

Chapter IV.

Recommendations to Governments, the United Nations and other relevant international and national organizations

897. Following its review of the implementation of the international drug control conventions, the Board would like to present to Governments and relevant international and regional organizations its main conclusions and recommendations, which are set out below.

Illicit financial flows related to drug trafficking and their impact on development and security

898. Drug trafficking is one of the most lucrative activities of organized criminal groups. It not only has detrimental health implications for consumers but also fuels violence, insecurity, instability and corruption in nations in which the production, transportation, distribution and consumption of drugs occur. The illicit financial flows through which organized criminal groups seek to maximize their profits serve as the lifeblood of all aspects of trafficking; curbing them is therefore essential to addressing drug trafficking around the world. Meanwhile, globalization has fostered more movement of capital, financial innovations and new technology, such as mobile payments and digital currencies, which have magnified the threat from illicit financial flows and transnational organized crime.

899. Illicit financial flows related to crimes such as drug trafficking undermine the global financial system and threaten political, economic and social stability and security around the world. Illicit financial flows also promote bribery and corruption and finance insurgency and, in some cases, terrorist activities. They also destabilize and deter legitimate enterprise, foreign investment and

development. Money-launderers and terrorist financiers exploit loopholes in and differences among national systems for countering money-laundering and the financing of terrorism and move their funds to or through jurisdictions with weaker or ineffective legal and institutional frameworks. Therefore, the international community must work together to reduce illicit financial flows by detecting, monitoring, seizing, repatriating and preventing them. Those involved in illicit financial flows contribute to crime, violence, instability, corruption and inequality. Since illicit financial flows know no borders or nationality, all countries must do their part to address them.

Recommendation 1: In order to curb illicit financial flows related to drug trafficking and prevent their impact on development and security, the Board recommends that all Governments:

- (a) Improve methods to identify, measure and calculate inbound and outbound illicit financial flows and identify the illicit activities to which they are related;
- (b) Focus equally on drug supply- and demand-reduction strategies that also address illicit financial flows and engage the public and private sectors and civil society in countering drug trafficking and illicit financial flows;
- (c) Become parties to and implement all United Nations conventions related to countering transnational organized crime, in particular trafficking in drugs, illicit financial flows and corruption, and implement all the provisions of article 3, paragraph 1 (b), of the 1988 Convention, as well as those of the International Standards on

Combating Money Laundering and the Financing of Terrorism and Proliferation of the Financial Action Task Force;

- (d) Further strengthen anti-money-laundering measures, such as beneficial ownership laws, across nations so that advantage cannot be taken of regulatory weaknesses in some jurisdictions to avoid the detection of and sanctions for illicit financial flows;
- (e) Continue to conduct financial sector assessments, provide technical assistance to the financial and non-financial sectors and monitor economic systems to ensure compliance with the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation;
- (f) Establish specialized units or task forces at the national and international levels to share intelligence and investigate illicit financial flows, identify and seize assets and detect, dismantle and deter organized criminal networks involved in illicit financial flows;
- (g) Raise awareness by working with the private and non-governmental sectors to educate government leaders and the public about how illicit financial flows related to drug trafficking have a negative impact on political, economic and social stability and development around the world, including by exploring the potential for utilizing proceeds of asset recovery and forfeiture of property related to drug trafficking to expand the availability of drug prevention, treatment and rehabilitation services;
- (h) Take steps to prevent the possible exploitation of newly emerging financial services and products, such as e-wallet services and cryptocurrencies, for trafficking in dangerous substances;
- (i) Combat impunity through more effective transparency laws that provide for appropriate penalties for individuals and entities involved in corruption and illicit financial flows;
- (j) Promote a culture of accountability and transparency to curb corruption and the illicit economy by including civic and moral values in educational curricula from an early stage.

900. For additional recommendations and more details on proposed action, see the section entitled “Challenges for the international community and recommendations to address illicit financial flows related to drug trafficking”, contained in chapter I of the present report.

Universal adherence to the international drug control conventions

901. The three international drug control conventions represent the international consensus on requirements for the control of licit trade in narcotic drugs, psychotropic substances and precursor chemicals that can be diverted, and on the measures needed to facilitate access to and availability of controlled substances for legitimate medical and scientific purposes. The conventions provide a common normative framework for effective international drug control, in particular in their capacity as the legal basis for international cooperation, extradition and mutual legal assistance. As such, the Board continues to engage with States having yet to become party to one or more of the three conventions with the aim of supporting them in this pursuit and to encourage the comprehensive incorporation of the conventions into national law. By becoming parties to the conventions, States demonstrate their common and shared responsibility for meeting those minimum requirements with a view to achieving the aim of the conventions, which is the health and welfare of humankind.

Recommendation 2: The Board reiterates that universal ratification of the international drug control conventions is important for strengthening the international licit drug control framework and for preventing traffickers from targeting non-parties owing to actual or perceived weaknesses in the scope of control of scheduled substances. Accordingly, the Board urges all States not yet having become parties to one or more of these instruments to do so without delay and to take steps to ensure their full implementation within their national legal orders.

Use of cannabis for non-medical purposes

902. The Board continues to reiterate its concern regarding the legalization of the use of cannabis for non-medical and non-scientific purposes in several jurisdictions, with other jurisdictions considering similar action. The Board reiterates that the 1961 Convention as amended, the 1971 Convention and the 1988 Convention limit the use of all controlled substances to medical and scientific purposes.

903. The developments in a few countries that have legalized or permitted the use of cannabis for non-medical purposes or that have tolerated its legalization at the sub-national level are undermining the universal adherence to the three international drug control conventions and

the commitment to their implementation, which was reaffirmed by Member States at the special session of the General Assembly on the world drug problem held in 2016 and in the 2019 Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem.

Recommendation 3: The Board wishes to remind all parties to the 1961 Convention as amended that, under article 4, paragraph (c), thereof, and subject to the provisions of that Convention, the production, manufacture, export, import, distribution of, trade in, use and possession of drugs are limited exclusively to medical and scientific purposes and that any measures allowing for the use of cannabis for non-medical purposes are in violation of the legal obligations incumbent upon parties.

International drug control conventions and human rights

904. The fundamental goal of the international drug control conventions, to safeguard the health and welfare of humanity, includes the full enjoyment of human rights. States' actions that violate human rights in the name of drug control policy are inconsistent with the international drug control conventions. Extrajudicial responses to suspected drug-related activities cannot be justified under international law, including under the international drug control conventions.

Recommendation 4: The Board urges all Governments to consistently apply internationally recognized human rights principles and protections when designing and implementing drug control policies. Ensuring the full enjoyment of human rights requires that States treat all people with dignity and respect, including people who use drugs and people who are suspected or formally accused of drug-related offences.

Recommendation 5: The Board takes the opportunity of the present annual report to appeal to Governments to take all measures necessary to prevent the extrajudicial targeting of persons suspected of involvement in drug-related offences. The Board reiterates in the strongest possible terms that extrajudicial responses to drug-related criminality are in violation of the international drug control conventions and of fundamental human rights, which require that drug-related crimes be addressed through formal processes, adhering to due process standards. Governments are called upon to

investigate and prosecute all instances of extrajudicial action purportedly taken in the name of drug control.

Recommendation 6: In view of the relevant international conventions and protocols and the resolutions of the General Assembly, the Economic and Social Council and other United Nations bodies on the application of the death penalty, the Board reiterates its call upon all States that retain the death penalty for drug-related offences to consider abolishing it for such offences and commuting death sentences that have already been handed down.

905. In addressing suspected drug-related crime, Governments should be proportionate in their responses and in their treatment of suspected offenders. According to the principle of proportionality, the penalties handed down should reflect the gravity of the offence and the degree of responsibility of the suspected offender. In cases of lesser gravity, or in which the alleged crime has been committed by a person who uses drugs, States are not legally required under the international drug control conventions to impose criminal sanctions, including imprisonment, but may provide for treatment and rehabilitation measures as an alternative to conviction or punishment, or in addition thereto.

Recommendation 7: The Board reiterates its position that the criminal justice responses adopted by Governments to drug-related crimes should be carried out in a manner consistent with the principle of proportionality. The treatment of persons suspected of drug-related offences should be consistent with human rights principles, including that applied penalties should be proportionate to the severity of the offence. Disproportionate responses to drug use and possession are counterproductive to the protection of public health and human rights, and alternative measures can constitute an integral part of a balanced and human rights-based approach to drug policy.

Recommendation 8: The Board notes that the provision of treatment and rehabilitation, including as alternatives to conviction or punishment for drug-related offences, has a positive impact on the health and welfare of people and improves overall criminal justice processes, but remains underutilized by States parties. Since the international drug control conventions do not require the imposition of criminal sanctions for drug-related crimes of lesser gravity, including those committed by people who use drugs, minor offences can be responded to effectively through alternatives to conviction and punishment that reflect the nature of drug use and dependence as public health issues.

Availability of controlled substances for medical and scientific purposes and accurate reporting of data

906. The lack of availability of controlled narcotic drugs and psychotropic substances for legitimate medical use continues to represent a pressing public health problem in many regions of the world today, a situation that has often been erroneously attributed to the control requirements of the international drug control framework. In many States, access to and availability of medicines containing controlled substances have been hindered by the lack of capacity and training of national officials, weak and underresourced health-care systems, a lack of know-how on accurately evaluating the needs of the population, inadequate regulation and too few and insufficiently trained health-care professionals.

Recommendation 9: Governments must foster access to and the availability of narcotic drugs and psychotropic substances for medical purposes through improved access to health services and effective systems of administrative controls that regulate the production, manufacture, import and export of such drugs and substances, keeping in mind that States themselves must adequately evaluate their domestic requirements and report them to Board. Such effective regulatory controls should allow the legitimate medical needs of the populations to be met.

907. The cultivation of opium poppy for the production of opium and opiate raw material is a matter of major international importance in the context of drug control and public health. While recognizing the challenge posed by existing disparities in access to opioid analgesics, the amount of opiate raw material available globally for the past several years for the manufacture of narcotic drugs for medical purposes, including for pain management, has been more than sufficient to satisfy the current and anticipated levels of global demand as estimated by Governments, because both production and stocks have continued to increase.

Recommendation 10: The Board reiterates that there is an urgent need to increase levels of consumption and to improve the prescription and use of opioid analgesics for medical purposes in all countries reporting inadequate and very inadequate levels of consumption and calls for targeted public policies with the support of Governments, health systems and health professionals, civil society, the pharmaceutical industry and the international community.

Recommendation 11: The Board highlights that, although data from producing and manufacturing countries point to a balance between the supply of opiate raw materials and the demand for opiates, there are significant disparities between countries in terms of the availability of medicines containing narcotic drugs and psychotropic substances, which points to insufficient availability, especially in low- and middle-income countries, because many countries do not accurately estimate their medical need for opioid analgesics or have limited access to them. Consequently, and in line with the provisions and objectives of the 1961 Convention as amended, the Board emphasizes the importance of ensuring sufficient availability at the global level and calls upon countries with greater resources to assist other countries in their efforts to ensure access to and the availability of substances for the treatment of pain.

908. It is essential that the Board has accurate data from countries regarding their licit activities around internationally controlled substances, as well as accurate estimates and assessments for narcotic drugs and psychotropic substances and estimates of annual legitimate requirements for imports of selected precursors of ATS. These data allow the Board to properly assess the global situation regarding the licit control system and provide guidance as necessary. The Board remains concerned that some countries continue to face difficulties in their national systems in collecting data on the licit use of controlled substances and in accurately estimating and assessing their needs for narcotic drugs, psychotropic substances and precursors.

Recommendation 12: The Board urges Governments to continue to strengthen their national mechanisms to monitor the cultivation, production and manufacture of and trade in controlled substances. This may be achieved, in part, by improving and developing national data-collection systems, training staff of the competent national authorities and ensuring close cooperation with companies licensed to deal with internationally controlled substances.

Recommendation 13: The Board recommends that Governments continue to strengthen the capacity of competent national authorities to adequately estimate the medical, scientific and industrial need for narcotic drugs and assessments for psychotropic substances and precursors, and also recommends that Governments enhance domestic data-collection mechanisms so that they can present estimates and assessments that reflect their national needs. The Board encourages Governments to seek the assistance of its secretariat to strengthen the

capacity of competent authorities and also encourages Governments to make use of the INCB Learning e-learning modules.

909. The provisions of the 1971 Convention do not require countries, in their statistical reports to the Board, to provide data on consumption. However, the Commission on Narcotic Drugs, in its resolution 54/6, encouraged Member States to provide such data to the Board to enable it to analyse levels of consumption of psychotropic substances and promote their availability. Approximately half of the States parties that provide statistical data to the Board provide data on their consumption of psychotropic substances.

Recommendation 14: The Board appreciates the cooperation of the Governments that submitted data on the consumption of some or all psychotropic substances for 2020 and calls upon all Governments to report on the consumption of psychotropic substances on an annual basis, pursuant to Commission on Narcotic Drugs resolution 54/6, as such data are essential for an improved evaluation of the availability of psychotropic substances for medical and scientific purposes.

910. INCB Learning is a global programme of the Board aimed at improving the capacity of Governments to fulfil their convention mandates and ensure the availability of controlled substances for medical and scientific purposes. The Board is grateful for the contributions to INCB Learning made by the Governments of Australia, Belgium, France, the Russian Federation, Thailand and the United States.

Recommendation 15: The Board reiterates its invitation to Governments to consider actively supporting INCB Learning by participating in its activities and providing the resources required to ensure the programme's continuation and expansion.

Ensuring access to and availability of controlled substances for international humanitarian emergencies

911. An increasing number of emergency situations caused by climate change and armed conflicts have increased the demand not only for international humanitarian assistance, but also for controlled substances for the provision of quality essential care in humanitarian

settings. Since the beginning of 2020, when an increasing number of countries were declaring national emergencies relating to COVID-19, the effectiveness of simplified control measures during emergency situations has been tested. INCB organized and conducted a review and discussion of the lessons learned in the implementation of those measures among competent authorities, international humanitarian organizations and related United Nations agencies. The outcome of that review is a document entitled "Lessons from countries and humanitarian aid organizations in facilitating the timely supply of controlled substances during emergency situations", which contains important actions that Governments can take to improve their emergency preparedness and sets out procedures that they can follow during emergency situations.

Recommendation 16: The Board strongly encourages Governments to review existing national legislation on controlled substances and make amendments and/or adopt new provisions that allow for greater flexibility in the import and export of such substances during emergency situations, such as permitting their export and import without the corresponding import authorizations and/or estimates, with clear specifications of the conditions under which such flexibility can be exercised. All relevant front-line workers responsible for the delivery of controlled substances should also be made aware of the emergency procedures and be trained in their use.

Strengthening prevention and treatment strategies through information-gathering and other means

912. Determining the extent of global drug use continues to be impeded by the lack of available information and prevalence data from most regions. This lack of data hinders the ability to determine the scope and consequences of drug use. It also hinders Governments and the international community as they seek to respond effectively through evidence-based drug use prevention and treatment programmes.

Recommendation 17: The Board reiterates its call to all States to develop mechanisms to improve the collection of information on drug use prevalence, with the aim of developing drug use prevention and treatment strategies that are based on evidence and tailored to each country's specific needs.

Narcotic drugs

913. Even though noscapine is not under international control, a significant amount of morphine can be extracted from opium poppy rich in noscapine.

Recommendation 18: For the purposes of monitoring and controlling the production of morphine, the Board requests the countries that cultivate opium poppy rich in noscapine to provide information in a consistent and regular manner about that cultivation and the intended use of and any extraction and use of the morphine alkaloid from this variety.

Psychotropic substances

914. Article 13 of the 1971 Convention allows a State party to notify the other parties to the Convention that it prohibits the import of a specific substance included in Schedule II, III or IV of the Convention. In addition to being formally notified by the Secretariat of the United Nations when the article has been invoked, parties can find the list of countries that have invoked article 13 in the INCB “Green List”, along with the substances for which an import prohibition has been put into place.

Recommendation 19: The Board calls upon States to ensure that the import prohibitions invoked by States parties pursuant to article 13 of the 1971 Convention are respected. The Board encourages States with import prohibitions under article 13 to ensure that such prohibitions are appropriate with respect to their current needs for controlled substances.

915. The 1971 Convention does not require Governments to provide information on diversions or seizures of psychotropic substances from licit channels directly to the Board, although a number of Governments do provide such information to the Board on a voluntary basis. The Board is grateful to countries that provide voluntary reports or other information regarding seizures or other interdiction efforts with regard to trafficking in or diversion of psychotropic substances.

Recommendation 20: The Board calls upon Governments to furnish directly to it any information on diversions or attempted diversions of psychotropic substances and to keep it apprised of developments in the trafficking of psychotropic substances.

Precursor chemicals

916. The Board, in line with its mandate, continues to support Governments in their efforts to establish and implement cooperation with industry, on the basis of mutual respect and shared responsibility, to ensure the prevention of the diversion of precursor chemicals, including non-scheduled chemicals.

917. This year’s report of the Board on the implementation of article 12 of the 1988 Convention highlights the urgency of accelerating global momentum to address the proliferation of non-scheduled chemicals and designer precursors. The persisting appearance of non-scheduled chemicals and designer precursors in illicit drug manufacture is widely understood as a key challenge to the international precursor control system. The Board has repeatedly called attention to the risks that chemicals not under international control, together with the rapidly evolving illicit drug manufacture environment, represent for regulatory, law enforcement and judicial authorities globally.

Recommendation 21: The Board wishes to reiterate the importance of cooperation with industry, including the voluntary aspect thereof, in particular with a view to addressing the proliferation of non-scheduled chemicals and designer precursors, and encourages Governments to continue their efforts to establish and implement mechanisms for such cooperation. Governments that have built successful models of industry cooperation are encouraged to share these experiences with the Board in order to be shared further as global good practices, and to assist interested Governments wanting to establish cooperation with industry.

Recommendation 22: The Board encourages Governments to sustain the momentum and increase the level of cooperation with each other and with the Board in order to reach global consensus on measures regarding non-scheduled chemicals and designer precursors. INCB also calls upon Governments to continue exchanging relevant information on suspicious transactions involving non-scheduled chemicals and designer precursors and to contribute to the detection of possible loopholes in national or regional control systems that may be exploited by traffickers.

918. As revealed in the global survey on national drug precursor legislation and domestic control carried out by the Board, lack of control of domestic trade and distribution of one or more substances included in the tables of the 1988 Convention was reported by several Governments. In order to ensure effective international and national

control, all States parties must ensure timely implementation of the scheduling decisions by the Commission on Narcotic Drugs taken within the framework of the 1988 Convention.

Recommendation 23: The Board reiterates its call for Governments to pay increased attention to strengthening comprehensive precursor monitoring systems at the national level and to refer to the guidance provided in article 12, paragraph 8, of the 1988 Convention. Further, the Board emphasizes the critical importance of full implementation of the scheduling decisions of the Commission on Narcotic Drugs for effective global precursor control and urges States parties to the 1988 Convention to ensure that the deadline of 180 days to make such scheduling decisions effective at the national level, provided for in article 12, paragraph 6, of that Convention, is met.

Manufacture and proliferation of fentanyl analogues

919. Given that fentanyl analogues more potent than fentanyl are increasingly linked to a substantial proportion of overdose deaths in localities severely affected by the global opioid crisis, additional monitoring within countries is necessary. In particular, the potency of many fentanyl analogues allows manufacturers to traffic small quantities anonymously, exploiting freight forwarders and postal or express courier services across the world. E-commerce platforms and the darknet may also be exploited by vendors marketing fentanyl analogues through the use of a variety of techniques to evade screening and detection by platform administrators. Efforts to address the crisis should provide a better picture of the prevalence of fentanyl analogues in the supply of synthetic opioids and help track their proliferation, while also helping to monitor the potency and risks associated with new fentanyl analogues. To this end, INCB maintains a list of over 140 fentanyl-related substances with no known medical, industrial or other legitimate use.

Recommendation 24: The Board encourages Governments to direct more attention at the national level towards monitoring new fentanyl analogues in circulation and towards testing for fentanyl analogues in overdose toxicology examinations. The Board also encourages Governments to make full use of its online communications platforms: IONICS to track and halt trafficking in fentanyl analogues and PICS for their precursors.

Recommendation 25: The Board invites all Governments and, through them, industry partners, to voluntarily

refrain from any manufacture, marketing, export, import or distribution of the substances on its list of fentanyl-related substances with no known medical, industrial or other legitimate use and on its other lists. As these substances have no legitimate purposes, Governments may also use the lists for interdiction actions.

Recommendation 26: The Board encourages Governments to work with the INCB GRIDS Programme and its public-private partnership initiative to engage relevant industry sectors with the goal of voluntarily identifying, preventing and eliminating vendors attempting to exploit legitimate industry for the purposes of trafficking in dangerous substances not under international control.

Recommendation 27: The Board underlines the importance of undertaking focused and time-bound intelligence-gathering operations to enhance coordination, close knowledge gaps and improve the sharing of information among law enforcement authorities with regard to modus operandi and trafficking activities.

Recommendation 28: The Board invites Governments to make use of the IONICS platform and the related tools available to Member States, such as GRIDS Intelligence, operated by the GRIDS Programme, to obtain, review and share relevant operational information and intelligence on fentanyl analogues and related substances.

Recommendation 29: The Board emphasizes the need for increased efforts to reduce trafficking in NPS and emerging non-medical synthetic opioids and invites Governments to nominate law and regulatory enforcement focal points in police services and drug control, customs, postal and regulatory agencies to participate in specialized INCB training activities on NPS and non-medical synthetic opioids under the GRIDS Programme.

Materials and equipment used in illicit drug manufacture

920. Article 13 of the 1988 Convention, which calls upon the parties to take such measures as they deem appropriate to prevent trade in and the diversion of materials and equipment for illicit production or manufacture of narcotic drugs and psychotropic substances, has remained underutilized despite its value as a complementary tool in addressing illicit drug manufacture. During 2021, the Board conducted several activities to increase awareness and provide guidance to Governments on the operational use of article 13.

Recommendation 30: The Board reiterates its call to Governments to improve the implementation of article 13 of the 1988 Convention and invites them to continue working with it, as well as with national, regional and international associations of relevant industrial operators, to build global consensus for action based on this provision of the 1988 Convention.

Social media in the promotion and prevention of the use of drugs for non-medical purposes

921. The Board notes with concern that social media platforms are used to promote risky behaviours, such as the use of drugs for non-medical purposes, but that they could and should be used to promote healthy behaviours, with appropriate and tailored prevention messages and content.

922. Research shows that a wide range of NPS are regularly searched for and discussed in online forums. The GRIDS Programme monitors social media platforms for content about dangerous substances, including synthetic

opioids and NPS, and works with stakeholders towards voluntary action to address this phenomenon.

Recommendation 31: The Board encourages Governments to work in partnership with social media platforms to take action to reduce and, where possible, eliminate exploitation of the platforms by users to market, sell or otherwise promote illicit drugs, NPS and opioids, as well as drug precursors with no known legitimate use, inter alia, through the exchange of relevant information and best practices, including preventive measures, such as updated terms of service prohibiting this type of content, effective and accessible user tools to report suspected content violations, and up-to-date, automated algorithms to prevent, identify, restrict and remove content and users who do not abide by terms of service prohibiting these activities.

Recommendation 32: Social media are a critical tool for reaching vulnerable groups, including young people, and Governments should consider investing more resources in the development and implementation of drug prevention programmes and activities that make use of social media with tailored, engaging and entertaining messages and content.

(Signed)
Jagjit Pavadia, President

(Signed)
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