several options are possible with regard to such platforms, ranging from regulation to engagement with such companies in the gathering of intelligence regarding illicit activities, to outright blocking of certain search terms, or even of the websites altogether. **The Board recommends that Governments choose one or more from among such options, appropriate to the circumstances, while prioritizing this area in their drug control efforts.**

Adequate use of article 13 of the 1988 Convention

218. Article 13 of the 1988 Convention provides for parties to take measures they deem appropriate to prevent trade in and the diversion of materials and equipment for illicit production or manufacture of narcotic drugs and psychotropic substances. Furthermore, the Commission on Narcotic Drugs, in its resolution 62/4 of 22 March 2019, called upon all Member States to increase operational use of article 13 and to take appropriate measures to prevent trade in and the diversion of materials and equipment used in the illicit production or manufacture of narcotic drugs and psychotropic substances.

219. As detailed in the thematic chapter of its report on precursors for 2019, the Board is of the opinion that due focus on materials and equipment, as distinct from the focus on controlled precursors, would provide Governments with useful investigative leads on the possible use of such materials and equipment for illicit activities relating to drug manufacture. Notably, like precursor chemicals, which have valid industrial, chemical and pharmaceutical applications but are also used in the illicit manufacture of drugs, materials and equipment such as tableting machines, encapsulators and dies have regular applications in the pharmaceutical, chemical and related industries, but are also sought by traffickers for use in the illicit manufacture of drugs.

220. Governments may wish to consider choosing from a number of possible responses, ranging from regulatory controls to a system of voluntary cooperation with the private sector, to prevent the diversion of equipment for illicit drug manufacture. To this end, the Board issued guidelines to prevent and investigate cases of diversion of equipment for illicit drug manufacture, in February 2020. **The Board recommends making full use of the guidelines in order to ensure an appropriate response to the issue of diversion of materials and equipment. Governments may also refer to the Board’s dedicated web page on**

materials and equipment, which features select national approaches in that regard.

Qualitative and quantitative improvements in intelligence-sharing through the Precursors Incident Communication System

221. The sharing of actionable information about precursor-related incidents in a secure manner at a global level is key to successful law enforcement efforts to address the diversion of precursors for use in illicit activities. To that end, the Board developed PICS, a secure platform for the sharing of information about trafficking in controlled precursors, non-scheduled chemicals and drug manufacturing equipment in real time. PICS is not merely an instrument for the exchange of information and an early-warning system for chemicals but also serves as an investigative aid by facilitating the identification of possible linkages between major cases on the basis of common factors such as, inter alia, sources, destinations, modi

operandi and trafficking routes. In addition, information in PICS on concealments, misdescription and mislabelling used by traffickers can be used by customs authorities for the risk profiling of precursor trafficking cases. This functionality has already been demonstrated several times, including during 2020.

222. While the use of PICS has increased and the quality and level of detail of the information shared through it has improved, the Board believes that PICS is not yet being used to its full potential. The sharing of more incidents in greater detail through PICS would further contribute to the richness of its actionable information and further improve the quality of the analysis that it can generate, thereby serving Governments worldwide in a better fashion. This is even more relevant in the wake of the rapid emergence of designer precursors in different parts of the world. **The Board therefore recommends that Governments share, through PICS, in a timely fashion, all incidents concerning precursors, non-scheduled chemicals and related materials and equipment.**