

past (including, for example, in its report for 2006).<sup>23</sup> 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.

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<sup>23</sup> 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