

II. Functioning of the international drug control system

A. Promoting the consistent application of the international drug control treaties

69. In discharging its mandate under the international drug control treaties, the Board maintains an ongoing dialogue with Governments through various means, such as regular consultations and country missions. That dialogue has been instrumental to the Board's efforts to assist Governments in complying with the provisions of the treaties.

1. Status of adherence to the international drug control treaties

70. Since the publication of the report of the Board for 2009, no additional countries have acceded to any of the international drug control treaties.

71. Thus, as at 1 November 2010, the number of States parties to the Single Convention on Narcotic Drugs of 1954 as amended by the 1972 Protocol¹⁶ remained at 184. Two States, namely Afghanistan and Chad, continued to be parties to the 1954 Convention in its unamended form.¹⁷ A total of eight States had yet to accede to the 1954 Convention: one State in Africa (Equatorial Guinea), one in Asia (Timor-Leste) and six in Oceania (Cook Islands, Kiribati, Nauru, Samoa, Tuvalu and Vanuatu).

72. The number of States parties to the Convention on Psychotropic Substances of 1971¹⁸ stood at 183. A total of 11 States had yet to become parties to that Convention: two States in Africa (Equatorial Guinea and Liberia), one in the Americas (Haiti), one in Asia (Timor-Leste) and seven in Oceania (Cook Islands, Kiribati, Nauru, Samoa, Solomon Islands, Tuvalu and Vanuatu).

73. The number of States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 stood at 184. A total of 10 States had yet to become parties to that Convention: two States in Africa (Equatorial Guinea and Somalia), one in Asia (Timor-Leste), one in Europe (Holy See) and six in Oceania (Kiribati,

Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu).

74. The Board notes that, despite its continual efforts to promote universal application of the international drug control treaties, 16 States have not yet become parties to all the international drug control treaties. The Board is concerned that failure to accede to any of the international drug control treaties may weaken the collective efforts of the international community to fight against drug abuse and trafficking. The Board urges those States that have not done so to identify any impediments in that regard and to take the steps necessary to accede to all the international drug control treaties without further delay.

2. Evaluation of overall treaty compliance in selected countries

75. The Board reviews on a regular basis the drug control situation in various countries and Governments' overall compliance with the provisions of the international drug control treaties. The review covers various aspects of drug control, including the functioning of national drug control administrations, the adequacy of national drug control legislation and policy, measures taken by Governments to combat drug trafficking and abuse, and Governments' fulfilment of their reporting obligations under the treaties.

76. The findings of the review, as well as the Board's recommendations for remedial action, are conveyed to the Governments concerned as part of the ongoing dialogue between the Board and Governments to ensure that the international drug control treaties are fully implemented.

77. In 2010, the Board reviewed the drug control situation in Brazil, Mexico and Peru, as well as measures taken by the Governments of those countries to implement the international drug control treaties. In doing so, the Board took into account all information available to it, with particular attention paid to new developments in drug control in those countries.

Brazil

78. Brazil continues to be used as a major transit country for illicit drug shipments destined for the United States of America and countries in Africa and

¹⁶ United Nations, *Treaty Series*, vol. 976, No. 14152.

¹⁷ *Ibid.*, vol. 520, No. 7515.

¹⁸ *Ibid.*, vol. 1019, No. 14956.

Europe. There is no evidence of cocaine-manufacturing laboratories on Brazilian territory, but the proximity of Brazil's north-east coast to West Africa has made that area attractive to South American drug trafficking organizations. Brazil is used to smuggle by air and sea to West African countries a significant portion of cocaine from Bolivia (Plurinational State of), Colombia and Peru. The Board notes the determination of the Government of Brazil to continue to counter the smuggling of cocaine and other drugs through the country and calls upon the Government to further intensify its efforts in this regard.

79. The Board notes with concern the increasing spread of the abuse of "crack" (a cocaine derivative converted from cocaine hydrochloride) cocaine in Brazil in recent years. It notes that the Government has taken action to curb the abuse of this substance, such as the launch of an integrated action plan against the abuse of "crack" and other drugs in May 2010. Under that plan, the Government has allocated significant resources to implement measures to fight drug trafficking, mainly in the municipalities located in border regions, and to expand and improve facilities for the treatment of drug abuse and the social reintegration of drug addicts. The Board urges the Government to continue its efforts in that area and to inform the Board of progress made in addressing the abuse of cocaine and other drugs.

80. For many years, consumption levels of stimulants in Schedule IV of the 1971 Convention in countries of the Americas, including Brazil, have been among the highest in the world. The Board notes that measures have been taken by the Government of Brazil to curb the consumption of anorectics in recent years by amending national legislation to allow better monitoring of the domestic distribution of such substances and by strictly enforcing the prescription requirements. In this connection, the Board welcomes the steps taken by the Government in August 2010 to adopt new regulations aimed at further strengthening controls over the manufacture, import, marketing and prescription of amphetamine-type stimulants in the country. The Board encourages the Government to continue taking all necessary measures to ensure that anorectics are used only for medical purposes and to prevent the misuse and overprescribing of those substances.

81. Recent developments indicate that some progress has been made by the Government of Brazil in addressing the drug control problems of the country. Improvements have also been noted in the cooperation that the Government has extended to the Board. The Board trusts that the Government will take appropriate measures to further improve its cooperation with it, including the mandatory reporting of statistical information as required under the international drug control treaties.

Mexico

82. Mexican territory is used for the production of illicit drugs to be smuggled into countries in North America, particularly the United States. Much of the cannabis smuggled into the United States is illicitly produced in Mexico. According to UNODC, the illicit production of and trafficking in cannabis constitute the most important source of income for Mexican drug cartels, accounting for an estimated \$8.5 billion, or about 61 per cent, of their annual income. As much as 90 per cent of the cocaine from South America is smuggled into the United States through Mexico. Illicit cultivation of opium poppy has increased every year since 2000, with a corresponding increase in the illicit manufacture of opiates, primarily heroin. Most opiates found in the United States originate in Mexico.

83. The Board notes that tremendous efforts have been made by the Government of Mexico to combat drugs and to disrupt the operation of major drug trafficking organizations. The Government has reaffirmed its commitment to limiting the flow of drugs and combating drug trafficking organizations by dedicating more financial and human resources to the effort. A number of important leaders of drug trafficking organizations and their key associates have been captured, and the Government has continued to dismiss officials co-opted by the traffickers through various means, including intimidation and blackmail. In recent years, the Mexican authorities have detained several leaders of the main drug trafficking organizations and arrested or detained more than 35,000 members of such organizations. According to the Government, since 2006, more than 28,000 people have died in Mexico's campaign against drug trafficking organizations.

84. Although Mexico has made concerted efforts to reduce corruption in recent years, including efforts at a

high level, corruption remains a serious problem. Strong ties continue to exist between drug cartels and some law enforcement authorities; some officials and police officers have been intimidated and bribed to protect the interests of organized crime. Corruption has severely hindered the effectiveness of law enforcement in Mexico, a fact confirmed by the Government when it announced that it needed to reduce the capacity of drug cartels to infiltrate the authorities and to corrupt officials.

85. Drug abuse in Mexico has been rising. Cannabis, cocaine and inhalants, in that order, remain the most commonly abused substances in the country. The abuse of heroin and methamphetamine has been concentrated mainly in the north, close to the border with the United States. The Government reported a sharp increase in the abuse of cocaine, particularly “crack”, and methamphetamine in 2008. Rising levels of opioid abuse were also reported in Mexico in 2009, although no specific data were provided.

86. The Board notes that, despite regulations banning ephedrine and pseudoephedrine in Mexico, precursor chemicals continue to be smuggled into the country, where the illicit manufacture of amphetamine-type stimulants continues. Furthermore, there continue to be shortcomings in the control of the licit movement of controlled substances, in particular with regard to the inspection of retail outlets for psychotropic substances. The Board urges the Government to take effective measures to ensure that those issues are adequately addressed.

87. There appears to be a lack of progress in the implementation of the recommendations made by the Board following its last mission to Mexico, in 2005, on the use of opioid analgesics for medical purposes, which remains low. The Board encourages the Government to identify any impediments and take the necessary steps to ensure that adequate access to those narcotic drugs is provided for those in need of medical treatment, bearing in mind the aims of the international drug control treaties.

Peru

88. In recent years, the area under illicit coca bush cultivation has started to increase in Peru, reaching almost 60,000 hectares (ha) in 2009. While Peru remained the world’s second largest coca bush grower (after Colombia), it became the world’s largest coca

leaf producer in 2009, when its potential coca leaf production (119,000 tons) surpassed that of Colombia for the first time since 1997. The Board is concerned that if current trends in such cultivation continue unchecked, Peru could overtake Colombia in terms of the area under illicit coca bush cultivation and illicit coca leaf production in the coming years, regaining its position as the world’s largest supplier of cocaine, a position it held up to 1996.

89. The Board notes the efforts of the Government to eradicate illicit coca bush cultivation (or at least to prevent further expansion of such cultivation), as part of its comprehensive and balanced national drug control policy for the period 2007-2011, aimed at combating drug abuse and drug trafficking. In recent years, through a national rapid-impact plan, additional resources have been allocated for investment projects and activities that reinforce means to reduce the illicit production and illicit use of drugs. However, efforts need to be further stepped up to effectively counter the increasing trend in illicit coca bush cultivation and illicit coca leaf production.

90. The traditional habit of chewing coca leaf has not been abolished in Peru, as required under the 1961 Convention. Although the Board has called upon the Government of Peru to abolish all uses of coca leaf, including coca leaf chewing, traditional uses of coca leaf still continue in the country. The Board calls upon the Government, as a party to the 1961 Convention as amended by the 1972 Protocol, to ensure full compliance with its obligations under the Convention, including the obligation to eliminate all uses of coca leaf for purposes other than those provided for in the Convention.

91. The Board notes that the prevention of drug abuse is one of the priorities of the national drug control strategy. Peru has institutionalized policies on the prevention and treatment of drug abuse at different levels within the Government through the implementation of an educational plan for prevention, early detection and prompt referral relating to drug abuse.

92. The Government has adopted adequate legislation for the control of precursor chemicals and put in place an effective monitoring mechanism with regard to the manufacture, distribution, import and export of controlled chemicals. The Board also notes that international cooperation by the Government,

including compliance with its reporting obligations under the international drug control treaties, has improved in recent years. The Board welcomes those developments and encourages the Government to step up efforts in areas where progress is lacking and to ensure that the progress already achieved is sustained.

3. Country missions

93. In pursuing its mandate under the international drug control treaties and as part of its ongoing dialogue with Governments, the Board undertakes a number of country missions every year to discuss with competent national authorities measures taken and progress made in various areas of drug control. The missions provide the Board with an opportunity to obtain not only first-hand information, but also a better understanding of the drug control situation in each country it visits, thereby enabling the Board to provide the Government with relevant recommendations and to promote treaty compliance.

94. In 2010, the Board sent missions to the following countries: Armenia, Azerbaijan, Croatia, Gabon, Georgia, Guatemala, Israel, Lebanon, Morocco and Turkmenistan. The findings and recommendations of the 2009 missions of the Board to Hungary, Ireland, Jordan, Malta and Spain are also reflected in the present report.

Armenia

95. A mission of the Board visited Armenia in October 2010. The Board's previous mission to that country was in 1997. The Board notes the commitment of the competent national authorities of Armenia to comply with the provisions of the three international drug control conventions, to which Armenia is a party. The Board has identified shortcomings in mutual cooperation and information exchange among the drug control authorities in the country and encourages the Government to address that issue.

96. Armenia has recently been targeted by criminal groups engaged in trafficking in precursors used in the illicit manufacture of heroin and amphetamine-type stimulants, as evidenced by the clandestine amphetamine laboratories uncovered and dismantled in the country in 2010. The Board has requested the Government to further strengthen the control of precursors. The Board recommends the Government to assess the requirements for narcotic drugs used for pain

treatment in the country and to identify and address any impediments to making them available in sufficient quantities for medical use.

Azerbaijan

97. A mission of the Board visited Azerbaijan in July 2010. The objective of the mission was to review the progress achieved in the country to implement the provisions of the international drug control treaties since the Board's last mission to the country, in 1997.

98. To address the problem of drugs being smuggled through Azerbaijan, certain measures, in particular the strengthening of border control, have been taken. In spite of those measures, Azerbaijan continues to be used as a transit country for illicit drug consignments. The Board encourages the Government to continue strengthening law enforcement, border protection, regional cooperation and information-sharing to prevent drug trafficking. In Azerbaijan, the availability of narcotic drugs used for pain treatment is relatively low. The Board therefore requests the Government to assess the requirements for narcotic drugs used for the treatment of pain, to identify impediments to efforts to ensure that such narcotic drugs are available in adequate quantities and to develop policies to overcome those impediments. In view of the growing problem in Azerbaijan with regard to the abuse of drugs, mainly opiates, the Board recommends the Government carry out a national survey of drug abuse and to use the survey findings to design and monitor appropriate drug control strategies. The Board also recommends the Government strengthen drug abuse prevention efforts and ensure the availability of facilities for the treatment of drug dependence.

Croatia

99. A mission of the Board visited Croatia in May 2010. Croatia is a party to all three international drug control conventions, and the Government is committed to the implementation of the provisions of those treaties. The Board notes with satisfaction that the Government has developed a comprehensive national drug control strategy, as well as action plans, to ensure coordination among implementing agencies and institutions. However, data on the prevalence of drug abuse, which are important for guiding drug control policies and evaluating their effectiveness, are

lacking. The Board calls upon the Government to regularly assess the extent of drug abuse in Croatia.

100. The strategic location of Croatia and its extensive borders make it vulnerable to drug trafficking by organized criminal groups that use the country for transit trafficking. The Government has undertaken a number of legal, judicial and institutional reforms in recent years to increase the country's capacity to counter organized crime. Law enforcement agencies in Croatia also cooperate closely with their counterparts in other countries and with international organizations to strengthen border control. The Board encourages the Government to continue its efforts in preventing drug trafficking by organized criminal groups and to ensure that law enforcement agencies are provided with adequate training and equipment to be effective in this regard.

Gabon

101. A mission of the Board visited Gabon in June 2010. It was the first time since 1998 that the Board had sent a mission to the country. The objective of the mission was to review the implementation of the three international drug control treaties, to which Gabon is a party. The discussions related primarily to recent developments in drug trafficking and abuse in Gabon and measures taken or planned by the Government to overcome the present difficulties. Although Gabon still appears relatively immune to problems related to drug abuse, the Board encourages the Gabonese authorities to take measures to ensure the collection and analysis of information on drug abuse in order to plan adequate treatment for drug addicts.

102. The Board notes that the Government of Gabon has taken a series of steps to strengthen drug control as part of the implementation of the international drug control treaties and that the Gabonese authorities are very much involved in fighting drug-related problems. However, comprehensive legislation to control licit activities related to narcotic drugs, psychotropic substances and precursor chemicals and good coordination between the various control bodies are essential. Personnel should also be suitably trained and provided with the necessary resources.

Georgia

103. The Board sent a mission to Georgia in July 2010. Georgia has the potential to become a major

transit country used for consignments of narcotic drugs from Afghanistan destined for Western Europe. Georgia is a party to all three international drug control treaties and, in line with the provisions of the international drug control system, has in place legal and administrative mechanisms for the control of narcotic drugs, psychotropic substances and precursor chemicals. However, a balanced national drug control strategy has not yet been adopted. The drug law enforcement authorities in Georgia appear to be effective, cooperating with their counterparts in neighbouring countries. The abuse of drugs, including prescription drugs and home-made stimulants, is a problem in Georgia, although reliable data on the extent of drug abuse do not exist. HIV prevalence rates among persons who abuse drugs by injection are high.

104. The Board recommends that the Government of Georgia adopt and implement a balanced national drug control strategy. In view of the fact that drug abuse is widespread, the Board urges the Government to regularly assess the extent of the abuse of specific drugs, including pharmaceutical preparations. The Board recommends that services for the prevention of drug abuse should be expanded to include all segments of the population that might need such services and programmes for the rehabilitation and social reintegration of drug-dependent persons should be strengthened. There is a need for stricter control over the domestic distribution of certain pharmaceutical preparations that are abused in the country.

Guatemala

105. A mission of the Board visited Guatemala in May 2010. It was the first time since 1999 that a mission of the Board had visited the country. The Board notes the commitment of the competent national authorities of Guatemala to comply with the provisions of the international drug control conventions, to which Guatemala is a party. Guatemala, like several other countries in Central America, must cope with a high level of criminality, insecurity and impunity, which are considered to be the main concerns of its citizens.

106. Guatemala continues to be used as a trans-shipment area for consignments of drugs originating in South America. However, according to the latest household survey, conducted by the Government in 2005, the prevalence of the abuse of all drugs except cannabis in Guatemala was among the lowest in

Central America. The Board encourages the Government to carry out a new survey on drug abuse to enable a comparison of drug abuse data and to identify new trends in drug abuse in the country. In addition, large-scale trafficking in precursors of amphetamine-type stimulants has become one of the major problems faced by Guatemalan authorities. Despite imports of pseudoephedrine being banned in 2009, the country continues to be targeted by precursor traffickers.

Hungary

107. A mission of the Board visited Hungary in October 2009. The Board notes with satisfaction that the Government of Hungary is fully committed to the goals of the international drug control treaties and has implemented a comprehensive strategy to combat drug-related problems in that country. As a result, significant progress has been achieved in key areas such as drug abuse prevention and the treatment and rehabilitation of drug abusers. The Board encourages the Government to ensure that adequate resources are available for sustained progress in the implementation of drug control measures.

108. The Board notes with appreciation that over the past few years, measures have been adopted in Hungary to facilitate the medical prescription of opioids for the treatment of pain. The Government should continue its efforts to address factors that impede the availability of opioid analgesics for medical purposes. There are signs that the illicit production of cannabis is on the increase in Hungary and that the country is being used as a transit area to smuggle cocaine into Western Europe. The Board urges the Government to strengthen law enforcement activities in order to address those challenges.

Ireland

109. A mission of the Board visited Ireland in October 2009. Ireland is a party to all the international drug control treaties and has adopted comprehensive drug control legislation. In principle, legislative, administrative and regulative structures for implementation of the provisions of the international drug control treaties are in place. The Board reiterates, however, its request to the Irish authorities to extend the system of import and export authorizations to all substances in the schedules of the 1971 Convention. In

September 2009, Ireland launched its second National Drug Control Strategy. The Strategy is implemented in close cooperation with all ministries and departments responsible for supply and demand reduction measures. The Strategy focuses on behavioural patterns leading to the abuse or misuse of drugs, including alcohol.

110. Programmes for the prevention and treatment of drug abuse are carried out by governmental and non-governmental agencies working in close cooperation with one another. The Board welcomes the involvement of local communities and civic society in those programmes. Close cooperation is established between various law enforcement offices and other governmental offices with regard to supply reduction measures, which has led to successes in the use of controlled deliveries and in the seizure of drugs and assets derived from criminal activities.

Israel

111. A mission of the Board visited Israel in November 2009. Israel is party to all three international drug control conventions, and drug control activities are coordinated and guided by the Israel Anti-Drug Authority, a well-functioning coordination mechanism. Previously under the authority of the Prime Minister, the Anti-Drug Authority is now an independent entity under the Ministry of Public Security.

112. The Board noted that the system established to ensure that narcotic drugs and psychotropic substances are used only for medical and scientific purposes functions well in Israel and that there are few cases in which narcotic drugs or psychotropic substances have been diverted into the illicit traffic. The Board welcomes the creation of the Pharmaceutical Crime Unit to prevent the diversion of drugs into illicit channels, as well as the steps taken by the Government to act against the sale and use of so-called kiosk drugs, which contain substances not under international control. The Board notes, however, that the Government of Israel has yet to enact precursor control legislation, as recommended by the Board following its 2004 mission to that country.

113. In conjunction with its mission to Israel, the Board also visited the Palestinian Authority and held meetings in Ramallah on 18 November 2009. The Palestinian areas were last visited by a mission of the Board in 1998. The Board urges the Palestinian

Authority to enact the draft law on drugs and to accord higher priority to the treatment and rehabilitation of drug abusers.

114. The Board notes that, despite the difficult political situation, Israel and the Palestinian Authority have cooperated with each other on drug-related issues on a limited scale at the technical level. UNODC has played an important role in facilitating that cooperation. The Board emphasizes that such cooperation needs to be extended and strengthened. All relevant authorities should therefore explore avenues of potential cooperation to actively seek ways and means of reviving and strengthening cooperation and to establish and strengthen working relations in preventing drug trafficking along borders and drug abuse.

Jordan

115. The Board sent a mission to Jordan in August 2009. The Government of Jordan is committed to drug control and applies a balanced approach to reduce the illicit supply of and demand for drugs. Monitoring of the movement of controlled substances in Jordan was found to be satisfactory. Law enforcement activities — both within the country and with other countries — are well coordinated. However, trade in precursor chemicals with other countries in West Asia has increased. The Board therefore requests all authorities involved in precursor control to improve their efforts to prevent Jordan from being used as a transit country for precursor chemicals destined for areas where illicit drug manufacture takes place.

116. Drug abuse in Jordan appears to be limited when compared with the levels recorded elsewhere; however, there are indications that drug abuse in Jordan has been increasing in recent years. The Board calls upon the Government to assess regularly the extent of abuse of all types of substances. The Board further recommends that the programmes for the prevention and treatment of drug abuse be expanded to cover all sectors of the population that might need them and that the rehabilitation and social reintegration of drug-dependent persons be facilitated.

Lebanon

117. The Board sent a mission to Lebanon in March 2010. Lebanon is a party to all three international drug control conventions and has adopted

comprehensive drug control legislation, as well as legislation to prevent money-laundering in line with the provisions of the 1988 Convention. The regulatory controls are reported to be strictly enforced. Law enforcement agencies have been making efforts to reduce the illicit cultivation of cannabis plant and opium poppy in Lebanon, and some measures have been implemented to prevent and treat drug abuse in the country.

118. Nevertheless, important challenges remain. Trafficking in counterfeit Captagon through Lebanon continues. Reliable data on drug abuse in Lebanon are not available, but the problem appears to be growing. Drug abuse prevention and outreach and treatment activities targeting drug abusers are not sustainable and they do not cover all substances of abuse or the whole population. The Board recommends that the Government intensify efforts aimed at detecting and sanctioning illicit activities related to drugs, including trafficking in counterfeit Captagon. The Government should also regularly assess the abuse of all types of substances, establish a comprehensive national policy to prevent the abuse of all drug types and expand the services for the prevention and treatment of drug abuse to include all sectors of the population that might need such services, including the prison population, with a view to facilitating the rehabilitation and social reintegration of drug-dependent persons.

Malta

119. The Board sent a mission to Malta in October 2009 for the first time to review the drug control situation and the Government's compliance with the international drug control treaties. The Board notes that Malta adopted its first National Drugs Policy in February 2008 and encourages the Government to adopt and implement the legislation to establish as soon as possible the National Commission on the Abuse of Drugs, Alcohol and Other Dependencies as the main body responsible for the coordination of drug-related matters in the country.

120. The Board notes the efforts of the law enforcement authorities of Malta in combating drug trafficking. The Board urges the Government to strengthen its capacity to identify, investigate and follow-up suspicious transactions involving substances under international control. The Board encourages the Government to allocate sufficient human and financial

resources in the area of law enforcement to develop its drug control capacity. Moreover, with regard to efforts to address the challenge of the smuggling of drugs through its territory, the Board encourages the Government to further strengthen customs and border control activities to prevent such smuggling, for example, through capacity-building and allocating additional resources for such activities.

Morocco

121. The Board sent a mission to Morocco in December 2009. One of the main objectives of the mission was to review the situation with respect to the cultivation of cannabis plant in the country. The Board learned about the significant reduction of cannabis plant cultivation over the preceding five years and acknowledged the efforts of the Government of Morocco. It is important that the efforts to curb cannabis plant cultivation be sustained in the short, medium and long run. In addition, the Board encourages the Government to continue to monitor the situation by collecting and analysing pertinent statistical data on the extent of cannabis cultivation in the country and to share its experiences with the international community so that the efforts and achievements of Morocco in the reduction of cannabis plant cultivation can become more widely known.

122. The controls applied to the licit movement of narcotic drugs and psychotropic substances were described as effective. Morocco regularly provides to the Board information required under the international drug control treaties. As some of the information is received late, the Board encourages the Government to review the mechanisms and procedures used for data collection so that reports can be submitted within the deadlines required by the treaties.

Spain

123. The Board sent a mission to Spain in July 2009. The Board notes that Spain, a party to all three international drug control conventions, is firmly committed to the goals and objectives of those treaties. That commitment is reflected in the national drug control strategy and the national drug control action plan adopted by the Government, which are implemented within a well-designed administrative framework. The Government has established effective procedures for control over the licit manufacture of,

trade in and use of narcotic drugs, psychotropic substances and precursors. A comprehensive and well-balanced system of prevention, treatment, rehabilitation and social reintegration programmes has been put in place to deal with drug abuse. The Board remains concerned, however, about the continued availability of “drug consumption rooms” in Spain.

124. The Board notes the actions taken by the national law enforcement authorities in Spain to prevent the smuggling of narcotic drugs through Spanish territory. As Spain is used as a transit country for smuggling drugs from Latin America and Africa into other European countries, it is important to foster effective cooperation among the law enforcement authorities in Spain, as well as with the law enforcement agencies of the countries of origin and destination of drug shipments entering Spain, with a view to identifying and dismantling the drug trafficking rings involved.

Turkmenistan

125. A mission of the Board visited Turkmenistan in June 2010. The Board notes that, since its last mission to Turkmenistan, in 2003, the Government has taken a series of measures to implement the international drug control treaties and has made some progress in certain areas of drug control. In particular, national drug control legislation and the Penal Code were amended in 2009 and the State Anti-Drug Control Service was established. The Government has also taken some steps to address the emerging problems of drug abuse and drug trafficking in the country, for example, by strengthening border control, enhancing law enforcement capacity and carrying out drug abuse prevention programmes targeting young persons.

126. However, significant challenges remain. The Board notes that, although drug abuse does not appear to be significant in the country, no recent studies on the drug abuse situation have been carried out, and therefore precise information on the extent and nature of drug abuse in the country is not available. Regarding trafficking through Turkmenistan of drugs originating in Afghanistan, the Board urges the Government of Turkmenistan to take appropriate measures to make its drug control efforts effective. The Board also urges the Government to take measures to ensure the availability of narcotic drugs and psychotropic substances for medical purposes in compliance with the provisions of the international drug control treaties.

4. Evaluation of the implementation by Governments of recommendations made by the Board following its country missions

127. As part of its ongoing dialogue with Governments, the Board also conducts, on a yearly basis, an evaluation of Governments' implementation of the Board's recommendations pursuant to its country missions. In 2010, the Board invited the Governments of the following six countries, to which it had sent missions in 2007, to provide information on progress made in the implementation of its recommendations: Albania, Bhutan, Bolivia (Plurinational State of), Liberia, Nepal and Viet Nam.

128. The Board wishes to express its appreciation to the Governments of Albania, Bhutan, Bolivia (Plurinational State of) and Nepal for submitting the information requested, which facilitated the Board's assessment of the drug control situation in those countries and the Governments' compliance with the international drug control treaties. The Board regrets that no information was received from the Governments of Liberia and Viet Nam, and it urges those Governments to provide the requested information without further delay.

129. Information regarding the implementation of the Board's recommendations by the Governments of Argentina, the Gambia and Myanmar following its missions to those countries in 2006, which was received too late to be included in the report for 2009, is also included in the present report.

Albania

130. The Board notes that the Government of Albania has implemented some of the Board's recommendations following its mission to that country in October 2007. In particular, some measures have been taken in the area of demand reduction. The Government has also improved its reporting to the Board, which is required under the international drug control treaties.

131. The Board notes, however, that progress continues to be lacking in other areas. The Board remains concerned that the Inter-Ministerial Drug Control Committee, though established many years ago, has not been able to function adequately, owing to lack of resources, and that cooperation between Government agencies responsible for drug control

continues to be seriously hampered by lack of coordination. Furthermore, the following problems have yet to be addressed: the absence of reliable information on the extent of drug abuse; the lack of legislation on precursor control and of a designated competent authority for the implementation of the provisions of article 12 of the 1988 Convention; and the lack of progress reported in the eradication of illicit cultivation of cannabis plant.

132. The Board urges the Government of Albania to take effective measures to ensure that progress is made in the above-mentioned areas, particularly with regard to the strengthening of the Inter-Ministerial Drug Control Committee to ensure coordination among various Government agencies involved in drug control.

Argentina

133. The Government of Argentina has acted upon the recommendations made by the Board following its mission to that country in May 2006, and progress has been made in a number of areas of drug control. Most notably, the Government has improved coordination between all agencies involved in implementing drug control and has strengthened coordination and cooperation on law enforcement issues between the competent national authority and other agencies involved in drug control at the national level and between the national authorities and the provincial authorities. Progress has also been made in integrating customs authorities in national drug control policy.

134. The Board welcomes the measures taken by the Government of Argentina to prevent the diversion of narcotic drugs and psychotropic substances from licit distribution channels, to be sold on illicit markets. Those measures include, inter alia, the standardization of official prescriptions and monitoring of pharmaceutical preparations containing substances under international control, a nationwide programme aimed at detecting possible irregularities in the handling of controlled substances, and the creation of a unified model for official prescriptions to prevent adulterations and the falsification of prescriptions.

135. Steps have also been taken by the competent national authorities to further curb the high rate of consumption of anorectics in Argentina, for example by reducing the country's assessments for those substances and limiting their use in "magistral"

preparations, which are permitted in Argentina under current legislation.

136. The Board, while acknowledging the progress made in drug control, encourages the Government of Argentina to continue its efforts in improving the collection and analysis of data, including data on drug-related crime, and expanding drug abuse prevention programmes and facilities for the treatment and rehabilitation of drug abusers, as necessary, to ensure that all sectors of the population have access to those services, including at the provincial level.

137. The Board notes that consumption of coca leaf (by chewing or in the form of tea) and its possession for such purposes are still permitted under the national legislation currently in force in Argentina. The Board calls upon the Government, as a party to the 1961 Convention as amended by the 1972 Protocol, to ensure full compliance with its obligations under the Convention, including the obligation to eliminate all uses of coca leaf for purposes other than those provided for in the Convention.

Bhutan

138. The Government of Bhutan has acted upon the Board's recommendations following its mission to that country in 2007, and some progress has been made in a number of areas. The Board notes that the Government has developed an implementation framework for the Narcotic Drugs, Psychotropic Substances and Substance Abuse Act of 2005, as well as rules and regulations for the implementation of the provisions of the Act. The Government has also made the prevention of drug trafficking an operational priority. Concrete steps taken in that regard include increasing border control, law enforcement capacity-building and strengthening cooperation with neighbouring countries.

139. The Board notes that increased efforts have been made in Bhutan to strengthen the mechanism for controlling the licit movement of narcotic drugs and psychotropic substances, as well as in the area of demand reduction. In particular, the Government has expanded facilities for the treatment and rehabilitation of drug addicts and carried out campaigns to raise awareness about drug abuse, with assistance from regional and international organizations.

140. The Board, while welcoming the positive developments in drug control in Bhutan, notes that

there appears to be a lack of progress in strengthening coordination among Government agencies involved in drug control. The Board requests the Government to step up its efforts in that area, particularly in view of the increased drug trafficking in South Asia.

Bolivia (Plurinational State of)

141. The Board notes with regret that no progress has been made by the Government of the Plurinational State of Bolivia in implementing the recommendations made by the Board following its mission in 2007 regarding coca bush cultivation and coca leaf production. The Government continues to implement its national Strategy for Fighting Drug Trafficking and Revaluing the Coca Leaf 2007-2010, which marks a significant shift in the political will and commitment of the Government to the objectives of the international drug control treaties. While the Strategy reaffirms the strong stand of the Government on dealing with the illicit manufacture of and trafficking in cocaine and with criminal organizations, the Strategy addresses the coca-chewing issue in a manner that is not in line with that country's obligations under the international drug control treaties to which it is a party.

142. The Board remains concerned about the continuous increase in both the reported total area under coca bush cultivation and the expected coca leaf production since 2005. Despite the social control measures currently being pursued by the Bolivian Government with the aim of reducing coca bush cultivation and coca leaf production, in 2009 the total area cultivated reached 30,900 ha and potential production of coca leaf rose to 40,200 tons, the largest amount of coca leaf produced in the country since 1998. Those developments could increase the risk of coca leaf being diverted for use in the illicit manufacture of cocaine.

143. The Board, while noting its agreement with the Bolivian Government's position of zero tolerance for the illicit manufacture of and trafficking in cocaine, urges the Government to adopt effective policies and to take a proactive role to eliminate coca bush cultivation and coca leaf production in the country, as well as to address in a decisive manner the illicit manufacture of and trafficking in cocaine.

144. The Bolivian Government has yet to implement other recommendations made pursuant to the 2007 mission of the Board, notably the recommendations

concerning demand reduction and the monitoring of the licit movement of substances under international control. The Board is concerned about the rise of drug abuse among the general population and the student population in the country. In particular, the abuse of cocaine and cannabis continues to increase among the population aged 12-65 years, while drug abuse prevention programmes are largely absent from Government policy. Moreover, the existing mechanism for the control and monitoring of substances under international control does not function adequately. The Board urges the Government to take the necessary measures to ensure that progress is made in those areas.

Gambia

145. The Board notes with concern that little progress has been made by the Government of the Gambia in implementing the recommendations made by the Board following its mission to the country in May 2006. In particular, the Board notes that the current national legislation concerning the import and export of narcotic drugs and psychotropic substances has not been updated to meet the requirements of the international drug control treaties; legal provisions for precursor control have yet to be adopted; and the administrative mechanism for licit drug control remains inadequate. The Gambia has failed to fulfil its reporting obligations for many years, including the furnishing of estimates and assessments of the country's requirements for narcotic drugs and psychotropic substances. The Board urges the Government to take the necessary remedial action, as a matter of priority.

146. The Board notes that the extent of drug abuse in the Gambia is largely unknown to the authorities. Reliable data on drug abuse continue to be scarce, and no epidemiological study on the prevalence of drug abuse has been undertaken. The Board urges the Government to take steps to address those issues, including the elaboration of drug abuse prevention and demand reduction programmes; the conduct of a rapid assessment of the extent of drug abuse in the country; the provision of adequate support to the existing medical structures to ensure proper treatment for drug-dependent patients; and the creation of suitable facilities for the rehabilitation of drug abusers.

147. The capacity of the Gambia in drug law enforcement is limited. In view of the smuggling of cocaine through West Africa, the Board is concerned that the Gambia, like other countries in the region, is at risk of being used as a transit country for cocaine shipments. The recent large seizure of cocaine in the Gambia might be an indication that traffickers are taking advantage of the serious weaknesses in the drug control and law enforcement structures of the country. The Board urges the Government of the Gambia to take effective measures to intensify its drug law enforcement efforts and make further progress in complying with the international drug control treaties. In doing so, the Government may wish to consider requesting needed technical assistance from UNODC and other international organizations.

Myanmar

148. The Board notes that some progress has been made in Myanmar since the Board's last mission to that country, in 2006. A series of measures have been taken towards achieving the goals of the 15-year national drug control plan calling for the elimination of all drug trafficking and illicit drug production by 2014, including the prevention and eradication of illicit opium poppy cultivation and the improvement of living standards to reduce the financial incentive for such cultivation. Specific steps have also been taken in supply and demand reduction: law enforcement, awareness-raising programmes, the improvement of access and communication between people living in various lowland and highland areas and the improvement of living standards of those residing in border areas.

149. The Board notes, however, that illicit opium poppy cultivation has increased in Myanmar in recent years. Although there have been increasing seizures of precursor chemicals and amphetamine-type stimulants by the Myanmar law enforcement agencies in recent years, the illicit manufacture of methamphetamine remains a significant challenge. Clandestine drug laboratories continue to be active in Myanmar along the borders with Thailand and China. The Board further notes that the availability of narcotic drugs and psychotropic substances used for medical purposes remains limited and that little progress seems to have been made in the collection of data on drug abuse in the country.

150. The Board urges the Government to step up its efforts in drug control and to ensure that continued progress is made in the elimination of illicit opium poppy cultivation in the country. Additional measures should be taken to address the illicit manufacture of, and trafficking in, amphetamine-type stimulants and, in particular, to identify the sources and routes of shipments of precursor chemicals that are seized, as well as new methods used for illicit drug manufacturing. To that end, the Government should strengthen its cooperation with neighbouring countries.

Nepal

151. The Board notes that the Government of Nepal has been making efforts to strengthen drug control since the mission of the Board to that country in March 2007. In particular, the Board notes that the National Strategy for Drug Control was adopted in 2010, that the Narcotics Drug Control Act is under review to make it fully compliant with the provisions of the international drug control treaties and that considerable efforts have been made in the area of law enforcement. The Board also notes that the Government has continued its efforts in demand reduction, for example, through the development of facilities for the treatment of drug abusers and community-based programmes for drug abuse prevention.

152. The Board notes, however, that coordination among Government agencies involved in drug control has not improved and that there continues to be a need for more resources to be allocated to law enforcement agencies to enable them to operate more effectively. In addition, there appears to be lack of progress in the adoption of legislation on precursor control and the designation of a competent authority for the implementation of the provisions of article 12 of the 1988 Convention.

153. In view of the worsening situation in Nepal with regard to drug abuse, including drug abuse by injection, the Board urges the Government to further strengthen its efforts in the area of demand reduction, particularly with regard to a nationwide assessment of the drug abuse situation, and to take all measures necessary to address the problem in accordance with the international drug control treaties. The Board trusts that the Government of Nepal will take the necessary

measures to ensure that progress is made in all those areas as well.

5. Evaluation of the implementation of the recommendations made by the Board in its annual reports for 2005, 2006 and 2007

154. Since 2005, the Board has devoted chapter IV of its annual report to highlighting major recommendations addressed to Governments and international organizations. At its session held in November 2008, the Board decided to evaluate the implementation of the recommendations published in chapter IV of its annual reports for 2005, 2006 and 2007.

Recommendations addressed to Governments

155. In March 2010, the Board sent a letter to all Governments, inviting them to complete a questionnaire on their implementation of the Board's recommendations published in its annual reports for 2005, 2006 and 2007. The questionnaire covers various aspects of drug control, including: (a) prevention of the diversion of controlled substances; (b) illicit crop cultivation and drug trafficking; (c) prevention of drug abuse; (d) availability and rational use of narcotic drugs and psychotropic substances for medical purposes; and (e) Internet pharmacies and misuse of courier services.

156. As at 1 November 2010, the completed questionnaire had been received from a total of 117 States and territories, as well as the European Union. Of the States and territories that had sent the completed questionnaire, 25 (45 per cent) were in Africa, 20 (45 per cent) were in the Americas, 29 (59 per cent) were in Asia, 39 (83 per cent) were in Europe and 4 (18 per cent) were in Oceania. The Board wishes to thank those States and territories and the European Union for their cooperation in this matter and encourages those that have not done so to provide the requested information without further delay. Information received will be compiled and analysed for review by the Board.

Recommendations addressed to international organizations

157. In May 2010, the Board reviewed the implementation by relevant international organizations of its recommendations published in its annual reports

for 2005, 2006 and 2007, on the basis of information received. The Board wishes to express its appreciation for the excellent cooperation of the Council of the European Union, the European Commission, the International Criminal Police Organization (INTERPOL), UNODC, the Universal Postal Union, the World Customs Organization and the World Health Organization (WHO) in providing the required information. The Board notes that a response has yet to be received from the United Nations Development Programme and looks forward to its cooperation in this matter.

158. The Board notes that most of the recommendations have been addressed by the above-mentioned organizations, with progress made in varying degrees. The information provided has made it possible for the Board to determine to what extent its recommendations have been implemented, as well as the impact of its recommendations on the drug control situation at the national and international levels.

B. Action taken by the Board to ensure the implementation of the international drug control treaties

1. Action taken by the Board pursuant to article 14 of the 1961 Convention and article 19 of the 1971 Convention

159. Article 14 of the 1961 Convention (and of that Convention as amended by the 1972 Protocol) and article 19 of the 1971 Convention set out measures that the Board may take to ensure the execution of the provisions of those conventions. Such measures, which consist of increasingly severe steps, are taken into consideration when the Board has reason to believe that the achievement of the aims of the conventions is being seriously endangered by the failure of a State to carry out the provisions of the conventions.

160. The Board has invoked article 14 of the 1961 Convention and/or article 19 of the 1971 Convention with respect to a limited number of States. The Board's objective in so doing has been to encourage compliance with those Conventions when other means failed. The States concerned are not named until the Board decides to bring the situation to the attention of the parties, the Economic and Social Council and the Commission on Narcotic Drugs (as in

the case of Afghanistan). After dialogue with the Board pursuant to articles 14 and 19, most of the States concerned have taken remedial measures, resulting in the Board's decision to terminate action taken under those articles vis-à-vis those States.

161. Afghanistan is currently the only State for which action is being taken pursuant to article 14 of the 1961 Convention.

2. Consultation with the Government of Afghanistan pursuant to article 14 of the 1961 Convention

162. At the International Conference on Afghanistan, held in London in January 2010, the Government of Afghanistan and the international community reaffirmed their commitment to achieving lasting peace, stability and prosperity in the country, with particular emphasis on the need for a reinvigorated and prioritized Afghanistan National Development Strategy. This commitment has led to an encouraging step forward, as evidenced by the Government-led plan for improved development, governance and stability in Afghanistan, endorsed at the Kabul Conference on 20 July 2010, including a strategy for the transfer of lead responsibility for security on a province-by-province basis. The Kabul Conference concluded with the adoption of a communiqué reflecting a renewed commitment of the Government of Afghanistan to addressing various key issues, including counter-narcotics, as well as the commitment of the international community to the principles of aid effectiveness.

163. The Board welcomes those important developments and the commitment of the Government of Afghanistan to attaining the goals of its National Development Strategy and of its National Drug Control Strategy. The Board reiterates that the achievement of peace, security and development in Afghanistan is closely linked to the solving of the drug control problem and expects that the Government of Afghanistan will continue its efforts towards eliminating illicit crop cultivation and related drug activities within the country, in compliance with the provisions of the international treaties, particularly the 1961 Convention.

164. The last decade has witnessed a continued high level of illicit opium poppy cultivation in Afghanistan, despite some reductions observed in 2008 and 2009.

Those reductions were, however, due largely to market factors, notably the high wheat and low opium prices at the time, which made licit crop cultivation more attractive. In 2010, the area under illicit opium poppy cultivation remained at 123,000 ha, the same as in 2009. Although illicit opium production decreased significantly, by 48 per cent, in 2010, the decline was caused by a plant disease that affected the major poppy-growing regions. Clearly, no significant progress has been made over the past nine years in addressing illicit opium poppy cultivation in Afghanistan.

165. As in previous years, in 2010 most of the illicit cultivation of opium poppy (98 per cent) continued to take place in the southern and western provinces which are the most insecure areas in Afghanistan. Helmand remained the main province in which opium poppy is illicitly cultivated, accounting for 53 per cent of the total area under illicit opium poppy cultivation in Afghanistan. It was followed by Kandahar, where the total area under illicit opium poppy cultivation reached 26,000 ha in 2010; such cultivation has been on the rise in that province since 2004, when 4,959 ha were under cultivation. Unless tangible and continued progress is made in the reduction of illicit opium poppy cultivation in those two provinces, no significant decline in such cultivation in Afghanistan can be expected.

166. The Board, while acknowledging increased efforts in drug control in Afghanistan, is concerned that activities to eliminate illicit opium poppy cultivation have been seriously hampered by widespread corruption at all levels of government, and that counter-narcotics programmes, despite some progress, remain challenged by a lack of security, political will and Government capacity. The Board underlines that long-term success depends on the sustainability of programmes for economic development in poppy-growing provinces and, more importantly, good governance and the rule of law to be established and enhanced in those provinces.

167. The Board points out that the prevention of illicit crop cultivation and the eventual elimination of such cultivation continue to be of the utmost importance to the efforts of Afghanistan to fulfil its treaty obligations, and those goals can be achieved only when the relevant laws are fully respected and strictly implemented and when sustainable alternative sources

of income are made available to farmers. The Board urges the Government of Afghanistan to take effective measures to ensure that progress is made in the areas that are essential to the country's long-term economic growth and sustainable progress in the elimination of illicit opium poppy cultivation, as reaffirmed at recent international conferences in support of Afghanistan.

168. The Board notes that the Government of Afghanistan has pledged to take all measures necessary to increase transparency and accountability and tackle corruption. Efforts are being made to establish the statutory basis for the Major Crimes Task Force and the Anti-Corruption Tribunal (Special Courts) and to establish a committee to review Afghan laws for compliance with the United Nations Convention against Corruption. The Board welcomes the concrete steps taken by the Government of Afghanistan and calls upon UNODC to continue to provide assistance in that area, particularly with regard to the reforming of Afghanistan's anti-corruption legislation to bring it in line with the Convention against Corruption, ratified by Afghanistan in 2008.

169. The Board notes that increased efforts have been made to strengthen regional cooperation. The Government of Afghanistan has continued its dialogue and cooperation with neighbouring countries through bilateral talks and regional meetings on issues of security, economic cooperation and counter-narcotics. In particular, several other regional meetings were held on issues of crime, counter-narcotics and border management, with the participation of high-ranking officials from Afghanistan and the neighbouring countries. In addition, a new round of joint operations conducted in August 2010, by Afghan and Iranian forces and by Afghan and Pakistan forces, resulted in significant seizures of illicit drugs, including heroin, opium and cannabis, and the arrest of drug traffickers.

170. Effective action to counter the threat of Afghan opium and to provide support to the Government of Afghanistan requires close regional cooperation and a concerted effort at the national, regional and international levels. The Board calls upon all relevant international and regional organizations to work closely together and to play an active role in addressing the challenges posed by opium originating in Afghanistan.

171. The Board acknowledges the complexity of the drug-related problems in Afghanistan, which are

affected by insurgency, violence and the involvement of organized crime. Hence, addressing those problems requires the long-term commitment and support of the international community, including military forces, as well as their involvement in efforts in the areas of counter-insurgency, drug control and alternative development.

172. The Board notes that the Government of Afghanistan is in the process of updating and improving its National Drug Control Strategy, as declared by the Government and reflected in the communiqué of the Kabul Conference. The Board trusts that the updated National Drug Control Strategy will be comprehensive and balanced, comprising all aspects of drug control, including measures against illicit cultivation of cannabis plant in the country, in compliance with the international drug control treaties. The Board urges the international community to support Government-led counter-narcotics efforts in Afghanistan, including in the areas of agricultural development, interdiction, demand reduction, eradication and public information, as well as the effective implementation of Security Council resolution 1817 (2008), on precursor control. The Board, pursuant to article 14 of the 1961 Convention, will maintain the consultation process with the Government of Afghanistan to ensure that progress is made in the drug control situation in that country.

C. Governments' cooperation with the Board

1. Provision of information by Governments to the Board

173. Parties to the international drug control treaties have an obligation to furnish to the Board information on narcotic drugs, psychotropic substances and precursors, in accordance with the provisions of those treaties. Governments are required to provide additional information to the Board pursuant to resolutions of the Economic and Social Council and the Commission on Narcotic Drugs.

174. The Board uses the statistical data and other information received from Governments to monitor licit activities involving controlled substances throughout the world. The analysis of statistical data allows the Board to determine whether Governments

have implemented treaty provisions requiring them to limit to medical and scientific purposes the licit manufacture of, trade in and use of narcotic drugs and psychotropic substances and, at the same time, have ensured the availability of narcotic drugs and psychotropic substances for legitimate purposes. The Board also identifies whether Governments have implemented measures to prevent diversion of precursors — substances listed in Tables I and II of the 1988 Convention, which are frequently used in the illicit manufacture of narcotic drugs and psychotropic substances.

175. Information received from Governments is also used by the Board to analyse various aspects of the functioning of the international drug control system. On the basis of its analysis, the Board makes recommendations to improve the system and the control of narcotic drugs, psychotropic substances and precursors at the international and national levels.

176. Several achievements in international drug control are directly linked to the exchange of data between the Board and Governments. For example, universal implementation of the system of estimates and the system of statistical returns for narcotic drugs, in which the submission of data to the Board plays a pivotal role, made it possible to virtually stop the diversion of narcotic drugs from licit international trade into the illicit traffic. The implementation of similar systems for the control of psychotropic substances led to a significant reduction in the diversion of those substances from international trade. Those achievements would not have been possible if Governments had not submitted to the Board data on their legitimate requirements for narcotic drugs and psychotropic substances (estimates and assessments) and furnished the Board with detailed statistical reports on licit activities involving narcotic drugs and psychotropic substances, including their import and export. The Board trusts that the introduction of estimates for certain precursors will bring similar results.

2. Submission of statistical reports

177. Governments have an obligation to furnish to the Board each year statistical reports containing information required by the international drug control conventions. As at 1 November 2010, reports on narcotic drugs for 2009 had been submitted by

166 States and territories, reports on psychotropic substances had been submitted by 159 States and territories and reports on precursors had been submitted by 127 States and territories. A report on precursors was also submitted by the European Union (on behalf of its member States). As in previous years, it is expected that several more Governments will submit reports for 2009. In recent years, the number of States and territories that submitted reports on narcotic drugs averaged about 180, or 85 per cent of the States and territories required to furnish those reports. For reports on psychotropic substances, the average number was about the same. For reports on precursors the average number was about 140, or 66 per cent of the States and territories required to furnish those reports.

178. Governments are also required to submit to the Board quarterly statistical reports on trade in narcotic drugs and quarterly statistical reports on trade in psychotropic substances in Schedule II of the 1971 Convention. A total of 188 States and territories provided for 2009 quarterly statistics on their imports and exports of narcotic drugs; that figure represents 89 per cent of the States and territories requested to furnish such statistics. A total of 178 States and territories furnished quarterly statistics on their imports and exports of psychotropic substances in Schedule II of the 1971 Convention; that figure represents 84 per cent of the States and territories requested to furnish such statistics.

179. Pursuant to article 12 of the 1988 Convention, Governments are required to report information with respect to substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances. As at 1 November 2010, 57 Governments had reported seizures of such substances in 2009. All but one of those Governments had reported seizures of such substances, which are listed in Tables I and II of the 1988 Convention, and nearly half had reported seizures of substances not controlled under the 1988 Convention.

180. Details of the statistical data received by the Board, including the status of compliance of parties with their reporting obligations, are contained in the 2010 technical reports of the Board on narcotic drugs and psychotropic substances and in the 2010 report of

the Board on the implementation of article 12 of the 1988 Convention.¹⁹

181. While the majority of Governments regularly submit the mandatory and voluntary statistical reports, the cooperation of some has not been satisfactory. The number of Governments not submitting their statistics regularly has been high in Africa, the Caribbean and Oceania. In recent years, about one third of Governments in Africa and about 40 per cent of Governments in the Caribbean and Oceania have not furnished annual statistical reports. The rate of submission of statistical reports by Governments in those regions and subregions has not improved in spite of the repeated requests sent by the Board to the Governments concerned.

182. The Governments of several low-income countries have encountered difficulties in submitting statistical reports to the Board. Those difficulties indicate major deficiencies in their national mechanisms for regulating controlled substances. The Board requests the Governments concerned to enhance their mechanisms for regulating licit activities involving controlled substances, including national systems for compiling data for the mandatory statistical reports on narcotic drugs, psychotropic substances and precursors. The Board will continue to provide assistance to those Governments in order to facilitate reporting. The Board requests UNODC and the relevant regional organizations to provide support to Governments in Africa, the Caribbean and Oceania with a view to increasing those Governments' capacity for controlling licit activities involving narcotic drugs and psychotropic substances and taking measures to prevent the diversion of precursors.

¹⁹ *Narcotic Drugs: Estimated World Requirements for 2011 — Statistics for 2009* (United Nations publication, Sales No. T.11.XI.2); *Psychotropic Substances: Statistics for 2009 — Assessments of Annual Medical and Scientific Requirements for Substances in Schedules II, III and IV of the Convention on Psychotropic Substances of 1971* (United Nations publication, Sales No. T.11.XI.3); *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2010 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (United Nations publication, Sales No. E.11.XI.4).

183. Several Governments did not provide in 2010 the requested annual statistical reports in a timely manner, including the Governments of some countries that are major manufacturers, exporters, importers and users of narcotic drugs and/or psychotropic substances, such as Canada, India, Japan and the United States. Late submission of statistical reports makes it difficult for the Board to monitor licit activities involving controlled substances and delays the analysis by the Board of the worldwide availability of narcotic drugs and psychotropic substances for legitimate purposes, as well as its analysis of the global balance between the supply of opiate raw materials and the demand for opiates. Many Governments have submitted their annual reports on precursors after the deadline set by the Board for the submission of those reports (30 June), thereby delaying the analysis by the Board of action taken by Governments to implement article 12 of the 1988 Convention. The Board requests all the Governments concerned to identify the reasons for the late submission of statistical reports and to adopt measures to enable them to comply in a timely manner with their reporting obligations pursuant to the international drug control conventions.

184. When examining the statistics received from Governments, the Board brings to the attention of the Governments any inconsistencies in their statistical reports and requests them to rectify the inconsistencies and resolve the problems that have led to those inconsistencies. In recent years, the Board has noted with concern the deterioration in the quality of statistical data furnished by the Governments of certain countries that are major manufacturers, exporters, importers and users of narcotic drugs and psychotropic substances. The Board has contacted the Governments concerned and requested them to correct the situation. The Board notes that some of those Governments, including the Governments of India and the United Kingdom of Great Britain and Northern Ireland, examined in 2009 and 2010 their systems for reporting on narcotic drugs and psychotropic substances to identify the reasons for inconsistencies in their statistical reports and, since then, have started improving their national reporting mechanisms. The Board will continue to support those Governments and other Governments concerned in their efforts to ensure timely and accurate reporting in accordance with their obligations under the international drug control treaties.

3. Submission of estimates and assessments

185. Parties to the 1961 Convention have an obligation to submit to the Board each year estimates of their requirements for narcotic drugs for the following year. As at 1 November 2010, a total of 153 States and territories had submitted estimates of their requirements for narcotic drugs for 2011; that figure represents 73 per cent of the States and territories required to furnish such annual estimates for confirmation by the Board. For those States and territories that did not submit their estimates in time for the Board to examine and confirm them, the Board had to establish estimates in accordance with article 12, paragraph 3, of the 1961 Convention.

186. Pursuant to Economic and Social Council resolutions 1981/7 and 1991/44, Governments are requested to provide to the Board assessments of their annual medical and scientific requirements for psychotropic substances in Schedules II, III and IV of the 1971 Convention. As at 1 November 2010, all Governments had submitted at least once assessments of their annual medical requirements for psychotropic substances. The Board recommends that Governments review and update the assessments of their annual medical and scientific requirements for psychotropic substances at least every three years. However, 24 Governments have not submitted an update of their legitimate requirements for psychotropic substances in over three years.

187. By adopting resolution 49/3, the Commission on Narcotic Drugs requested Member States to provide the Board with estimates of their legitimate requirements for four substances frequently used in the manufacture of amphetamine-type stimulants — 3,4-methylenedioxyphenyl-2-propanone (3,4-MDP-2-P), pseudoephedrine, ephedrine and 1-phenyl-2-propanone (P-2-P) — and preparations containing those substances. As at 1 November 2010, 121 States and territories had submitted those estimates; that figure represents 57 per cent of the States and territories that were requested to submit that information.

188. The estimates and assessments for all States and territories are published by the Board in its technical reports on narcotic drugs and psychotropic substances and the report of the Board on the implementation of article 12 of the 1988 Convention. Updates of those estimates and assessments, which reflect supplementary estimates furnished by Governments,

are made available on the website of the Board (www.incb.org).

189. Failure to submit adequate estimates or assessments for narcotic drugs and psychotropic substances may have a negative impact on the effectiveness of control. When estimates or assessments are lower than the actual legitimate requirements, the importation or use of narcotic drugs or psychotropic substances needed for medical or scientific purposes may be delayed. If estimates or assessments are significantly higher than the legitimate requirements, the risk of narcotic drugs and psychotropic substances being diverted into illicit channels may increase. The Board calls upon all Governments to ensure adequacy of their estimates and assessments. When necessary, Governments should submit to the Board supplementary estimates for narcotic drugs or inform the Board of modifications to their assessments for psychotropic substances.

190. The estimates for narcotic drugs established by the Board are based on estimates and statistics reported in the past by the Governments concerned. If a Government has not furnished estimates and statistics for several years, the Board may, as a precaution against diversion, establish estimates that are lower than the estimates submitted in the past by the Government. Therefore, the Governments for which estimates were established by the Board are urged to examine closely their requirements for narcotic drugs for 2011 and provide their own estimates to the Board for confirmation as soon as possible, in order to prevent any possible difficulties in importing the quantities of narcotic drugs required for legitimate purposes.

191. The Board notes that approximately 40 per cent of Governments have not yet provided estimates of their annual requirements for certain precursors. Moreover, many Governments that provided estimates in the past have failed to ensure that the information on record is up to date, despite the fact that their legitimate requirements for certain precursors may have changed. The Board calls upon Governments to comply with the request contained in Commission on Narcotic Drugs resolution 49/3 and to ensure the timely submission and continued accuracy of the estimates for precursors. This is necessary to ensure that the estimates can continue to be used to identify suspicious transactions involving precursors.

4. Assistance to Governments in dealing with deficiencies in reporting statistics, estimates and assessments

192. Information available to the Board shows that problems encountered by Governments in furnishing adequate statistics and/or estimates to the Board are often an indication of deficiencies in their national mechanisms for the control of substances. Such deficiencies frequently reflect problems in those countries in the implementation of provisions of the international drug control treaties, such as lacunae in national laws or administrative regulations regarding reporting by licensees to the national authorities, the failure of some licensees to comply in a timely manner with their reporting obligations under national law and the absence of an efficient inspection system. The Board invites the Governments concerned to find the causes of such deficiencies in reporting to the Board statistics, estimates and/or assessments, with a view to resolving those problems.

193. In some countries, deficiencies in the quality of data are the result of the Government providing insufficient resources to the authorities responsible for the control of licit activities involving narcotic drugs, psychotropic substances or precursors. The Board calls upon the Governments concerned to provide adequate resources to ensure the compliance of those authorities with all reporting obligations under the international drug control treaties.

194. The Board provides assistance to Governments to facilitate their compliance with reporting obligations under the international drug control treaties. In 2010, the Board provided to several Governments, at their request, explanations regarding reporting requirements for controlled substances. Training material on the control of narcotic drugs, psychotropic substances and precursors and guidelines for reporting on those controlled substances have been made available on the website of the Board (www.incb.org) for use by competent national authorities. Reporting requirements for narcotic drugs, psychotropic substances and precursors were discussed during an informal consultation organized by the Board for selected Governments during the fifty-third session of the Commission on Narcotic Drugs, in March 2010. All Governments are encouraged to request from the Board any information that they may consider useful regarding reporting requirements for narcotic drugs,

psychotropic substances and precursors pursuant to the international drug control treaties.

195. The Board will continue to evaluate the cooperation of Governments in providing reports on narcotic drugs, psychotropic substances and precursors and take action, as necessary, to ensure timely and accurate reporting by Governments.

D. Ensuring the implementation of the provisions of the international drug control treaties

196. To monitor compliance with the international drug control treaties, the Board examines action taken by Governments to implement the treaty provisions aimed at preventing the diversion of controlled substances into illicit channels, to be subsequently sold to drug abusers or, in the case of precursor chemicals, used in the illicit manufacture of narcotic drugs and psychotropic substances. Over the years, the treaty provisions have had to be supplemented with additional control requirements to close loopholes that were being exploited by traffickers to divert controlled substances. In the present section, the Board highlights action that needs to be taken to implement the international control regime, describes problems encountered in preventing the diversion of controlled substances and provides specific recommendations on how to deal with such problems.

1. Legislative and administrative basis

197. Governments need to ensure that national legislation is in line with the provisions of the international drug control treaties. In addition, they need to amend the lists of substances controlled at the national level when a substance is included in a schedule of an international drug control treaty or transferred from one schedule to another. Inadequate legislation or implementation mechanisms at the national level or delays in bringing (or failure to bring) lists of substances controlled at the national level in line with the schedules of the international drug control treaties will result in inadequate national controls being applied to substances under international control. Such inadequacies could result in the competent national authorities experiencing problems in reporting on those substances to the Board. Failure to reflect in national legislation or mechanisms changes made in schedules

of substances under international control may result in the diversion of substances into illicit channels.

198. The Board welcomes the adoption of legislative measures to strengthen precursor control in China, the Czech Republic, El Salvador, Mexico, Myanmar, Samoa and South Africa, which will help to reduce the diversion of precursor chemicals used for the illicit manufacture of drugs.

2. Changes in the scope of control of the 1988 Convention

199. In 2006, the Board initiated a review of the status of phenylacetic acid, a substance in Table II of the 1988 Convention, in view of the increased number of seizures of the substance, which is used in the illicit manufacture of amphetamine and methamphetamine. Using as a basis the substantial information provided by Governments, the Board submitted to the Commission on Narcotic Drugs in November 2009 a recommendation to reschedule phenylacetic acid. Taking into account the recommendation of the Board, the Commission at its fifty-third session, in March 2010, adopted decision 53/1, by which it decided to transfer phenylacetic acid from Table II to Table I of the 1988 Convention. Pursuant to article 12 of the 1988 Convention, the decision will become fully effective on 17 January 2011.

3. Control measures for preparations containing psychotropic substances

200. The Board has noted that some Governments need to take action with regard to the control of preparations containing psychotropic substances, ensuring that national control measures comply with the 1971 Convention. Unlike the 1961 Convention, the 1971 Convention does not provide a list of preparations that are exempted in all countries from some of the control measures included in the Convention. Instead, the 1971 Convention allows Governments to exempt certain preparations from some mandatory control measures applicable under the Convention. However, if Governments decide to exempt certain preparations from some control measures, they must notify the Secretary-General of those exemptions, in accordance with article 3 of the 1971 Convention. The Board requests all Governments that are exempting certain preparations at the national level from control measures foreseen in the

1971 Convention and that have not yet notified the Secretary-General of those exemptions to do so without delay. The Board wishes to remind Governments that all other preparations containing psychotropic substances should be subject to the provisions of the 1971 Convention.

201. The Board stands ready to clarify the meaning of specific provisions of the international drug control treaties for Governments, when required.

4. Prevention of diversion from international trade

Import and export authorization requirement

202. One of the main pillars of the international control system is the universal application of the requirement of import and export authorization. Import and export authorizations are required for a transaction involving any of the substances controlled under the 1961 Convention or listed in Schedules I and II of the 1971 Convention. The competent national authorities are required by those conventions to issue import authorizations for transactions involving the importation of such substances into their country. The exporting countries must verify the authenticity of the import authorizations before issuing the export authorizations required to allow the shipments containing the substances to leave the country.

203. The 1971 Convention does not require import and export authorizations for trade in psychotropic substances listed in Schedules III and IV of the Convention. As the diversion of those substances from international trade was widespread in the 1970s and 1980s, the Economic and Social Council, in its resolution 1996/30, requested Governments to extend the system of import and export authorizations to cover those substances. By 2010, most countries had made import and export authorizations a requirement for such substances. The Board appreciates that the Governments of Cuba, Gabon, Guatemala, the Libyan Arab Jamahiriya, the Russian Federation and the Syrian Arab Republic have, in the meantime, amended their national legislation to require an import authorization for any of the substances in Schedules III and IV of the 1971 Convention.

204. Data on cases involving diversion indicate that traffickers are quick to target countries in which controls are less strict than in others. The Board

therefore urges the Governments of the few States in which national legislation does not yet require import and export authorizations for all psychotropic substances, regardless of whether or not they are States parties to the 1971 Convention, to extend such controls to all substances in Schedules III and IV of the 1971 Convention as soon as possible and to inform the Board accordingly.

Assistance to Governments in verifying the legitimacy of import authorizations

205. Government authorities are encouraged to verify with the Board all import authorizations that they consider to be suspicious — for example, authorizations using new or unknown formats or bearing unknown stamps or signatures or authorizations with other aspects that differ from the norm. Import authorizations may need to be verified if they have not been issued by a recognized competent national authority or if the consignment consists of substances known to be frequently abused in the region of the importing country. The Board maintains a collection of samples of official certificates and authorizations used for importing narcotic drugs, psychotropic substances and precursor chemicals, which can be compared with questionable import documents, thus assisting Governments in verifying the authenticity of documents. The Board appreciates that the Governments of many exporting countries continue to request the assistance of the Board in verifying the legitimacy of import authorizations.

206. When the sample in the Board's collection of official authorizations differs from the newly submitted import authorization or when there is no corresponding sample in the collection, the Board, on behalf of the competent authorities of the exporting country, contacts the importing country to ascertain the legitimacy of the transaction. In such cases, the Board calls upon the Government of the importing country to respond in a timely manner. Failure to quickly confirm the legitimacy of import authorizations may hinder the investigation of diversion attempts and/or cause delays in legitimate trade in controlled substances, thus adversely affecting the availability of those substances for legitimate purposes.

Online system of pre-export notification for precursor chemicals

207. The rapid exchange of information between exporting and importing countries through the pre-export notification system has proved to be an efficient way of identifying the legitimacy of individual consignments of precursor chemicals. The Pre-Export Notification Online (PEN Online) system, developed by the Board, is the main system used for the exchange of such information. The number of countries using the PEN Online system has continued to increase: 115 countries and territories now use the system on a regular basis, issuing about 1,500 notifications per month (compared with 600 per month in 2007). Despite the widespread use of PEN Online by national authorities and its established position in international precursor control, the Board notes with concern that some countries still have not registered to use the system. African countries account for about half of the countries that have not yet registered.

208. The Board notes that several countries that have registered for the PEN Online system do not use the system on a regular basis, thereby foregoing access to one of the most important tools available for precursor control. The Board urges all Governments that have not yet done so to register with and make use of the PEN Online system. The Board encourages those Governments already using the system to respond to enquiries as quickly as possible, in order to enable the legitimacy of shipments to be verified in a timely manner.

System of estimates and assessments of annual requirements for controlled substances

209. Another important control measure used to prevent the diversion of controlled substances from international trade is the system of estimates of legitimate annual requirements. Estimates of requirements for narcotic drugs are used in the calculation of limits that must be observed by parties when authorizing imports and exports of narcotic drugs. The assessments of annual requirements for psychotropic substances and estimates of annual requirements for selected precursors help Governments to identify unusual transactions. In many cases, the diversion of a controlled substance was prevented when the exporting country did not authorize the export of the substance because the quantities of the

substance to be exported would have exceeded the quantities required in the importing country.

210. The Board regularly investigates cases involving possible non-compliance by Governments with the system of estimates or assessments, as such non-compliance could facilitate the diversion of controlled substances from licit international trade into illicit channels. The Board notes that in 2009, almost all Governments complied with the system of estimates for narcotic drugs. The authorities of 17 countries issued authorizations in 2009 for the import of psychotropic substances for which they had not established any assessments or in quantities that significantly exceeded their assessments. With regard to precursors, the Board has noted that many States parties continue to authorize the import of precursors in quantities that greatly exceed the quantities provided in their estimates of legitimate annual requirements.

211. The Board once again calls on Governments to respect the system of estimates and assessments, pursuant to the 1961 Convention, the relevant Economic and Social Council resolutions and Commission resolution 49/3, and to ensure increased vigilance in the monitoring of imported substances. Governments that have not yet done so should establish a mechanism to make certain that their estimates and assessments are in line with their actual legitimate requirements and that no imports in quantities exceeding those requirements are authorized. The Board also calls upon the Governments of exporting countries to regularly check the estimates and assessments of importing countries and not to authorize exports that are not in line with legitimate requirements.

5. Effectiveness of the control measures aimed at preventing the diversion of controlled substances from international trade

212. The system of control measures laid down in the 1961 Convention provides effective protection of international trade in narcotic drugs against attempts to divert such drugs into illicit channels. Similarly, as a result of the almost universal implementation of the control measures stipulated in Economic and Social Council resolutions, in recent years there have been no identified cases involving the diversion of psychotropic substances from international trade into illicit channels. However, cases involving attempts to divert narcotic

drugs and psychotropic substances continue to be detected by vigilant competent national authorities, which often work in close cooperation with the Board. The Board calls upon Governments to continue to monitor international trade in those substances by using the tools mentioned above. Competent national authorities are encouraged to request the Board to assist in verifying the legitimacy of suspicious individual transactions.

213. With regard to the diversion of precursor chemicals from international trade, Project Prism and Project Cohesion, two international initiatives launched by the Board, have continued to be the driving force behind the increased monitoring of licit trade in precursor chemicals used in the illicit manufacturing of amphetamine-type stimulants, heroin and cocaine.

214. The Board welcomes the success of Operation Pila, launched in 2009 under Project Prism to monitor global trade in ephedrine, pseudoephedrine, P-2-P and phenylacetic acid. One of the aims of Operation Pila, which lasted from 1 July 2009 to 31 March 2010, was to replicate the success of previous operations such as Crystal Flow and Ice Block, generating intelligence on the trafficking methods used and identifying weaknesses in national and regional mechanisms for precursor control. As a result of Operation Pila, 40 suspicious shipments of ephedrine and pseudoephedrine, involving a total of 12.8 tons and 199 million tablets, were suspended, stopped or seized, thus preventing the illicit manufacture of approximately 11.5 tons of methamphetamine. In addition, through Operation Pila, it was possible to identify a number of suspicious shipments of P-2-P. Intelligence collected in the course of Operation Pila corroborated information about the emergence of Central America as a major destination for shipments of precursor chemicals used in the illicit manufacture of methamphetamine. Information gathered through the Operation also indicated that traffickers were increasingly using substances not under international control, including esters of phenylacetic acid.

215. The Board acknowledges the strong support from Governments in the implementation of Operation Dice-2, launched under Project Cohesion. Under Operation Dice-2, the Board reviewed nearly 900 international shipments of acetic anhydride and issued notifications regarding suspicious transactions, which led to the seizure of over 26 tons of acetic

anhydride. Like Operation Pila, Operation Dice-2 prompted an increase in the exchange of intelligence with respect to trafficking patterns, which in turn made it possible to identify weaknesses in existing control measures and facilitated the development of remedial measures.

216. The Board notes that because of the weak regulatory and enforcement frameworks in African countries traffickers continue to target those countries for the diversion of precursors. Problems related to the absence of effective controls over the availability of precursor chemicals in African countries have been exacerbated by the fact that a relatively small percentage of African countries have registered with the PEN Online system and that those African countries that have registered with the system do not use it regularly. The Board urges the Governments of African countries to adopt and enforce comprehensive legislative and regulatory frameworks governing precursors and to register with and make use of the PEN Online system.

6. Prevention of diversion from domestic distribution channels

217. Since the diversion of narcotic drugs and psychotropic substances from international trade has almost stopped, the diversion of such substances from licit domestic distribution channels has become a major source used to supply illicit markets. Precursor chemicals are also increasingly being diverted from domestic distribution channels.

218. In principle, the provisions of the international drug control conventions, if complied with, should prevent diversion from domestic distribution channels. Lack of national legislation in line with the conventions, inadequate implementation of national legislation and insufficient monitoring of the implementation have enabled traffickers to divert controlled substances from domestic distribution channels. That fact is illustrated by the following case involving the diversion of a psychotropic substance from domestic distribution channels for use as a precursor chemical in illicit drug manufacture. Cathine, a stimulant in Schedule III of the 1971 Convention, is used mainly for industrial purposes, as direct medical use of the substance is limited. In the 10-year period 1999-2008, South Africa was the main importer of cathine, importing on

average 1.8 tons of the substance each year. When the Board enquired about the final use of the large amounts of cathine being imported into South Africa, it was revealed that the substance had been purchased by criminal associations for use in clandestine laboratories illicitly manufacturing amphetamine-type stimulants. At the time, cathine was not controlled in South Africa in line with the provisions of the 1971 Convention. The Government then amended its national legislation so that in South Africa cathine became subject to the provisions foreseen in the 1971 Convention. As a result, no imports of cathine into South Africa were reported in 2009.

219. The Board calls on all Governments to monitor shipments of cathine, in particular when they are destined for Africa, in order to prevent the illicit use of that substance in countries in the region where national control measures may not be adequate.

220. With regard to precursor chemicals, Operation Dice-2 (see para. 215 above) confirmed the diversion of acetic anhydride from domestic distribution channels, for use in the illicit drug manufacture in other countries.

Diversion of pharmaceutical preparations containing controlled substances

221. While controlled substances are sometimes diverted from domestic distribution channels in bulk form, pharmaceutical preparations (prescription drugs) containing those substances are often diverted. In many cases, the diverted preparations are smuggled into other countries, particularly countries in which there is considerable illicit demand for a specific substance with a relatively high street price. Diverted pharmaceutical preparations are frequently marketed via illegal Internet sites.

222. The narcotic drugs most often diverted and abused include fentanyl, hydrocodone, methadone, morphine and oxycodone. The psychotropic substances most often diverted and abused are stimulants, benzodiazepines (alprazolam and diazepam), *gamma*-hydrobutyric acid (GHB) and buprenorphine.

223. In addition, attempts to divert pharmaceutical preparations containing precursor chemicals continue to occur. In response to the threat posed by the diversion of such pharmaceutical preparations, China,

the Czech Republic, El Salvador and South Africa enacted in 2009 national legislation explicitly extending control measures to pharmaceutical preparations containing ephedrine or pseudoephedrine. Operation Pila focused on monitoring global trade in pharmaceutical preparations containing ephedrine or pseudoephedrine, thereby helping to raise awareness of that aspect of precursor control.

224. While loopholes in national legislation regarding precursors are exploited to divert pharmaceutical preparations containing precursors from international trade, the modus operandi most frequently used for the diversion of narcotic drugs and psychotropic substances include falsified prescriptions, the supplying of substances by pharmacies without the required prescriptions, or theft from pharmacies, wholesalers or factories. In many cases, prescription drugs are obtained from the persons to whom they were prescribed by physicians.

225. In addition, modern telecommunication and information technologies (such as the Internet and international call centres) are used for the illicit distribution of pharmaceutical preparations containing controlled substances. Mail and courier services are used for smuggling diverted or counterfeit pharmaceutical preparations containing controlled substances. Video-sharing websites promote pharmaceutical preparations containing substances under international control and direct the viewer to illegal websites selling without prescription pharmaceutical preparations containing controlled substances, including strictly controlled substances such as oxycodone, methadone, methylphenidate or dexamphetamine. Unsolicited electronic communication (spamming) continues to be one of the main means of advertising used by illegally operating Internet pharmacies. Criminal networks hire spammers to promote websites where drugs are sold illegally.

226. As stated above, diversions from domestic distribution often indicate loopholes in national legislation or insufficient monitoring of compliance with existing legislation or regulations. The Board requests Governments that are faced with problems involving the diversion of trafficking in or abuse of prescription drugs to identify the source of the diverted preparations and take measures to prevent such activity in future. The main measures to be taken to counter such activity includes: ensuring implementation of the

prescription requirement; enhancing national monitoring and inspection mechanisms; educating doctors about the rational use of drugs; and using prescription monitoring programmes to identify unethical behaviour by doctors or patients.

227. When such medications are being supplied by friends or family members, that shows that public awareness of the dangers involved in the abuse of prescription drugs is not adequate and that national authorities, in cooperation with professional associations, need to alert the general population about the negative effects of such abuse. The Board wishes to remind all Governments that they should ensure the implementation of the provisions of article 10 of the 1971 Convention, by including warnings on packages of psychotropic substances and by prohibiting the advertising of such substances to the general public.

228. An analysis of the extent of abuse of prescription drugs and a recommendation on action to be taken to prevent such abuse are contained in the report of the Board for 2009.²⁰ To prevent the use of the Internet for illicit distribution of diverted pharmaceutical preparations containing controlled substances, the Board advises Governments to consider the *Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet*,²¹ developed by the Board, and to implement the recommendations contained in the report of the Board for 2009 on action to deal with illegal Internet pharmacies.²²

229. When distributing the Guidelines to Governments, the Board expressed its hope that the Guidelines would help Governments to effectively counter and prevent trafficking in internationally controlled substances through the Internet. In order to assess progress achieved in implementing the Guidelines, the Board in 2010 requested all Governments to complete a questionnaire. The responses to the questionnaire will allow the Board to evaluate the effectiveness of the Guidelines and to identify those recommendations for which Governments may need additional support to

implement. The Board therefore requests all Governments that have not yet done so to submit their replies to the questionnaire as soon as possible.

230. The Board notes with appreciation that, according to the responses to the questionnaire received so far, a number of Governments have implemented the Guidelines and had acquired expertise in dealing with illegal Internet pharmacies. Other Governments have expressed a need for international support, in particular in the area of training law enforcement and drug regulatory authorities, to enable them to implement the Guidelines. The Board notes with concern that the recommendations pertaining to sharing information, making expertise available to other States and providing training to the authorities of other countries have been implemented by only a small number of Governments. Sharing information and providing expertise and training to States in need of such support would, however, be in the interest of all States, given the transnational nature of the problem of illegal Internet pharmacies.

231. The Board notes that some competent national authorities would like to learn from the experiences of their counterparts in countries that have already implemented the Guidelines, in order to identify good practices. To support those cooperative efforts, the Board plans to identify ways to facilitate the exchange of such experiences and to organize a meeting of interested parties.

232. The Board notes with appreciation efforts by Austria and the United Kingdom to bring to the attention of the general public the dangers associated with the purchase of medications through illegal Internet pharmacies. Those efforts were carried out in cooperation with professional bodies representing pharmacies, patient groups and industry. The Board notes that Austria prohibited in 2010 the import of any medications ordered over the Internet.

Diversion and abuse of drugs used in substitution treatment

233. One matter of particular concern is the continued diversion of substances used in substitution treatment, such as buprenorphine, methadone and morphine. The Board has examined this problem several times in the

²⁰ *Report of the International Narcotics Control Board for 2009* (United Nations publication, Sales No. E.10.XI.1), paras. 229-241 and 787 (recommendation 31).

²¹ United Nations publication, Sales No. E.09.XI.6.

²² *Report of the International Narcotics Control Board for 2009 ...*, paras. 272 and 790.

past (including, for example, in its report for 2006).²³ In 2010, the Board contacted the Governments of the countries that had been most affected by the diversion, abuse of or trafficking in buprenorphine, requesting them to inform the Board of the current extent of the diversion of buprenorphine, including the diversion of buprenorphine from programmes in which it is used in substitution treatment for opioid addicts, and of the measures taken to prevent such diversion. The Board notes that the Governments concerned have investigated the diversions that were detected with a view to identifying the persons involved in those illicit activities and bringing them to justice and have taken action to prevent such diversion.

234. The Board requests the Governments of all countries that have substitution treatment programmes and that are faced with problems involving the diversion and abuse of preparations used in such treatment to continue their efforts to prevent the diversion and abuse of those preparations while making them available for medical treatment.

7. Other issues related to the implementation of drug control treaties or related resolutions

Secure area for the use of Governments

235. On 1 August 2010, the Board established on its website a secure area that is accessible to authorized Government officials only. The secure area, which is still in its initial stages and therefore available in English only, will be used by the Board to publish restricted information to assist competent national authorities in the international control of narcotic drugs, psychotropic substances and precursors.

236. The only information currently available to Governments in the secure area is a summary of national requirements in place for authorizing the import and export of ketamine, in compliance with Commission on Narcotic Drugs resolution 49/6 entitled "Listing of ketamine as a controlled substance". The Board calls upon Governments to review that information when considering authorizing imports or exports of ketamine and to inform themselves about any restrictions to international trade in ketamine that may be in place in countries that are trading partners.

²³ *Report of the International Narcotics Control Board for 2006* (United Nations publication, Sales No. E.07.XI.11), paras. 187-195.

237. The Board is pleased to note that already in the first three months of its existence, officials from about 80 Governments asked for access to the secure area, although the information available on the site is still limited. The Board encourages all Governments to continue to make use of that tool and to provide the Board with feedback on its usefulness and ideas about other types of information that might be useful to include in the secure area of the Board's website.

238. The Board wishes to remind Governments of the information package on the control of precursors, which details control measures adopted by Governments for substances in Tables I and II of the 1988 Convention, based on information provided to the Board by Governments. The information package, which is updated annually, is available in the secure area for competent national authorities responsible for implementing article 12 of the 1988 Convention. In order for the information package to continue to be a reliable source of information, Governments should keep the Board informed of any changes in their national control regime for precursors.

8. Use of non-scheduled substances in the illicit manufacture of narcotic drugs and psychotropic substances

239. As more and more States have implemented the provisions of the 1988 Convention, it has become more difficult for traffickers to obtain some of the substances listed in Tables I and II of that Convention. In response, traffickers are seeking non-scheduled substitutes for the more closely monitored precursors. The Board has noted this development over the past several years and has identified the following general trends:

(a) Shifts to different forms of, or products containing, the controlled precursor, for example, pharmaceutical preparations, natural products (e.g. ephedra extracts) or derivatives that can be converted into the controlled precursor through readily available means. These may include commercially available products that do not fall within the purview of precursor control or products and derivatives that are specifically designed to circumvent existing controls, including made-on-order preparations;

(b) The illicit manufacture of the controlled primary precursor from non-scheduled pre-precursors;

(c) The use of new or altered methods of processing or manufacture that require substances not currently listed in Table I or II of the 1988 Convention;

(d) The illicit manufacture of related “designer drugs” that require as starting material substances not currently listed in Table I or II of the 1988 Convention.

240. Forty-four Governments reported the seizure of a total of 170 non-scheduled substances in the five-year period 2005-2009. Because of the flexibility inherent to the manufacture of amphetamine-type stimulants and the variety of such substances, the range of reported non-scheduled substances has been greater for this group than for other drug groups. However, the Board has noted in its technical reports on precursors the seizure or actual use of non-scheduled substitute chemicals used in the illicit manufacture of cocaine and heroin.

241. Specifically, the Board has drawn attention to several substitutes for ephedrine- and pseudoephedrine-based methods for illicit methamphetamine manufacture, including *l*-phenylacetylcarbinol (*l*-PAC), an intermediate substance used in the industrial manufacture of ephedrine, and *N*-acetylpseudoephedrine acetate, which can be easily converted to pseudoephedrine using a hydrolysis reaction. Both substances enable illicit operators to continue to use familiar manufacturing techniques. The Board is also aware of attempts to produce ephedrine from *N*-methyl-DL-alanine. In connection with P-2-P-based methods for the illicit manufacture of methamphetamine, seizures of non-scheduled derivatives of phenylacetic acid, in particular its esters, are among the most significant developments. Seizures of tartaric acid, a chemical employed in the post-manufacture purification of methamphetamine manufactured from P-2-P, provide further evidence of a resurgence of P-2-P-based methods in the wake of strengthened controls on ephedrine and pseudoephedrine and preparations containing them. Purpose-made P-2-P in the form of its bisulphite adduct has also been encountered in an attempt to disguise its physical characteristics and thus circumvent controls, as has been a purpose-made derivative of 3,4-MDP-2-P known as “3,4-MDP-2-P glycidate”. The latter two may also be classified as “hidden” precursors.

242. With regard to the manufacture of cocaine, the use of non-scheduled substances brought to the

attention of the Board extends from the use of a range of alternative solvents and a method employing ethanol to substitute for the traditional potassium permanganate process for the purification of the crude cocaine base, to the illicit manufacture of key precursors such as sulphuric acid, and potassium permanganate from potassium manganate or manganese dioxide.

243. For heroin, the majority of the non-scheduled substances are chemicals that are employed, in addition to acetic anhydride, in various steps of the traditional manufacturing process, such as ammonium chloride, sodium carbonate and bicarbonate and ammonia. In addition, large-scale seizures of acetyl chloride and glacial acetic acid have led to claims of the illicit manufacture of acetic anhydride from non-scheduled pre-precursors or the direct use of substitute acetylating agents. However, while those processes are technically feasible, the claims remain to be corroborated.

244. Concern over such developments led the Board in 1998, in response to Economic and Social Council resolution 1996/29, to establish the limited international special surveillance list of non-scheduled substances — substitute and “new” chemicals for which there was substantial information on actual use in illicit drug manufacture. A total of 26 substances aside from those listed in Tables I and II of the 1988 Convention were originally included on the special surveillance list. The special surveillance list, which is available on the Board’s secure website, currently includes 45 chemicals. Distributed annually by the Board to competent national authorities, the special surveillance list is aimed at assisting Governments in devising, in cooperation with the industries concerned, a flexible system that is sensitive to the requirements of legitimate trade while preventing the use of non-scheduled substances in the illicit manufacture of drugs. The usefulness of the special surveillance list has been demonstrated by the numerous seizures of substances included on the list and by the establishment of similar surveillance lists at the regional level.

245. With regard to the maintenance and use of the special surveillance list, the Board notes that there is a need to improve the gathering and sharing of intelligence and other information with regard to the chemicals found when dismantling illicit drug

manufacturing laboratories, both among other entities at the national level and among international organizations and bodies, such as the Board.

246. Individual Governments have introduced additional regulations for substances not under international control. The Board is aware of 38 States that have established some form of control over a total of 132 substances not included in Tables I and II of the 1988 Convention or on the special surveillance list. While the Board welcomes the increased alertness and the introduction of appropriate measures by individual Governments to prevent the use of non-scheduled substances by traffickers, it wishes to highlight the importance of coordinating those approaches at the regional level to avoid situations whereby sources, points of diversion or trans-shipment routes are displaced from one country to another. The Board also wishes to remind all competent national authorities to keep themselves up to date on, and comply with, the existing regulations of their trade partners and to cooperate with each other in verifying the legitimacy of orders and investigating suspicious shipments of all substances that could be used in illicit drug manufacture.

247. There is a need to counter the use of numerous substitute chemicals not controlled under the 1988 Convention of which a negligible proportion of the amounts required for legitimate purposes is being used in illicit drug manufacture. The Board considers comprehensive voluntary cooperation between the industries concerned and the competent national authorities to be one of the main means of countering continual shifts between such substitute chemicals used as precursors. Key elements of such cooperation include: good trade practices, such as the sharing of knowledge and the continuous monitoring of patterns of legitimate manufacture and trade involving such substances, in order to identify irregularities and suspicious transactions; the know-your-client principle and reliable estimates of annual legitimate requirements for the substances in question and the products containing them, such as pharmaceutical preparations. In addition, Governments are reminded to consider, pursuant to General Assembly resolution S-20/4 B, punishing, as a criminal offence in the sense of article 3 of the 1988 Convention, unlawful conduct of persons or companies in connection with the diversion of non-scheduled substances with the knowledge that they are intended for use in the illicit

manufacture of narcotic drugs or psychotropic substances and introducing related penal, civil and administrative sanctions.

248. The Board is aware that the above-mentioned recommendations can be only a subset of the measures required to address an issue as complex as that of preventing the use of non-scheduled substances in the illicit manufacture of drugs. It therefore calls on Governments to examine all available options to establish appropriate mechanisms to monitor the movement of non-scheduled substances and identify suspicious transactions involving them and to cooperate with each other and the Board to that end.

E. Special topics

1. Use of cannabis seeds for illicit purposes

249. The Commission on Narcotic Drugs, in its resolution 52/5, entitled “Exploration of all aspects related to the use of cannabis seeds for illicit purposes”, addressed the use of cannabis seeds for the illicit cultivation of the cannabis plant. In that resolution, the Commission requested the Board, within its mandate under the international drug control treaties and, as appropriate, in cooperation with other competent international bodies, to gather from Member States regulatory information on cannabis seeds, including on the sale of cannabis seeds through the Internet, and to share that information with Member States.

250. The Board sent to all Governments a questionnaire on regulations pertaining to cannabis seeds in order to identify provisions in national laws and administrative regulations aimed at preventing the use of cannabis seeds for the illicit cultivation of the cannabis plant and to obtain descriptions of the various regulations on cannabis seeds applied in countries worldwide. International organizations were requested to provide information on any regulations pertaining to cannabis seeds that were obtained in the course of carrying out their mandates and programmes.

251. The European Commission provided an overview of European Union legislation on hemp seeds. European Union legislation provides that only cannabis varieties listed in the Commission’s Common Catalogue of Varieties of Agricultural Plant Species and having a tetrahydrocannabinol (THC) content not

exceeding 0.2 per cent are eligible for direct agricultural support payments. Accordingly, import of cannabis seeds into the European Union for sowing is authorized only when the THC content of the cannabis variety in question does not exceed 0.2 per cent. Cannabis seeds not for sowing may be imported only if they are non-viable (having been rendered unsuitable for sowing), mixed with other grains for animal nutrition or destined for re-export to a country outside the European Union.

252. The Board received responses to the questionnaire on regulations pertaining to cannabis seeds from 104 (49 per cent) of the 211 Governments requested. In general, the responses showed that a wide range of regulatory approaches are applied in different countries.

253. A majority of the responding Governments (59 per cent) stated that national laws or administrative regulations on the production of cannabis seeds were in place. One regulatory approach is to include cannabis seeds in the legal definition of cannabis (reported by Anguilla, Australia, El Salvador, Guyana, Hong Kong (China), Lithuania, Malaysia, Malta, Mauritius, Mexico, New Zealand and Zimbabwe), hence placing cannabis seeds under the relevant narcotic drug laws and regulating production of cannabis seeds as production of a narcotic drug. Other approaches are: placing only viable cannabis seeds under national drug control (in Canada, Malta and the United States); permitting the production of seeds of cannabis whose THC content is below an established threshold (reported by a number of States members of the European Union); or permitting the import of cannabis seeds only with special authorization (reported by Colombia and India).

254. With respect to international trade in cannabis seeds, about half of the responding Governments (53 per cent) indicated having provisions to control the import of cannabis seeds and about half (47 per cent) reported having provisions to control the export of cannabis seeds. In most of those countries, authorization is required for the import or export of cannabis seeds. In countries where cannabis seeds are controlled drugs, international trade is regulated in accordance with the provisions on trade in narcotic drugs. In some countries, imports or exports are limited to certain types of cannabis seeds, such as cannabis seeds having undergone anti-germination treatment

(reported by Japan), seeds of cannabis varieties with a THC content below a specified level or seeds listed in a catalogue of approved species (as reported by a number of States members of the European Union). The import or export of cannabis seeds is prohibited in some countries (Argentina, Brazil, China, Guatemala, Iceland, Lebanon, Panama and Zambia).

255. About half of the responding Governments (51 per cent) regulate the domestic sale, purchase, advertisement or possession of cannabis seeds. In countries where cannabis seeds are subject to national drug control, the unlawful sale, purchase and possession of cannabis seeds are drug-related offences. In some countries (such as Cyprus, Estonia, Finland, Hungary and Japan), it is illegal to possess, purchase and/or sell cannabis seeds if the seeds are to be used for the illicit cultivation of cannabis plants. In such cases, the possession of and trade in cannabis seeds are regarded as preparatory acts of such illicit cultivation and are dealt with under provisions against such illicit cultivation. A few States (Brazil, Dominican Republic, Israel, Japan, Mexico, United States and Zimbabwe) have prohibited the advertisement of cannabis seeds or have made it illegal to advertise illicit drugs. The vast majority of the responding Governments (87 per cent) reported not having specific regulations on the sale of cannabis seeds through the Internet. Many, however, emphasized that the sale of cannabis seeds through the Internet was covered by general provisions on the sale of cannabis seeds, which were applicable irrespective of the mode of sale. One third of the responding Governments (33 per cent) reported having noted suspicious transactions involving cannabis seeds to be used for illicit purposes or having effected seizures of cannabis seeds, mostly in small quantities.

256. A number of Governments felt that comprehensive measures were required, including in the areas of law enforcement, cooperation among government agencies, the sharing of information at the international level and awareness-raising, to prevent the use of cannabis seeds for the illicit cultivation of the cannabis plant. With respect to possible measures for the control of cannabis seeds, it was suggested that a distinction should be made between cannabis seeds capable of germination and non-viable seeds. The view was also expressed that the international community, when considering control measures, should seek to avoid having an adverse impact on legitimate use of cannabis seeds.

257. The Board notes that the wide availability of cannabis seeds, which are not controlled under the international drug control treaties, contributes to the illicit cultivation of the cannabis plant. Given the various regulatory approaches with respect to cannabis seeds that were described in the responses to the questionnaire, the Board encourages all Governments to continue identifying best practices in addressing the use of cannabis seeds for illicit purposes. The Board invites Governments to consider appropriate measures at the national level to effectively prevent such use. Those measures may include, for instance, trade restrictions on cannabis seeds capable of germination or on seeds of cannabis varieties with a THC content exceeding a certain threshold.

258. The Board is concerned about the widespread sale, particularly over the Internet, of cannabis seeds to be used for illicit purposes. Those who use websites and electronic advertisements to sell cannabis seeds obviously incite individuals to engage in the illicit cultivation of cannabis plants. The Board therefore requested selected Governments to provide information on the sale of cannabis seeds over the Internet, including on detected transactions, the website operators involved and the sources and destinations of shipments of cannabis seeds, and on measures taken by Governments to address this issue. From the responses received, it appears that information on Internet transactions involving the sale of cannabis seeds to be used for illicit purposes is often not available to Governments. The Board therefore invites Governments to increasingly monitor cases involving the use of the Internet to sell cannabis seeds to be used for illicit purposes and to strengthen efforts to stop such activity. In that connection, the Board calls upon Governments to apply article 3, paragraph 1 (c) (iii), of the 1988 Convention, which requires States parties to establish as a criminal offence public incitement or inducement of others to engage in, inter alia, the illicit cultivation of cannabis plant and the illicit use of cannabis.

2. Synthetic cannabinoid receptor agonists

259. During the past several years, synthetic cannabinoid receptor agonists have emerged as a new class of substances of abuse requiring the attention of drug regulators. These substances are added to herbal mixtures, marketed under brand names such as Spice, which are sold through the Internet and in specialized

shops. The synthetic cannabinoid receptor agonists that have been detected in these herbal mixtures are not under international control. However, in 2009, concern about the potential health risks posed by their abuse prompted authorities in several countries to adopt national measures to prevent such abuse. Some countries have added specific synthetic cannabinoid receptor agonists, notably ones such as JWH-018 and CP 47497 and homologues most commonly identified in seized samples of herbal mixtures, to the list of substances controlled under national legislation. However, a large number of synthetic cannabinoid receptor agonists have been synthesized such that non-controlled ones could appear on the market. To pre-empt this problem, some States, such as the United Kingdom, have adopted measures for the control of groups of structurally related synthetic cannabinoid receptor agonists.

260. Concerned that herbal mixtures containing cannabinoid receptor agonists were increasingly being sold through various channels, the Commission on Narcotic Drugs, adopted resolution 53/11, entitled “Promoting the sharing of information on the potential abuse of and trafficking in synthetic cannabinoid receptor agonists”. In that resolution, the Commission welcomed the work of the Board in bringing to the attention of Member States the abuse of herbal mixtures containing synthetic cannabinoid receptor agonists through the inclusion of information on that matter in the report of the Board for 2009²⁴ and requested the Board to continue to play a role in gathering from Member States information on synthetic cannabinoid receptor agonists, including new types of those substances not under international control, and in sharing that information with other Member States and WHO.

261. Pursuant to that request, the Board has sent a letter to the Governments of selected countries in all regions requesting information regarding recent trends in the abuse of synthetic cannabinoid receptor agonists and the presence on the market of new types of such substances. The Board has reviewed the information provided by Governments, as well as other official reports about measures implemented to deal with the problem of the abuse of synthetic cannabinoid receptor agonists in various parts of the world.

²⁴ *Report of the International Narcotics Control Board for 2009 ...*, paras. 242-248.

262. The availability on the market of products containing synthetic cannabinoid receptor agonists continues to be a matter of concern for Governments. In 2010, a number of Governments have introduced or intend to introduce measures to prevent trafficking in such products. In countries such as Belarus and Ukraine, a number of synthetic cannabinoid receptor agonists have been added to the list of substances controlled under national legislation, whereas Ireland has placed groups of structurally related synthetic cannabinoid receptor agonists under national control. In the United States, only the synthetic cannabinoid HU-210 is under control due to its being a structural analogy to THC. However, concerned that herbal mixtures containing synthetic cannabinoid receptor agonists have recently become available in specialized shops throughout the United States, lawmakers in several states have adopted legislation to control the use of and trade in specific synthetic cannabinoid receptor agonists, including JWH-018 and CP 47497 and some of its homologues.

263. Governments of some countries that had already adopted national legislation to control specific synthetic cannabinoid receptor agonists reported to the Board that law enforcement authorities had, since the adoption of that legislation, detected non-controlled agonists in samples taken from herbal mixtures that had been seized in their countries. For example, JWH-250 was recently detected in herbal mixtures seized in France, Japan and the Russian Federation. Another synthetic cannabinoid receptor agonist, JWH-081, was detected in samples taken from herbal mixtures seized in Finland, France and Sweden.

264. The Board encourages Governments to continue monitoring the abuse of synthetic cannabinoid receptor agonists and adopt measures to prevent their trafficking and abuse. In that regard, all Governments concerned are encouraged to implement Commission on Narcotic Drugs resolution 53/11. The Board invites Governments to continue to provide it with information regarding the extent of abuse of and trafficking in products containing synthetic cannabinoid receptor agonists and measures that have been adopted to counter such abuse.

3. Recently identified “designer drugs”

265. The term “designer drugs” is used to describe substances of abuse that have been developed to avoid

existing control measures, including those foreseen under the international drug control conventions. Frequently, they are manufactured by means of a minor modification of the molecular structure of controlled substances, resulting in a new substance with similar pharmacological effects. They can be easily manufactured, as instructions on their manufacture and a description of their pharmacological effects are often found on the Internet.

266. The abuse of 4-methyl-methcathinone, a “designer drug” also known as “mephedrone” or “4-MMC”, has been reported in a growing number of countries and regions. Mephedrone is a derivative of methcathinone, which itself is chemically related to cathinone, one of the psychoactive ingredients found in khat (*Catha edulis*). Its chemical structure is also related to amphetamines. The effects of the substance are reported to be similar to other stimulant drugs, such as cocaine, amphetamine and MDMA (“ecstasy”), although there is little existing research into its pharmacology and toxicity.

267. The abuse of mephedrone was first noted in 2007, in the United Kingdom. By 2008, its abuse had become so widespread in Europe that notification was given to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) so that the substance could be monitored through the European Union early warning system. In a few cases, the abuse of mephedrone, especially in combination with other substances, has resulted in death. In 2010, there was an increasing number of reports of the seizure or abuse of mephedrone in regions other than Europe — in countries in North America, South-East Asia and Oceania, in particular Australia and New Zealand.

268. Mephedrone is easily obtained through the Internet and has been marketed through retail outlets (“smart shops”) in some countries. Organized criminal groups are involved in its trafficking and distribution. Mephedrone has been advertised as bath salt, plant food and a research chemical, presumably to escape detection by drug control authorities and to avoid legal proceedings against the marketing of the substance. The substance appears to have no legitimate use.

269. In many countries where mephedrone was not already controlled as an analogue of methcathinone, the substance has been placed under national control fairly rapidly. Other Governments are planning to place the substance under national legislation or have already

taken steps to do so. In addition, in Europe, the region where the abuse of mephedrone started and has spread the most so far, the Council of Europe took a decision to undertake a formal risk assessment of the substance. The Board appreciates those actions, which show that Governments can respond quickly to emerging trends in drug abuse.

270. However, mephedrone is not the only recent designer stimulant that is abused. For example, in Europe alone, some 15 other “designer cathinones” are currently being monitored by EMCDDA. Among those, methedrone and methylone, which are also analogues of methcathinone, are abused in the United Kingdom. In addition, naphyrone, another synthetic compound with stimulating effects that is not related to cathinone, is abused in Europe.

271. In countries where the national legislation does not support generic scheduling, the list of substances that are subject to national controls has to be amended for each newly identified “designer drug” or other substance that has been identified as problematic. For example, in Japan, 51 drugs (including mephedrone and salvinorin A, a substance obtained from the plant *Salvia divinorum*) have recently been placed under national control. Belarus, Brazil and Finland also found it necessary to amend their national drug control legislation and place several “designer drugs” on the list of controlled substances.

272. Governments are well aware that the abuse of new substances can spread quickly within and among regions. The Board recommends that all Governments closely monitor trends in drug abuse on their territory, with a view to identifying new substances of abuse, such as designer stimulants. In that regard, Governments should monitor Internet forums to identify the substances that might replace mephedrone as a result of that substance being placed under national control in a growing number of countries. Governments are urged to share with the Board and WHO any new trends in substance abuse. If necessary, Governments that have not yet done so should take immediate action to place mephedrone and other “designer drugs” under national control, in order to be able to prosecute the persons responsible for their distribution. To that end, Governments might consider generic scheduling, where national legislation allows it.

273. Furthermore, in view of the fact that mephedrone is abused in several regions and appears to be smuggled from region to region, Governments might consider notifying the Secretary-General of problems experienced with the abuse of mephedrone on their territory, with a view to adding the substance to any of the Schedules of the 1971 Convention. In that regard, the Board notes that WHO has, for some time, not been able to convene its Expert Committee on Drug Dependence to assess substances for possible scheduling under the 1961 Convention and the 1971 Convention, a situation that has serious repercussions for the international drug control system.

274. The Board therefore urges Governments and international entities such as UNODC, through its Laboratory and Scientific Section, and WHO to develop effective measures to address the problem of “designer drugs”. In view of the responsibility given to WHO under the 1961 Convention and the 1971 Convention, the Board calls on WHO, as a first step, to resume its activities to assess new substances as soon as possible.

4. Abuse of volatile organic compounds referred to as “poppers”

275. The Board notes that the Governments of some countries, in particular in South America, have experienced problems with regard to the abuse by inhalation of volatile organic compounds containing various alkyl nitrites, such as amyl nitrite. Those mixtures, which are commonly referred to as “poppers”, are currently not under international control. They are not “designer drugs”; however, their abuse raises concerns about adverse health effects. In response to those developments, in its resolution 53/13, entitled “Use of ‘poppers’ as an emerging trend in drug abuse in some regions”, the Commission invited Member States to address the potential problem of the use of “poppers” and to share information on best practices and lessons learned to counter that emerging trend. In that resolution, the Commission also invited Member States to share available information on abuse of “poppers” with the Board and other interested parties. In view of the concerns regarding the adverse health effects of the abuse of “poppers”, the Board recommends that Member States share with WHO information on health issues related to such abuse.

5. International cooperation in countering the covert administration of psychoactive substances to facilitate the commission of sexual assault and other criminal acts

276. Substances under international control, as well as some substances that are not controlled, have been known to be used to facilitate the commission of sexual assault or other criminal acts. The substances are concealed in food or, more frequently, drinks in doses that are higher than those used for therapeutic purposes, in order to weaken the resistance of individuals and ensure that victims have no recollection afterwards of what happened. Most notable has been the widespread use of flunitrazepam as a so-called “date-rape drug”. The Board has referred repeatedly to such use and the actions taken by Governments and industry to counter such problems.²⁵

277. In its resolution 52/8, the Commission on Narcotic Drugs addressed the use of pharmaceutical products to facilitate sexual assault (“date rape”). In its report for 2009, the Board welcomed the adoption of Commission resolution 52/8 and urged all Governments to implement the resolution as soon as possible. The Board also referred to cases in which those pharmaceutical products had been used to rob victims, for example, to obtain their credit card information or use of their motor vehicles, and invited the international community to consider the implementation of Commission resolution 52/8 with regard to such drug-facilitated crime, including sexual assault.²⁶ The Board notes that, as a result, the risk of use of pharmaceutical products to weaken the resistance of potential victims with criminal intent has come to the attention of the general public and the media. In particular, the fact that sexual assault is often facilitated by “date-rape drugs”, and the lack of effective countermeasures taken so far was highlighted in media reports appearing in many countries and regions in 2010.

278. In the light of those developments and in order to obtain more information on the extent of the problem and the countermeasures taken so far, the Commission on Narcotic Drugs adopted resolution 53/7, as

follow-up to its resolution 52/8. In its resolution 53/7, the Commission urged States to combat the phenomenon, inter alia, by raising public awareness of the *modi operandi* of the assailants and of the means of recourse available to the victims, and encouraged States to forward any relevant experiences and research findings to the Board and UNODC. In addition, the Commission invited States to promote research in that area, with a view to measuring the extent of the problem, ascertaining the *modi operandi* and identifying the substances used, whether the substances were under international control or not. Moreover, the Commission urged relevant international organizations, including the Board, UNODC and WHO, to gather information and further analyse the phenomenon, with a view to developing common definitions and standards, such as guidelines for forensic analyses to identify the presence of psychoactive substances used to commit sexual assault or other criminal acts.

279. Pursuant to Commission on Narcotic Drugs resolution 53/7, the Board contacted all Governments in July 2010, drawing their attention to that resolution and requesting that the information required under the resolution be communicated to the Board. By 1 November 2010, 47 Governments had replied to the Board.

280. The replies received by the above date indicate that drug-facilitated criminal acts have occurred in many countries and regions. The information available suggests that psychoactive substances have been used predominantly on young women, for the purpose of committing sexual assault. However, in several countries, there is also information on drug-facilitated robbery and ownership fraud, in which cases the victims tend to be men. Most Governments indicated that they have difficulties in providing accurate data on this issue, owing to the lack of forensic or other evidence in such cases. The actual extent of the problem is therefore hard to ascertain, and it is believed to be significantly underreported in most countries.

281. The reason for the difficulties in collecting such data is that victims themselves may not be aware that a crime has been committed, or may not be willing or able to make a public accusation. First, they may not remember what happened as a consequence of having taken such substances. Second, since the preparations used by the assailants are tasteless, colourless and

²⁵ *Report of the International Narcotics Control Board for 2005* (United Nations publication, Sales No. E.06.XI.1), paras. 37-39.

²⁶ *Report of the International Narcotics Control Board for 2009* ..., paras. 260-268.

odourless, victims may not suspect that they have been drugged and thus may not consider undertaking a forensic examination of their blood or urine. Third, substances such as *gamma*-butyrolactone (GBL) and GHB are metabolized very quickly and may not, after a few hours, leave any traces in blood or urine. In addition, in the case of sexual assault, in some cultures the nature of the crime makes it difficult for the victim to seek professional help, especially when the assailant had been acquainted with the victim before the crime. Victims may not report such incidents out of shame or fear of being blamed or because of the stigma that, in some societies, is associated with being a victim of such crime. Therefore, law enforcement authorities dealing with cases involving drug-facilitated crime should undergo special training on interrogating the victims of such crime. The Board therefore trusts that Governments will not limit their search for such data to official criminal records but will also continue looking for empirical data, for example, by contacting social workers, including special services and crisis centres for women, and the medical profession, to obtain realistic estimates of the extent of the problem.

282. The Board is pleased to note that many countries have introduced countermeasures to tackle this problem, as recommended in Commission on Narcotic Drugs resolution 53/7. In that connection, the Board welcomes initiatives started by some Governments, in cooperation with industry, to prevent the diversion and use of medicines for the commission of drug-facilitated crime, similar to what was done with flunitrazepam in the 1990s, without having a negative impact on the bioavailability and medical use of the preparations in question. The Board calls on all Governments that have not yet done so and that are affected by such problems, to consider taking appropriate measures to prevent the covert administration of psychoactive substances to commit sexual assault or other crime.

283. The Board notes the actions taken and planned by UNODC and interested Governments to develop common definitions and guidelines for forensic analyses, with a view to identifying the presence of psychoactive substances used to commit sexual assault or other criminal acts. The Board welcomes those initiatives and will support them in accordance with its mandate. Furthermore, the Board will continue to monitor problems experienced with drug-facilitated crime, share the information collected with UNODC and other international bodies, such as WHO, take

further action as necessary to develop appropriate countermeasures, and include in future annual reports newly received information on the subject, as applicable.

6. Plant material containing psychoactive substances

284. Many plants that contain psychoactive substances with stimulating or hallucinogenic properties, as well as preparations made from those plants, have traditional uses in some countries or regions; for example, some are used in religious rites. Under the 1961 Convention and that Convention as amended by the 1972 Protocol, plants that are the sources of narcotic drugs, such as cannabis plant, opium poppy and coca bush, are subject to specific control measures. In contrast, although some active stimulant or hallucinogenic ingredients contained in certain plants are controlled under the 1971 Convention, no plants are currently controlled under that Convention or under the 1988 Convention. Preparations (e.g. decoctions for oral use) made from plants containing those active ingredients are also not under international control.

285. Examples of such plants or plant material include khat (*Catha edulis*), whose active ingredients cathinone and cathine are listed in Schedules I and III of the 1971 Convention; ayahuasca, a preparation made from plants indigenous to the Amazon basin of South America, mainly a jungle vine (*Banisteriopsis caapi*) and another tryptamine-rich plant (*Psychotria viridis*) containing a number of psychoactive alkaloids, including DMT; the peyote cactus (*Lophophora williamsii*), containing mescaline; magic mushrooms (*Psilocybe*), which contain psilocybine and psilocine; *Ephedra*, containing ephedrine; “kratom” (*Mitragyna speciosa*), a plant indigenous to South-East Asia that contains mitragynine; iboga (*Tabernanthe iboga*), a plant that contains the hallucinogen ibogaine and is native to the western part of Central Africa; varieties of *Datura* containing hyoscyamine (atropine) and scopolamine; and *Salvia divinorum*, a plant originating in Mexico that contains the hallucinogen salvinorin A.

286. The Board notes increased interest in the recreational use of such plant materials. In addition, such plants are often used outside of their original socio-economic context to exploit substance abusers. As they can be transported quickly by air to any country in the world, the use of such plants or of

preparations made from such plants, is no longer limited to the regions where the plants grow, or to the communities that have traditionally used the plants. Potential abusers have been using the Internet to inform themselves about the stimulating or hallucinogenic properties of such plant material, about the fact that the plant material is not under international control and about Internet sites through which the plant material can be purchased. As a result, increased trade, use and abuse of such plant material have been noted in many countries. The use of such plant material may have adverse effects on the abuser, including nausea, vomiting, drowsiness, poisoning and flashbacks. In addition, any impairment resulting from a person's use of such plant material might have serious consequences for the well-being of other persons — consequences similar to those of driving under the influence of psychoactive substances.

287. The Board notes that, in view of the health risks associated with the abuse of such plant material, some Governments have placed certain types of plant material and preparations under national control. The Board recommends that Governments that have not yet done so and have experienced problems with regard to persons engaging in the recreational use of or trafficking in such plant material, to remain vigilant (since the risks associated with such use may increase) and to notify the Board and the WHO of those problems. The Board recommends that Governments should consider controlling such plant material at the national level where necessary.