

V. Conclusions and recommendations

224. The present chapter summarizes the key conclusions of this report and provides recommendations to Governments with a view to preventing trafficking in precursors and strengthening the functioning of the precursor control system at the national, regional and international levels. Specific recommendations and conclusions are also incorporated in previous chapters of the report, presented in bold text.

Urgent need to accelerate the global momentum in addressing the proliferation of non-scheduled chemicals and designer precursors

225. The persistent appearance of non-scheduled chemicals and designer precursors in the manufacture of drugs is widely understood as a key threat to the international precursor control system. The Board has repeatedly drawn attention to the risks that chemicals not under international control and the rapidly evolving environment of illicit drug manufacture represent for regulatory, law enforcement and judicial authorities globally.

226. Drug traffickers continue to avoid the use of traditional, controlled precursors in the illicit manufacture of heroin, cocaine, amphetamines and methamphetamines, MDMA, fentanyls and methaqualone. As in recent years, non-scheduled chemicals were found to be used for the illicit manufacture of all major semi-synthetic and synthetic drug classes and are now present in all regions of the world. This is supported by the fact that, out of all substances communicated through PICS during the reporting period, three quarters of them were non-scheduled chemicals (see section II.H.2).

227. The need to address the challenge through a strengthened and broader approach is progressively gaining momentum. In October, the Government of the United States officially initiated the procedure for adding three fentanyl precursors to the tables of the 1988 Convention. Individual countries are increasingly considering internal markets and resorting to national scheduling measures to reduce the possibility of diversion and subsequent international trafficking. Acknowledging the proliferation of non-scheduled chemicals and designer precursors as one of the main challenges to its precursor control framework, the European Union is paving the way for regional action guided by the advice of a newly established ad-hoc working group on designer precursors (see section II.D).

228. To further counter the rapid spread of such chemicals globally, the Board held several international policy discussions and undertook other efforts during the reporting period, as discussed in section II.D of the present report. These activities are aimed at building a global movement to devise a coherent global policymaking approach and foster consensus among Member States. **INCB encourages Governments to accelerate the momentum and increase international cooperation towards attaining global consensus on internationally binding measures, as well as voluntary measures, including those outlined in the Board's guidance document "Proliferation of non-scheduled chemicals and designer precursors: options for global action", regarding non-scheduled chemicals and designer precursors. In addition, Governments are encouraged to continue**

to identify approaches and measures, share successful national practices, engage with industry partners, and enhance capabilities and the use of forensic profiling analysis, with a view to identifying the precursors used in illicit drug manufacture.

Comprehensive and timely data and information underpin the capacity to address emerging trends effectively and proactively

229. The increased sophistication and diversification seen in illicit drug manufacture, the rapid emergence of alternative chemicals and derivatives of scheduled precursors and the increasingly complex trafficking landscape are among the disconcerting trends discussed in this report that are posing challenges to the international precursor control framework. More concretely, the new trafficking routes for MAPA detected within Europe and, recently, for the first time, also outside the region, as well as the appearance of alternative precursors of MAPA, 4-AP and other precursors (see chapter III), were made known thanks to the information communicated by Governments through PICS and/or reported on form D.

230. As such, the provision of timely and complete information containing circumstantial evidence on precursor-related incidents and sources and methods of diversion is integral to proactively addressing new trends at an early stage and ensuring the effective functioning of the control system. It can also aid in identifying possible loopholes in precursor control that are susceptible to exploitation by trafficking organizations, gathering relevant intelligence and insights on modi operandi and preventing diversion from licit trade.

231. The Board expresses its concern about the lack of details provided on some submissions of form D and the decreased number of countries submitting data on licit trade in internationally scheduled substances and on the licit uses of and/or requirements for such substances during the reporting period. The continuing divergence between the amounts of drugs manufactured illicitly and the reported amounts of seized chemicals used in such manufacture also remains problematic. This concerns in particular the illicit manufacture of methamphetamine in East and South-East Asia, where the large and consistent seizures of end products contrasts with the declining seizures of ephedrine and pseudoephedrine. A possible explanation may be the increasing recourse to alternative, non-scheduled chemicals. However, the context cannot be fully assessed, owing to the lack of quality and timely data.

232. **The Board thanks all Governments for the information supplied in their annual submissions of form D and calls for the submission of more comprehensive**

data. The Board also encourages Governments to do the following:

(a) Communicate precursor-related incidents on an ongoing basis through PICS so that Governments can take advantage of the real-time exchange of actionable information relating to smuggling attempts and seizures of precursors, including information on sources and methods of diversion;

(b) Share more relevant and timely information on incidents involving internationally scheduled substances and incidents involving non-scheduled chemicals, designer precursors and precursors of new psychoactive substances, as well as substances recently scheduled under the 1961 and 1971 Conventions;

(c) Improve the accuracy of estimates of annual legitimate requirements for imports of precursors of amphetamine-type stimulants so that they reflect the current market environment.

The focus on domestic manufacture and distribution channels remains critical to tackling diversion carried out through domestic distribution channels

233. The rise in the diversion of precursors through domestic channels rather than through international trade, largely due to effective international control measures, is a long-term trend in precursor control. Although the functioning of domestic control systems is within the purview of States, the provisions contained in article 12, paragraph 8, of the 1988 Convention relating to domestic controls are an important complement to international efforts.

234. As revealed in the global survey on national drug precursor legislation and domestic controls carried out by the Board in June 2021, lack of control over domestic trade in and distribution of one or more substances included in Table I of the 1988 Convention was reported by one quarter of the responding Governments. In the absence of controls over domestic manufacture, trade and distribution, traffickers may attempt to obtain these substances, ostensibly through legal means, by approaching unsuspecting chemical traders. **The Board therefore reiterates its call to Governments to pay increased attention to the strengthening of comprehensive precursor monitoring systems at the national level and to refer to the guidance provided in article 12, paragraph 8, of the 1988 Convention.**

235. The global survey also revealed that about a third of the responding Governments have not established national control over all of the substances in Table I and Table II of the 1988 Convention. **The Board emphasizes the critical importance of the full implementation of the**

scheduling decisions of the Commission on Narcotic Drugs for effective global precursor control and urges the parties to the 1988 Convention to ensure that, in all cases, those scheduling decisions become fully effective at the national level within 180 days after being communicated by the Secretary-General, as provided for in article 12, paragraph 6, of the Convention.

236. A long-standing missing link in the investigation of seizures of methamphetamine is information on the origin of its precursors, ephedrine and P-2-P, and whether those precursors have been diverted through domestic distribution channels or have been illicitly manufactured (see sect. III.A.1 (c)). **The Board encourages Governments to determine and report on whether seized precursors such as ephedrine and P-2-P have been diverted from a legitimate source, or whether they have been illicitly manufactured from other controlled precursors or from non-scheduled alternative precursors. This will facilitate the development of appropriate measures and the addressing of underlying weaknesses in control systems.**

Continued vigilance after diversion attempts through legitimate international trade and more systematic use of the PEN Online system are necessary

237. Despite the less frequent diversion through international trade, the Board still warns about the likelihood of possible diversion attempts of precursors through legitimate international trade channels, after two large-scale shipments of ephedrine, involving first-time importers, were stopped. The present report describes how the incidents, involving a cumulative total of 1 ton of the substance, were not allowed to proceed from India after the legitimacy of the importing companies in Ghana and Mozambique was not confirmed (see sect. III.A.1).

238. Such examples demonstrate the importance for Governments of practicing due diligence, as well as the effectiveness of the PEN Online system in enabling importing countries or territories to object to proposed imports and facilitating communication between the exporting and importing countries. Governments are reminded that parties to the 1988 Convention are required to notify the concerned competent national authorities of any suspicious shipment involving substances listed in Table I or Table II of the Convention, as stipulated in article 12, paragraph 9 (c), of the Convention.

239. **The Board reminds Governments to remain vigilant about similar diversion attempts involving ephedrines or other chemicals under international control and encourages exporting countries to systematically take advantage of the PEN Online system to supply notification of shipments, especially in instances where the**

legitimacy of such shipments is in question. In these cases, the Board recommends that Governments clearly indicate that the shipment would not proceed without the explicit approval of the authorities of the importing country or territory.³³

240. INCB also urges Governments to afford equal investigative attention to foiled attempts to divert a substance as would be applied to a seizure of the same substance, since such cases provide valuable intelligence which, if shared internationally, could prevent attempts to divert the substances from other sources.

Need to mainstream cooperation with industry as a key component of the strategy to prevent the diversion of precursors

241. INCB has repeatedly pointed out that cooperation with industry is one of the central pillars of the global precursor control system. In line with its mandate, the Board has continued to support Governments in their efforts to establish and implement this concept, aimed at ensuring effective and sustainable prevention of the diversion of precursors, through timely cooperation between national authorities and relevant sectors of industry. A robust framework of cooperation between Governments and industry would complement the regulatory efforts relating to substances that are not under control. Industry cooperation is not only limited to the chemical and pharmaceutical manufacturing industries but also to industries concerned in any way with the supply of the substances, that is, those involved in their trade and distribution. In the past, the Board has also reported on the successes that cooperation with business-to-business Internet platforms can yield in efforts to prevent precursor diversion.

242. An industry sector that has not received sufficient attention in the past is the sector of customized synthesis and contract manufacture. As part of this, and as alerted in the previous report on precursors, Governments that may be inclined to start or restart their own industrial pharmaceutical manufacturing plants in a bid to prevent supply-chain disruptions resulting from the COVID-19 pandemic should be aware that the relevant chemical intermediaries for the needed active pharmaceutical ingredients may also, if diverted, serve as immediate precursors of narcotic drugs or psychotropic substances.

243. INCB has developed several tools for this purpose, including the limited international special surveillance list of non-scheduled substances, which is regularly updated to incorporate current trends. In addition to 56 chemicals,

³³A summary of minimum action for international trade monitoring through the PEN Online system is available in the INCB report on precursors for 2015 (E/INCB/2015/4), box 1.

the list includes extended definitions to cover the substances closely related to the listed substances. The list also highlights chemicals with no known legitimate uses.

244. The Board welcomes any industry-related initiatives aimed at preventing the diversion of precursors and encourages Governments to continue their efforts to

establish and implement such mechanisms. In doing so, INCB tools such as the international special surveillance list and the other tools made available to competent national authorities on the INCB secure website could be utilized. Governments that have built successful models of industry cooperation are encouraged to share them with the Board, to be showcased as global good practices.