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ORGANE INTERNATIONAL DE
CONTRÔLE DES STUPÉFIANTS

Vienna International Centre, P.O. Box 500, A-1400 Vienna, Austria
Telephone: +43-1-26060, Telefax: +43-1-26060-5867 / 5868
E-Mail: incb.secretariat@un.org Internet Address: http://www.incb.org/

As delivered

**Statement by Mr. Cornelis de Joncheere, President,
International Narcotics Control Board (INCB)**

Sixty-third session of the Commission on Narcotic Drugs

Item 5(b) Challenges and future work of the CND, the WHO and the INCB in the review of substances for possible scheduling recommendations

3 March 2020, Vienna, Austria

Mr. Chair, Excellencies, Ladies and Gentlemen,

Later this year, we will mark thirty years since the entry into force of the 1988 Convention: in these thirty years the International Narcotics Control Board has exercised its mandated role to assess and collect information from Member States on chemicals used in the illicit manufacture of drugs for possible inclusion in Table I or Table II, and to make scheduling recommendations to the Commission on Narcotic Drugs accordingly.

In those thirty years, the Board's recommendations have been effective in guiding the Commission and contributing to a significant decline in the diversion of the chemicals recommended for scheduling from international trade into illicit channels. Even though the Board has observed a concomitant shift from international to domestic diversion of precursors, one can claim that, overall, the international precursor control framework has been working well and continues to fulfil its purpose.

However, over the last decade, the use of non-scheduled chemicals in illicit drug manufacture, particularly of designer precursors that are purpose-made to circumvent controls, has started to proliferate. The Board examined the matter in-depth in its 2018 Precursors Report and called for a wider policy discussion at the global level to explore ways of getting ahead of the problem. The Board's latest recommendation to place MAPA, a pre-precursor of amphetamine and methamphetamine, under international control in 2020, is a case in point.

It is therefore timely that, for the first time this year, the standing agenda item on "Challenges and future work of the CND and WHO in the review of substances for possible scheduling recommendations" now also includes the Board's perspective. What the Board is observing, however, provides cause for concern.

With few exceptions, all recent assessments for scheduling undertaken by the Board involved designer precursors. This development started with APAAN, the international scheduling of which in 2014 coincided with the emergence of APAA, an intermediate substance, soon scheduled internationally, in 2017; and now MAPA, a third close chemical relative and pre-precursor of amphetamine and methamphetamine. A similar development appears to have begun in the area of fentanyl precursors: NPP and ANPP were scheduled in 2018, but now a closely related pre-precursor has reportedly already started to emerge in illicit drug manufacturing contexts.

This sequence of events illustrates the problem: the process for international scheduling of precursor chemicals one-by-one, substance-by-substance, is no match for the speed of innovation of traffickers who shift synthesis methods swiftly from one substance to another. This

challenge is well known to the international drug control community, as is evident from similar struggles in keeping new psychoactive substances at bay.

The fact that most of these substances are designed on demand for the specific purpose of evading controls, and are therefore neither traded widely, nor do they have any known legitimate uses, only exacerbates the problem: the very backbone of the international precursors control framework is the monitoring of international trade. This begs the question whether the current framework is indeed fit for purpose in addressing the relatively recent but growing phenomenon of designer precursors, if there is no legitimate trade in them to monitor? One could also ask whether there is scope under the provisions of the 1988 Convention to devise approaches and mechanisms to get a better grip on the issue, even if it may not be possible to resolve it completely.

With designer precursors and new psychoactive substances, the global landscape of the world drug problem is changing, and it is important to reflect whether with the three conventions we have the appropriate and sufficient instruments to deal with this challenge or whether we need alternative and additional tools and explore ways of voluntary collaboration.

To provide some food for thought and a starting point for Governments and relevant stakeholders to explore what could be done in addition to the elements that we have, the Board has prepared a conference room paper entitled “Options to address the proliferation of non-scheduled chemicals, including designer precursors”. This paper represents the Board’s latest contribution to the wider policy dialogue it called for last year and in its 2018 Precursors Report.

The paper summarizes the challenges, but also presents a menu of options for consideration and further development to address this problem – some proposed for more immediate action, some perhaps requiring a longer-term vision and sustained political will.

The Board is well aware that efforts are already undertaken at the national and regional levels to curb the proliferation of designer precursors and other non-scheduled chemicals. Last year, the Board reached out to Governments to gather some of these experiences and has factored them into its analysis and proposals. While some approaches involve generic or group scheduling of potential precursors, such as the recent efforts undertaken by Canada or the European Union involving scheduling of analogues and derivatives along with the main substance; others, like the Netherlands, have emphasized the aspect of the absence of known legitimate industrial uses of a substance to impose stricter controls. These and other approaches are touched upon in the Board’s paper for the benefit of all interested stakeholders.

Inevitably, non-scheduled chemicals and designer precursors are likely to redefine the landscape of precursor control to a certain degree. The Board’s expertise and experience in devising responses to the various challenges associated with international precursors control remain at the international community’s disposal and we will continue to work with you to consult, learn, advise and jointly craft new tools and responses to the issues outlined, also in line with the mandate and operational responsibility that the Board has in this area under the 1988 Convention.

It is clear that we will collectively remain seized of the matter for some time to come. Our inputs are intended as an impetus for further collective examination and analysis. It is the Board’s hope that its contribution to this continued policy dialogue will prove helpful and we look forward to an engaged and frank discussion during this session of the Commission and beyond.

I thank you for your attention.