

For participants only
26 September 2014

English only**

Thirty-eighth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific

Bangkok, 21 to 24 October 2014

Item 4 of the provisional agenda***

Implementation of the recommendations adopted by the Thirty-sixth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific

Implementation of the recommendations adopted by the Thirty-sixth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific****

1. The Thirty-sixth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, held in Bangkok, 30 October to 2 November 2012, adopted a set of recommendations, following the consideration by working groups of the issues defined below.
2. In accordance with established practice, the report on the Thirty-sixth Meeting was forwarded to the Governments represented at that session. A questionnaire on the implementation of the recommendations was dispatched on 10 June 2014.
3. The present report was prepared on the basis of information provided to the United Nations Office on Drugs and Crime (UNODC) by Governments in reply to that questionnaire. As of 26 September 2014, replies had been received from the Governments of Armenia, Australia, Bangladesh, Brunei Darussalam, Cambodia, China, France, Indonesia, Japan, New Zealand, Pakistan, Philippines, Republic of Korea, Russian Federation, Singapore and Viet Nam. Other Member States, which did not provide responses that were included in the present report, may wish to brief the Meeting on implementation under the corresponding agenda item.

* Reissued for technical reasons on 22 October 2014.

** Available only in English, which is the working language of the subsidiary body.

*** UNODC/HONLAP/38/1.

**** This document has not been edited.



Issue 1: Precursor chemicals, including the identification of new smuggling routes and of trafficking groups involved in the diversion of precursors and their modi operandi

Recommendation (a)

Governments should ensure that the sale and use of the preparation ketamine is controlled and monitored to prevent its diversion for illicit use

4. Armenia indicated that no action had been taken by that country under this recommendation.
5. In Australia, ketamine was controlled under state and federal legislation, both in its legitimate use in health and veterinary application, together with controls surrounding its unlawful use. For example, Regulation 5 of the *Customs (Prohibited Imports) Regulations 1956* (the PI Regulations) controlled the import of drugs listed in Schedule 4 to the Regulations. A valid licence and permit were required to import these substances. Ketamine was listed under Schedule 4 of the PI Regulations and under the *Criminal Code Regulations 2002* as a Controlled and Border Controlled substance.
6. Bangladesh reported that it had included ketamine in the Schedule of the Narcotics Control Act, 1990 vide SRO No. 33-law/2014, Dated 04/03/2014 of the Ministry of Home Affairs and that the import, export, transport, manufacturing, processing, sale, purchase, distribution, storage or use of ketamine were restricted except under license, permit or pass from the Department of Narcotics Control (DNC). Any kind of operation related to ketamine was subject to inspection and monitoring by the Department of Narcotics Control.
7. In Brunei Darussalam, ketamine was categorized as a controlled drug under Misuse of Drug Chapter 27, Class B Drug, prohibiting its sale or use.
8. In order to effectively control and monitor sale, use and its diversion of ketamine, since 2005, the Government of Cambodia had assigned specifically to Ministry of Health to impose restriction on the importation of precursor chemicals by requiring an import license.
9. In China, ketamine and its preparations were classified as first class psychoactive drugs under *Regulations on the Control of Anesthetic and Psychoactive Drugs*, promulgated on August 3, 2005, in accordance with which its experimental research, production, distribution, use, storage and transport shall all be monitored and controlled by the State.
10. France informed that the control framework in the country was as follows: ketamine was used as an anaesthetic and is available in the form of proprietary products for human and veterinary use. Ketamine products for human use were restricted to use in hospitals, in emergency situations, in mobile medical assistance units or during medical repatriation, as provided for in article R.5121-96 of the Public Health Code. The issuance to the public of ketamine products for veterinary use was prohibited and such products may be administered only by veterinarians. Ketamine and its salts, except in the form of injectable preparations, were included in the list of substances classified as narcotic drugs (by a decree of 8 August 1997). The regulations governing its trade and use therefore stemmed from legislation on drugs. All industrial and commercial operations, including the export and import of

ketamine (raw material), were subject to authorization by the National Agency for the Safety of Medicines and Health Products (ANSM), to which an annual report on such operations must be submitted. In 2013, the work of French law enforcement agencies resulted in the seizure of 14.6 kilograms of ketamine. Injectable preparations containing ketamine were included in List 1 of poisonous substances. These preparations were, however, subject to the provisions of article R.5132-80 of the Public Health Code, which stipulated that they must be stored in cabinets or on locked premises and that their theft must be reported to the police, ANSM and the relevant regional health agency. However, hydroxylamine, a chemical precursor needed to manufacture ketamine, did not feature on the list of controlled or monitored substances. The Government also informed on activities under way in France. The most recent assessment of the monitoring of drug addiction, submitted to the ANSM Commission on Narcotic Drugs and Psychotropic Substances on 19 June 2014 and containing data for the period up to April 2014, showed an increase in the number of ampoules sold since 2009. Ketamine was being used to treat chronic pain, and an increase in both the number of patients to whom ketamine was administered and the quantities released for sale to the public, together with the spread of its use for recreational purposes, have led to a greater number of reported cases of its abuse and an increase in the number of law enforcement cases and seizures. In the light of that data, the ANSM Commission on Narcotic Drugs and Psychotropic Substances approved the inclusion of injectable ketamine preparations in the list of substances classified as narcotic drugs in France.

11. In Indonesia, ketamine preparations were classified as prescription drugs, used as a general anaesthetic. Ketamine could only be obtained with a doctor's prescription and it was only available in pharmacies and hospitals. Ketamine was imported by registered pharmaceutical companies and prior to distribution, ketamine should already have a registration number from the National Agency for Drug and Food Control. The handling of ketamine was based on the provisions of Act Number 36 Year 2009 and regulations ordinance hard drugs of Year 1946. The authority to conduct investigations related to ketamine were the Police and the FDA. Indonesia had been conducting a comprehensive monitoring of the availability of ketamine for human use, in the areas of import, production and distribution activities.

12. In Japan, ketamine was classified as a narcotic and controlled under the Narcotics and Psychotropics Control Law and its distribution was monitored by the Government.

13. New Zealand reported that, in 2010, ketamine was classified as a Class C controlled drug in the schedules Misuse of Drugs Act 1975. The importation of a Class C controlled drug was punishable by a maximum term of imprisonment of 8 years and an approved controlled drug safe was required for the storage of ketamine.

14. Pakistan informed that, so intelligence regarding sale, use and diversion of ketamine had yet been reported in that country, although the intelligence components were more focused on the issue, as was also the case of other synthetic and psychoactive drugs.

15. In the Philippines, ketamine was included in the list of Dangerous Drugs since 2005, pursuant to Dangerous Drugs Board (DDB) Regulation No.3 Series of 2005. Therefore, the activities all qualified handlers of ketamine, including sale,

transportation and retail were subject to control measures under that regulation. Any violation of the Regulation was ground for filing the appropriate criminal case against the violator, without prejudice to such administrative sanctions as may be provided under the act and the rules and regulations of the Board (DDB Regulation and Amendment to the 2002-2008, page 226).

16. The Republic of Korea indicated that the Korean Food and Drug Administration (KFDA), the agency with primary responsibility for controlling and regulating drugs and precursor chemicals, had classified the ketamine as a psychotropic substance with a more strict management based on the Act on the Control of Narcotics of Korea since November 2005. Therefore, the usage of ketamine without a prescription and handling of the drug by a pharmacist managing a drug store without a doctor's prescription are subject to criminal prosecution. The Act stipulated that drug manufacturers, medical authorities, medical professionals, and pharmacists had to record and keep a medical document regarding the sale and use of ketamine and that it should be kept in a safe place with a locking system. It was a criminal offence to fail to comply with the requirement of the regulation. In addition, a task force comprising KFDA and Prosecution Service or Police had been making nation-wide efforts on either a regular or occasional basis to uncover non-medical use of ketamine, without following due procedures.

17. The Russian Federation reported that ketamine had been included in the section "Psychotropic substances" of List 2 of the register of narcotic drugs, psychotropic substances and their precursors, as approved through Decision No. 681 of 30 June 1998 of the Government of the Russian Federation. Only a small amount of ketamine was trafficked on the territory of the Russian Federation.

18. In Singapore, ketamine was a Class A controlled drug under First Schedule of the Misuse of Drug Act. An authorization by the Central Narcotics Bureau was required before ketamine could be legally imported into the country and it was subject to a heavier penalty than precursor-related offences.

19. The Government of Viet Nam adopted Decree No 82/2013/ND-CP on narcotics and precursor control, including ketamine (in controlled precursor list 3: Psychotropic substances are used in analysing, testing, scientific research, crime investigation in the field of health which are regulated by competent authorities). This Decree created a legal base for related agencies to control and monitor activities relating precursor in the country.

Recommendation (b)

Governments must ensure that the staff of authorities responsible for the administration of procedures managing chemical substances and internationally controlled precursor chemicals are properly trained and equipped to identify controlled chemicals and other chemical substances of concern

20. Armenia reported that its Ministry of Health had a laboratory, where officials dealing with chemical substances and precursors, were trained.

21. In Australia, training was ongoing in this area for all relevant personnel through workplace training and this was complemented by conferences and workshops, such as, for example, the annual Chemical Diversion Workshop. Furthermore, a Cost-Shared Funding Model (CSFM) project was being developed to

increase forensic capacity for new psychoactive substances (NPS), aiming to increase the capacity of forensic laboratories across Australia by obtaining approximately 170 certified reference materials of NPS.

22. Bangladesh reported that all the administrative and operational staff of the Department of Narcotics control responsible for the administration of procedures for managing chemical substances and internationally controlled precursor chemicals were being provided with training at home and abroad on identification, management, handling and detection of precursor chemicals frequently used in manufacture of illicit drugs.

23. In Brunei Darussalam, not all competent authorities dealing with precursor chemicals were equipped to identify controlled chemicals and other chemical substances of concern and officers had basic knowledge in precursor chemicals diversion.

24. Cambodia indicated that its National Authority for Combating Drugs (NACD), had conducted a number of trainings and provided equipment support to associated officers from the Ministry of Industry and Handicraft, the Council Development of Cambodia (CDC), the Ministry of Health, and the Ministry of Interior, in collaboration with national and international organizations, especially UNODC. Such training and support was also extended to frontline law enforcement authorities of the Border Liaison Office (BLO) at all international border checkpoints.

25. China reported that best practice activities and experience sharing symposiums and seminars were conducted annually between China and the European Union, Australia, and United States of America, respectively. Staff members from both central and local authorities responsible for the control of chemical substances were invited to attend for the purpose of learning the best practices and experience from foreign counterparts. Fast test kits and protection suits were provided to staff involved and the National Drug Laboratory provided instructions and guiding principles to local laboratories related to the purchase of adequate equipment for precursor chemical testing.

26. In France, the National Task Force for the Control of the Precursor Chemicals (MNCPC) provided regular training sessions to the various agencies concerned, including the customs and judicial authorities. To that end, MNCPC had produced information brochures and practical guides for control bodies to use.

27. Indonesia reported that authorized personnel should be trained in advance to identify precursors and they should have an educational background in chemicals or pharmaceuticals or, at least, they should have had received training on precursors. The FDA had staff members who had been trained in evaluation and supervision of export and import of chemical precursors, such as ephedrine, pseudoephedrine, norephedrine/phenylpropanolamine, ergometrine or potassium permanganate. It also continuously strengthened the capacity of its human resources by providing various trainings. FDA made a recommendation on the export-import of chemical precursors to the Ministry of Health to published import/export licence. FDA performed surveillance that were supported by regulations and a good laboratory.

28. The Ministry of Health, Labour and Welfare of Japan had carried out trainings on the appropriate management of the precursors for the staff of the organization concerned.

29. The Government of New Zealand was building a specialized laboratory at Auckland International Airport for the purpose of accurately identifying substances related to drugs, including precursor chemicals. The facility would be staffed by appropriately trained and qualified personnel from the Crown entity Environmental Science and Research. This initiative was being led by New Zealand Customs.

30. In Pakistan, there was a comprehensive precursor control system in place, which was being strictly implemented. However, there was a shortage of properly trained staff and equipment to identify controlled chemicals and other chemical substances of concern.

31. In the Philippines, the Government must ensure that the staff of authorities responsible for the administration of procedures managing chemical substances and internationally controlled precursor chemicals are properly trained and equipped to identify controlled chemicals substances of concern. All the chemists/analysts who performed the analysis and identification of dangerous drugs and CPECs had undergone four months of basic drug forensic training course at the Philippine Drug Enforcement Agency Laboratory Service. These chemists were competent on said examinations, utilizing GCMS and other basic equipment.

32. In the Russian Federation, monitoring was being carried out by the Russian Federal Drug Control Service (FDCS), the Federal Healthcare Oversight Service (Roszdravnadzor), the Ministry of Industry and Trade (Minpromtorg) and the Federal Customs Service of Russia (FCS).

33. Singapore reported that all new officers in charge of precursor control received on-the-job training for 3 months, after which attend the “International Trading and Shipping Procedures” course. In addition, the officers also attended attend the “Training Course on Precursors and Chemicals Control for ASEAN Narcotics Law Enforcement Officers”, which was conducted annually in Bangkok, Thailand.

34. Viet Nam indicated that it had taken action under this recommendation.

Recommendation (c)

Governments should consider establishing inter-agency partnerships comprising ministries with the appropriate mandates to regulate, oversee and enforce the import and export, national manufacture, trade and distribution of precursor chemicals

35. Armenia reported that police, the Ministry of Health and the Customs Service had alert systems to organize the import and export and that companies dealing with precursor chemicals had to present reports to the police.

36. In Australia, work was ongoing through existing partnerships with all key stakeholders together with activities undertaken through the Precursor Advisory Group (PAG), chaired by the Australian Attorney-General’s Department. The PAG comprised law enforcement and health officials from the Commonwealth and all Australian States and Territories and its mandate was to make recommendations on

control measures to mitigate the threat of diversion of precursor chemicals, drawing on input from relevant private sector industry representatives. This is complemented by the activities of the Department of Health, Office of Chemical Safety who issue export and import permits and notifications, and the Australian Customs and Border Protection Service (Customs). At a state level, these activities are largely undertaken through stakeholder engagement by the various state drug squads and their associated Chemical Diversion Desks. The sale of certain precursor chemicals and scientific apparatus (for example, reaction vessels, condensers) were controlled and required End-User Declarations prior to their sale. Customs enforced controls at the border for over 50 partner agencies. In doing so it: (i) co-designed and influenced domestic regulatory frameworks, involving border controls of regulated goods in a way that minimised the burden and impacts on legitimate trade; (ii) collaborated with partner agencies with a shared understanding of respective roles and responsibilities in the pre-border, border and post-border environments; (iii) operated under an intelligence-led risk-based border control business model that applied appropriate risk assessment methods and differentiated treatments for prohibited and restricted imports and exports based on their level of risk — to maximise the effectiveness of interventions at the border; and (iv) Used an intelligence-led risk-based border control business model to continually monitor and evaluate existing controls and co-design new controls with partner agencies.

37. The Government of Bangladesh had established a National Narcotics Control Board, comprising Ministers of 11 Ministries and leaders of five important sectors of the society as members. The Board was the highest body of the country for formulating national drug policy, establishing inter-agency partnerships, coordination and cooperation among various agencies and authorities for drug abuse prevention and control. In addition to the National Narcotics Control Board, the Government had also set up narcotics control committees at national, divisional, district and sub-district levels to regulate, oversee and enforce various activities regarding prevention control and monitoring of all activities of import and export, national manufacture, trade and distribution of precursor chemicals.

38. The competent authorities of Brunei Darussalam consisted of inter-agency partnerships with their own appropriate mandates to regulate, oversee and enforce the import and export, trade and distribution of precursor chemicals. The competent authorities included the Narcotics Control Bureau, Enforcement Unit, Pharmacy Section under the Ministry of Health and Royal Brunei Customs and Excise Department.

39. Cambodia indicated that, in accordance with the Law on the Control of Drugs, the associated ministries responsible for illicit drugs issues were as follows: (i) the Ministry of Health, Ministry of Industry and Handicraft were responsible for import license of precursor chemicals; (ii) the Ministry of Interior, Ministry of Economic and Finance, the Ministry of Commerce and NACD were responsible for controlling and monitoring of the usage of its precursor chemicals.

40. In China, joint conferences among General Customs Administration, Ministry of Commerce, State Food and Drug Administration, State Administration of Work Safety and Ministry of Public Security had been conducted on a regular basis to discuss the control and management of precursor chemicals. Joint meetings among respective local competent authorities were also conducted regularly, with the view to implementing the decisions made by joint conference at central level. Focal

points at different level had been established to facilitate the inter-agency partnership on management and control of precursor chemicals.

41. In 1993, France established the National Task Force for the Control of Precursor Chemicals (MNCPC) as a special body to coordinate the control of chemical precursors and the competent authority with respect to their trade (export and import authorizations), production and control. Pursuant to its statute, and by virtue of its inter-ministerial composition (industry, customs and police), it manages and coordinates the implementation of policies to combat the diversion of such chemicals. It is the only entity which operators as well as other relevant authorities could consult on any question relating to precursors (such as acquisition, storage, manufacture, trade, import and export). It thus maintained close ties with other relevant agencies and authorities, such as the Ministry of Foreign Affairs and International Development, the Interministerial Task Force to Combat Drugs and Drug Addiction, the customs authorities, the Central Office for the Suppression of Drug Trafficking (OCRTIS) and ANSM.

42. Indonesia reported that the import-export aspect of narcotic drugs trade had developed in particular in relation to chemical precursors. Therefore, to avoid irregularities, the Ministry of Health and the National Agency for Drug and Food Control coordinated the issuance of import and export permit of narcotics, psychotropic substances and precursors. The import and export permits were issued by the Ministry of Health, after the National Agency for Drug and Food Control issued the analysis control of narcotics, psychotropic substances and precursors. The Ministry of Health would soon issue regulations on the governing of circulation, storage, destruction and reporting of narcotics, psychotropic substances and precursors. Indonesia had a number of regulations in place to operate the partnership among the Ministries or Government agencies in setting, developing, controlling and law enforcement on the implementation of the export, import, production and precursor distribution.

43. In Japan, the Ministry of Health, Labour and Welfare cooperated with related agencies in the service of permission and of licensing for import and export of precursor chemicals.

44. New Zealand reported that the importation and domestic distribution of pre-cursor chemicals and national manufacture had already well regulated in that country and that it was overseen by the multi-agency National Drug Intelligence Bureau (Joint Customs, Ministry of Health and Police), hosted by the National Intelligence Centre. In addition, New Zealand Customs had a longstanding relationship with the Police. There was a high degree of cooperation in a number of fields including the investigation of drug importation. The Integrated Targeting Operations Centre (ITOC), hosted by Customs, was also staffed by New Zealand Police, Immigration New Zealand, the Ministry of Primary Industries (*quarantine*) and Maritime New Zealand, as well as Customs officers targeting our air and sea ports. The Police's National Clan Lab Response Team (NCLRT) work with local businesses and retail outlets who stock scheduled and non-scheduled precursors and substances to raise awareness that they may be diverted for use in the illicit manufacture of drugs.

45. Pakistan informed that import, export, manufacture, trade and distribution of precursor chemicals were being regulated/monitored through an elaborated "Precursor Control System" by NCD and NF in collaboration with FBR and DRAP.

46. The Philippines reported that close coordination existed between the Drug Enforcement Agency and other government agencies. On 19 April 2013, an inter-agency anti-drugs operation centre was inaugurated at the NAIA Complex, Terminal 3 to serve as an operations, coordination and administrative hub of the Ninoy Aquino International Airport Inter-Agency Drug Interdiction Task Group (NAIA-IADITG). The creation of the NAIA-IADITG operations centre was in conformity with the Memorandum of Agreement (MOA) signed by PDEA, together with seven other NAIA-IADITG members that include the Manila International Airport Authority (MIAA), Office for Transportation Security (OTS), National Bureau of Investigation (NBI), Bureau of Customs (BOC), and National Police Anti-Illegal Drugs. The Centre was created to effectively synchronize anti-illegal drug efforts to prevent the NAIA from being exploited as entry and exit points for drug trafficking.

47. The Act on the Control of Narcotics of the Republic of Korea mandated that pharmaceutical companies had three major obligations, namely: (a) documenting purchase and use of precursor chemicals in a transaction register and preserving it for 2 years; (b) reporting to Justice Minister or Minister of the Korean Food and Drug Administration (KFDA) any transaction with an unclear purchase intention or any chemical transaction suspected to be connected with manufacturing of illegal drugs as well as a chemical thefts and losses case; and (c) providing detailed information on chemical trades at the request of Minister of KFDA when necessary for the international cooperation. This provision has contributed to a close partnership to secure a transparent precursor control between public and private sector entities. Precursor chemical exporters in Korea were strongly encouraged to give prior notice of chemical exports to the KFDA for more stringent control over any possible diversion of precursor chemical in guise of licit trades, which was transmitted by the Minister of KFDA to the United Nations and chemical importing countries in compliance with the guidance of PEN system. Korea adopted a resolution to report to INCB the information on the export of internationally controlled precursors at the conference of Commission on Narcotics Drugs in 2011 and had been providing United Nations and counterpart countries via PEN system details of the international chemical transactions in cases when there were suspicions that illegal diversion might occur.

48. Korea Supreme Prosecutors' Office (SPO) and Korea Customs Service (KCS) had been maintaining a close counternarcotic partnership since 1996 in the framework of the MOU signed to enhance illegal narcotics and precursor chemical enforcement capabilities. Under the MOU, SPO and KCS had deployed a joint investigation team at ports and seaports across the nation. In addition, SPO had also been working closely with the National Intelligence Service and National Police Agency for the national law enforcement cooperation, sharing information on illegal chemical diversions and related crimes gained from their own jurisdictions. Korea had actively joined international efforts to control precursor chemicals such as potassium permanganate and acetic anhydride as well as synthetic drug precursors, ephedrine through the Project Prism and Project Cohesion respectively. Given the growing diversion of acetic anhydride legally imported from ROK for heroin

manufacturing in Southwest Asian region, including Afghanistan has emerged as a concern of a global society in 2009, Korea joined a regional precursor control programme, dubbed Targeted Anti trafficking operation in the Region that will enhance Communication, Expertise and Training (TARCET), operated by UNODC and the Central Asian Regional Information and Coordination Centre (CARICC) to identify original sources of illegal precursor diversion and dismantle trafficking and money laundering organization. Korea had also been strengthening its role with countries of Southwest, Central Asia and Europe which were directly affected by precursor diversion and contributed to building an interregional network to contain the illegal flow of precursors.

49. The Russian Federation indicated that an inter-agency partnership has been established between the following State bodies: Federal Drug Control Service the Federal Healthcare Oversight Service, the Ministry of Industry and Trade and the Federal Customs Service. General provisions on control over trade in precursors had been set forth in article 30 of the Federal Act No. 3 on Narcotic Drugs and Psychotropic Substances of 8 January 1998.

50. In Singapore, agencies, such as the Central Narcotics Bureau (CNB), Customs, Immigration and Checkpoint Authority (ICA) and the Health Science Authority (HSA) worked closely together to ensure that appropriate measures were in place to avoid the illicit diversion of precursor chemicals. In addition, CNB had conducted outreach to the chemical and pharmaceutical industries through regular meetings, dialogue sessions and site visits.

51. Viet Nam had established a National Committee for AIDS, Drugs and Prostitution and standing agencies on drugs control in 64 provinces in order to control drugs and precursor chemicals and the functions of these agencies were clearly regulated. The Department of Drugs Administration (under Ministry of Health) was assigned to domestically authorize, import, export, manage, and contribute precursors which are used in the fields of health. The Department of Chemicals (under Ministry of Industry and Trade) managed, imported and exported precursors in chemical fields. The Standing Office on Drugs and Crime (under Ministry of Public Security) managed activities relating to precursors import and export, relating to the fights against crime prevention and suppression and was also the focal point managing precursor activities all over the country.

Issue 2: Production of amphetamine-type stimulants, in particular the detection and dismantling of “mega-labs”, the challenge of illicit manufacturing in kitchen laboratories, control of Internet pharmacies and the emergence of new designer drugs that are not under international control

Recommendation (a)

Governments should review their legislation to ensure that drug law enforcement authorities are empowered to deal with new challenges presented by pre-precursor substances, non-controlled licit chemicals and the emergence of new psychoactive substances that are sourced by drug traffickers

52. Armenia indicated that no action had been taken under this recommendation.

53. Australia reported that action had been ongoing through legislative change at both a state and federal levels, including the scheduling of compounds and relevant

precursors (as appropriate) to reflect the constant change in the illicit drug arena. At a federal level, the Australian Government introduced the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 into Parliament in July 2014, seeking to address the burgeoning problem of New Psychoactive Substances (NPS) by introducing a criminal offence for importing a psychoactive substance that did not have a legitimate use or which was not already prohibited, and a criminal offence for importing a substance which were presenting as having the same effects as (or substantially similar effects to) an illicit drug, or that it was a lawful alternative to an illicit drug. These were supported by enhanced powers for border officials to seize these substances. This new legislation would complement state and territory legislation pertaining to these compounds. The legislation also included measures ensuring that Customs had the power to stop, seize and destroy NPS presenting a risk to the community. Federal legislation included additional mechanisms to capture new and emerging substances, as new substances could be listed under an emergency determination for up to 18 months if certain conditions were satisfied. Such substances were subject to the same offences and penalties as those listed indefinitely under regulation. In addition, a number of new and emerging drugs detected at the border to date had been found to be illicit drug analogues, which could be considered border controlled drugs by virtue of the 'extension' clause in section 309.1 of the Criminal Code Act 1995 (Commonwealth). An analogue refers to a chemical compound that has a similar structure and similar chemical properties to another compound, but differs from it by adding, modifying or removing a specific element or group.

54. Bangladesh had been thoroughly reviewing and amending the Narcotics Control Act, 1990, which is the national narcotics control legislation. The amendment consisted of empowering relevant Government agencies to deal with the new challenges of the prevention and control of new drugs and precursor chemicals, such as nalbuphine, which had now been placed under control.

55. Brunei Darussalam had in place legislation under the Poison Act to control the import, export and precursor chemicals only. Monitoring of non-controlled licit chemicals could be established on a case-by-case basis by the Enforcement Unit, Pharmacy Section under the Ministry of Health. Through its Narcotics Control Bureau, the Government was studying the best approach in controlling the emergence of psychoactive substances under the national legislation.

56. Cambodia indicated that the Law on the Control of Drugs, promulgated in 2012, had enabled authorities to better address new challenges, as precursors chemicals and a number of new psychoactive substances are listed in tables of the that Law. The Law also assigned two ministries the responsibility of import license for precursor chemicals, namely, the Ministry of Health and Ministry of Industry and Handicraft.

57. In China, the Regulations on the Control of Aesthetic and Psychoactive Drugs had empowered the drug regulatory department, public security department and health department under the State Council of China to formulate, adjust and publicize the catalogues of controlled drugs, with the latest adjustment having been made in 2013, when 12 NPSs were classified as first class psychoactive drugs as of January 1, 2014, namely BZP, JWH-073, Khat, 2C-I, 2C-H, AM-694, AM-2201, JWH-250, MDPV, 4-MEC, Methylone and JWH-018.

58. France reported that the Regulation (EU) No. 1258/2013 and Regulation (EU) No. 1259/2013 of 20 November 2013 sought to strengthen the existing powers of the competent authorities within the European Union by giving control bodies the possibility of seizing non-scheduled substances, provided that there was evidence of diversion into illicit drug manufacture. Consequently, *alpha*-phenylacetonitrile (APAAN) has been included in Category 1 of precursors and essential chemical products. Moreover, the EU voluntary monitoring list of non-scheduled substances, which could be easily modified on the basis of recent trends, was a tool enabling the competent authorities of the Member States to better prevent the diversion of non-scheduled substances in the European Union. In addition, MNCPC was participating in Project ION of the International Narcotics Control Board and ensured its coordination at the national level, seeking to prevent the appearance on the market NPS that were not subject to control and were substances of abuse. The French Monitoring Centre for Drugs and Drug Addiction (OFDT) had survey stations throughout France to collect information and samples from users of drugs and new psychoactive substances. This mechanism was based on the National System for the Identification of Poisons and Substances (SINTES), which had been in operation since 1999. The information collected and the trends detected are widely shared with the regular partners of OFDT, including the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

59. The Ministry of Health of Indonesia issued the Ministerial Decree Nr13 of 2014 regarding changes in the classification of narcotic drugs, containing 18 NPS included in the class of narcotic drugs that could be only used for the benefit of scientific research.

60. In Japan, the Pharmaceutical Affairs Law was amended in 2007 to regulate NPS by establishing “designated substances”. Such substances could be designated quickly as new drugs if they had potential harmful effect and appeared in the domestic or foreign markets. Japan had also introduced generic scheduling and acceleration of the designation as more effective and comprehensive approach. As of August 1, 2014 the number of designated substances has become 1379.

61. The Government of New Zealand had passed the Psychoactive Substances Act 2013, requiring importers or manufacturers to prove that any novel psychoactive substance was “Low Risk” before it could be sold, distributed or imported. Applications for new reagents (used in the manufacture of methamphetamine), to be reassessed as hazardous substances, were being drafted.

62. Pakistan indicated that ANF and other law enforcement agencies, such as Police, Excise and Taxation, Customs, ASF, FC, Rangers and PCG were empowered to deal with drug smuggling as well as precursor chemicals. Comprehensive rules had been formulated for the Control of Narcotics Substances (Regulation of Drugs of Abuse, Controlled Chemicals, Equipment and Material), Rules 2001, vide SRO No. 808(1)2001.

63. In the Philippines, the Drug Enforcement Agency was continuously coordinating with the Dangerous Drugs Board, the policy making body in the enforcement of the Anti-Drug Law to ensure its capabilities in combating newly identified illegal drugs/substances.

64. The Republic of Korea was not a major source country for NPS, but a recent growth in the number of seizures of NPS, such as JWH 018, ketamine, kratom and

others had indicated that the country was facing new challenges due to increased availability of NPS in its territory. Most of NPS detected by national law enforcement agencies had been identified as originating abroad either via international postal services or through air passengers for their individual use. Although Korean prosecutors indict NPS-related offenses with evidence secured from suspects or crime scenes, most defendants may receive a low level penalty in a court trial. For this reason, small scale NPS trades through online drug shops are more frequently attempted for the individual use by non-drug traffickers, thus posing difficulties for law enforcement agencies in properly responding to such Internet-based trafficking. Many NPS smugglers used Internet drug market places, such as 'Silk Road 2' or 'aliexpress' which accepted Bitcoins in exchange for illegal narcotics including NPS. The Government was thus strongly regulating existing controlled drugs' analogues through an 'Enforcement Ordinance of Act on the Control of Narcotics' and a 'Temporary Scheduling System' designed to preemptively control chemicals. However, despite the efforts, the inexorable rise of attempts to transform the chemical constitution of existing controlled drugs to elude law enforcement and its consequent proliferation of NPS had raised red flags about the prospects of our countermeasures. Thus, multilateral cross-border cooperation was needed more than ever.

65. The Russian Federation reported that the list of controlled substances was being expanded and that the Federal Drug Control Service was drafting a law to authorize the Director to impose a temporary ban on trade in new psychotropic substances that had appeared on the drug market, pending their inclusion in the relevant register.

66. The rapid rise of NPS in recent years had challenged the way Singapore listed substances in the Misuse of Drugs Act (MDA). Before a substance was made a controlled drug under the MDA, research to understand its harmful effects and industrial consultation on possible legitimate use was usually conducted. However, this took time, and a substance may be in circulation and causing harm long before the consultative processes would be conducted. Therefore, a new Fifth Schedule was introduced in the MDA on 1 May 2013, allowing the authorities to list NPS for a period of 12 months, with a possibility of extension for another 12 months. Central Narcotics Bureau officers were given the power to seize, and thus restrict the circulation of the substances listed in the Fifth Schedule. However, the trafficking, manufacture, import, export, possession or consumption of any substances listed in the Fifth Schedule would not constitute an offence under the MDA, until that substance would be removed from the Fifth Schedule and listed as a controlled drug in the First Schedule whereupon all these offense would apply. There were no laws in Singapore for pre-precursor substances, while non-controlled licit chemicals may be managed under other legislation dealing with chemicals.

67. Viet Nam had reviewed its laws to empower the functional agencies to implement effectively. The National Target Programme on Drugs Control, National Strategy and Decree on drugs control were updated, if necessary. The projects that were part of National Target Programme on Drugs Control had supported UNODC in the fight against drugs-related crime.

Recommendation (b)

In response to the influence of transnational organized criminal groups trafficking amphetamine-type stimulants into and across the region, Governments should actively encourage and support their drug law enforcement authorities to increase cooperation through measures such as the proactive exchange of information, collaboration in joint targeting and interception operations against identified drug trafficking syndicates and the early development of bilateral procedures to support and facilitate a rapid response to requests to undertake controlled delivery operations

68. In Armenia, the customs service of the Ministry of Finance, National Security Service and the Police cooperated and conducted joint operations against identified drug trafficking syndicates.

69. The Federal Police of Australia (AFP) engaged with foreign law enforcement agencies to share intelligence and facilitate transnational investigations. This engagement was enhanced through the AFP Liaison Posts that were strategically located to facilitate these processes and assist with capability development. The success of these activities was demonstrated through the number of large scale illicit drug seizures, resulting from joint operations with various countries and law enforcement agencies. Customs also proactively exchanged information on illicit drug detections at the Australian border, including details on concealment methods and modes of importation, with a wide range of partner agencies across the region through a monthly intelligence product. Bilateral arrangements were also in place with several governments to proactively exchange information related to illicit drug trafficking.

70. In Bangladesh, the amphetamine-type stimulant Yaba, sourced from Myanmar, had become the major problematic drug of abuse and the Government had prioritized the fight against its illicit trafficking and abuse. In view of the bilateral agreements concluded with India and Myanmar on the suppression of illicit trafficking of drugs and precursors in the border areas, bilateral discussions between the nodal drug control agencies of the two countries under these agreements had been taking place regularly. 4th DG Level talks between the nodal drug control agencies of Bangladesh and India would be held soon at Dhaka in Bangladesh. These bilateral agreements had provisions for conducting controlled delivery operations in these areas.

71. Brunei Darussalam, indicated that, through the Narcotics Control Bureau (NCB), it had good working relationships and cooperation with counterparts, specifically the Royal Malaysian Police and Central Narcotics Bureau of Singapore. NCB held annual bilateral meetings with both agencies, where the exchange of information and intelligence was discussed as well. Collaboration and interception operations were conducted within each jurisdiction, although controlled delivery requests from foreign counterparts, through Brunei, had not yet been explored.

72. In Cambodia, Law on the Control of Drugs dealt with the issue of controlled delivery operations. Moreover, Cambodia had been actively participating in international fora, such as bilateral and multilateral MOUs, ASOD, ADEC, ADLOMICO, IDEC and HONLEAs.

73. China reported that annual bilateral meetings on drug control cooperation with Myanmar, Laos, Thailand, Vietnam, and Cambodia had been held, with the aim to exchange information/intelligence, collaborate in joint operations and share best practices on drug demand reduction. A Statement of Intent between the Office of China National Narcotics Control Commission and the Australian Federal Police on Cooperation in the Controlled Delivery of Narcotics was signed on July 8, 2013, containing bilateral procedures to support controlled delivery operations between the two countries. In 2013, nine controlled delivery operations were successfully conducted by NNCC and its counterparts, including a first operation with Tajikistan.

74. The law enforcement authorities of France participated, through the customs authorities, in meetings of the focal points for Europol's Project Synergy, that dealt specifically with trafficking of synthetic drugs. This enabled France to remain well-informed on the subject of trafficking in synthetic drugs and related precursors, although the market for such substances in France remained marginal. The Criminal Investigation Service of France participated in a number of other international exchange programmes, such as "Interflow" (INTERPOL). Amphetamine-type stimulants were seized regularly in France, including a combined total of 500 kg of amphetamine and methamphetamine, seized mainly in transit, in 2013. No controlled deliveries of synthetic drugs were carried out in 2013.

75. In Indonesia, Deputy for Eradication at the National Narcotics Board had cooperated in the field of exchange of information but also integrated joint operations with relevant national agencies, such as the Police, Customs, and Immigration, including on controlled delivery operations. The Directorate of Drug Law Enforcement, CIB, of Indonesia was actively establishing and promoting bilateral cooperation with neighbouring and other countries on information exchange on drugs or ATS cases to uncover illicit drug trafficking syndicates. Furthermore, the procedures for the organization of joint operations had been simplified. Customs had collaborated with counterparts on various activities from exchange of information to joint operations in arresting drug smugglers, but more information feedback was required to improve future cooperation.

76. In Japan, the Ministry for Health, Labour and Welfare held regular inter-agency conferences to strengthen the relationship between related agencies and actively conducted joint investigations and controlled deliveries, in order to control the transnational organized criminal groups committing illegal ATS trafficking.

77. In New Zealand, a number of agencies had agreed/signed Memoranda of Understanding, allowing for the exchange of information and intelligence. The national Police, Customs, and Organised and Financial Crime Agency worked together to investigate importations and movements of precursor chemicals and other illicit substances. This included sharing information, intelligence, resources and technology to allow for controlled deliveries and surveillance. Interagency cooperation in drug enforcement was supported through a range of mechanisms including; the multi-agency "Methamphetamine Action Plan" and the multi-agency National Drug Intelligence Bureau (Joint Customs, Ministry of Health and Police). The Police had appointed an attaché to the Guangzhou province, China, to increase cooperation and joint targeting of syndicates involved in drug trafficking to New Zealand.

78. In Pakistan, the influx of ATS/ecstasy had increased considerably in the last few years. The Anti Narcotics Force had made efforts to respond and target DTOs and traffickers involved in trafficking of ATS, in addition to making good seizures and arrests within and outside the country. This success was also a result of more deliberate actions and enhanced efforts for sharing of information, carrying out joint investigations with international counterparts. In this regard, international controlled delivery operations would produce more successful results and any request thereof would be responded to accordingly.

79. In the Philippines, the Drug Enforcement Agency had continuously and actively coordinated with other local law enforcement agencies, such as the National Police, National Bureau of Investigation and Bureau of Customs, in order to actively pursue counter enforcement against trafficking operations involving transnational crimes. It continuously enhanced its coordination and active cooperation with their professional counterparts, both nationally and internationally, in the exchange of information, in undertaking of joint operations and in the provision of operational assistance with other international counterparts in dealing with illegal drugs coming in and out of the country.

80. The Republic of Korea reported that, although it was not a significant producer of illicit narcotics, it was frequently exploited by transnational drug cartels operating in the region and the beyond both as a transit country and a destination market for ATS originating from various sources ranging from Southeast Asian region to Africa and even South American region, which had led to an increased availability of drugs in Korea. These international organized crime groups hired females of Korean nationality as couriers to move drugs to certain designated locations. Most of ATS seized in Korea had been trafficked from neighbouring countries (mainly China and Philippines). Especially, African region such as South Africa, Ghana, Kenya and Mali and others had emerged as new sources of ATS since 2010, which was indicative of a diversification of the ATS suppliers to the country. Since April 1989, the Supreme Prosecutors' Office had been organizing annual Anti-Drug Liaison Officials' Meeting for International Cooperation, designed to work as a regional and time-bound counter narcotics cooperation mechanism, joined by leading drug enforcement authorities in Asian region and international bodies such as UNODC, ICPO, WCO and ASEAN, with the aim to facilitate exchange of information on new trends of drug trafficking and related crimes, and to establish personal contacts for more prompt and effective cooperation among participating authorities in the region and beyond.

81. To better counteract increased inflows of ATS from Southeast Asian region, Supreme Prosecutors' Office of the Republic of Korea and anti-narcotics authorities of eight ASEAN member states established the Asia-Pacific Information and Coordination Centre (APICC), a regional drug information centre, by signing a MOU based on the counter-drug partnership in 2012. APICC's primary functions had been to collect and analyse emerging drug-related trends affecting availability and accessibility of ATS in the region, thus enabling Korea and its counterpart countries to collectively take suitable actions in response to those problems. APICC had also contributed to furthering a more prompt reciprocal assistance in its bilateral and multilateral anti-drug cooperation with foreign law enforcement agencies. In October 2012, Korean Prosecution had arrested a Korean smuggler for routing methamphetamine into the country from Thailand and then it had sought an

urgent assistance from ONCB to locate and arrest his associate wanted in Korea for leading a drug trafficking cartel in Thailand. With the request from APICC, ONCB conducted a joint on-site investigation with Korean Prosecution to identify his location. This had resulted in an arrest of the accomplice and ONCB had rapidly deported him to the Republic of Korea in February 2013. Since then, APICC had two more successful extradition cases with the Philippines and Vietnam, respectively. Republic of Korea and the Russian Federation had signed a MOU in 2008 to promote a rapid response to requests from each other in their control of illicit transactions involving narcotics, psychotropic substances and drug precursors moving between both countries.

82. On 6 October 2013, the Russian Federation and the European Union had signed an agreement on drug precursors. The Ministry of Internal Affairs carried out this activity in accordance with cooperation agreements concluded with Contracting States.

83. Singapore noted there existed channels of both formal and informal bilateral arrangements and its neighbouring countries, such as Malaysia, Indonesia and Thailand on matters relating to facilitating investigations and exchanging intelligence information on subjects/groups involved in drug trafficking activities. For example, Singapore signed a Memorandum of Understanding with Malaysia in June 2012 to enhance cross border cooperation against drug trafficking. The Central Narcotics Bureau also worked closely with the international drug law enforcement agencies, such as the US Drug Enforcement Administration and the Australian Federal Police and maintained liaison contacts with the INTERPOL, RILO, through its Asia and the Pacific office.

84. Viet Nam reported that, through bilateral and trilateral cooperation, as well as regional fora, it had exchanged information, as well as coordinated with international drug control agencies on joint investigations, arrests and seizures related to drug-related crime. The Border Guard Force coordinated with functional agencies of Laos, Cambodia and China to uncover 45 cases relating to drugs, arrested 300 subjects, and seized 161.2 kg of heroin, 7kg and 68,768 pills of ATS. Viet Nam had organized and developed transnational programs, action plans, and projects (such as Partnership Against Transnational crime through Regional Organized Law Enforcement – PATROL, Global SMART Programme) with international partners (especially with the countries which share the common border) in order to deal with transnational criminal groups trafficking amphetamine-type stimulants into and across the region. In addition, Vietnam had been organizing and attending bilateral/trilateral meetings and conferences with international organizations and agencies, as well as organized training courses for national, international staff in order to strengthen law enforcement capacity in controlling ATS in the region. Through bilateral/trilateral agreements and action plans, the Government had guided relevant ministries, sections, agencies to implement effective activities in the fight against drugs related crimes, especially ATS-related crimes.

Recommendation (c)

Governments should ensure that drug law enforcement authorities take measures to monitor the sale of and trade in equipment used for the illicit production or manufacture of narcotic drugs and psychotropic substances, such as tablet-making machinery, laboratory glassware and related laboratory equipment, in order to effectively prevent the diversion of such materials to clandestine manufacturing sites

85. Armenia indicated that no action had been taken under this recommendation.
86. In Australia, these activities had been undertaken by all law enforcement agencies, together with the Department of Health, also with the assistance of the various stakeholders in the chemical industries, scientific apparatus industries and other relevant industry groups that sold or supplied the apparatus. This strategy was undertaken in a similar manner to and in conjunction with the activities pertaining to the policing of the diversion of precursor chemicals. For example, the PAG had also been tasked with making recommendations regarding the control of equipment used in the manufacture of illicit drugs. In accordance with legislation, Customs was able to provide information to law enforcement agencies in relation to import activity, such as laboratory glassware which was not a prohibited import, tablet presses and ice pipes, which were restricted imports.
87. Bangladesh indicated that, as it was not a drug producing country, all the drugs such as heroin, phensedyl (a codeine preparation), cannabis, buprenorphine and Yaba were being smuggled into its territory from India and Myanmar. Although no clandestine laboratory or tablet-making machinery, laboratory glassware and related laboratory equipment for the illicit production or manufacture of narcotic drugs and psychotropic substances had been detected in that country, the law enforcement agencies monitored the issue closely. The pharmaceutical industries were also under close supervision of the Department of Narcotics Control, and the Drug Administration, so as to prevent the diversion or misuses of any pharmaceutical raw material, psychotropic substance or precursor chemicals. The local dealers of laboratory equipment, glassware and other machineries were also under supervision of the Government.
88. In Brunei Darussalam, Section 4 of MDA Chapter 27 stated that it was an offence for a person to manufacture any controlled drugs, while Section 8A of that Chapter stipulated that the manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs were illegal.
89. In Cambodia, law enforcement agencies were taking immediate action to prevent and suppress the potential illicit drugs production locally. Significant results were achieved in 2007, 2010, 2012 and 2013, when clandestine laboratories were suppressed, with many tons of precursor chemicals.
90. China indicated that it had established a special intelligence unit in a very dense industrial area, where the equipment might possibly be diverted. Human intelligence had also been deployed to target the tablet-making machinery.
91. Indonesia reported that, although it was difficult to intervene in the sale of equipment that could be diversified into tools and equipment for the manufacture of illicit drugs and narcotics, the Government should make its utmost efforts to enforce

strict rules in manufacture and distribution of tablet-making machinery, laboratory glassware and related laboratory equipment to prevent for manufacture of narcotics.

92. In Japan, in November 2013, the Police charged a company, which had been manufacturing and selling different types of NPS, arrested 5 suspects and seized more than 100kg of NPS (alpha-PVP), as well as equipment used for the illicit production of NPS (sprayer, tub etc.). The suspects appeared to have imported material substances for NPS from China, after which they had manufactured NPS regulated as narcotics (alpha-PVP), and sold the NPS to approximately 30 shops in Japan. It appeared that the company it had gained more than 2 billion dollars by selling various kinds of NPS.

93. In New Zealand Police and Customs worked to identify importation and distribution of a range of laboratory equipment to ensure these goods are not used for criminal purposes. This work extends to partnerships with a range of private sector retailers, wholesalers, distributors and importers to allow greater visibility of the New Zealand market for laboratory equipment.

94. Pakistan reported that this recommendation was being implemented.

95. The Philippines indicated that Governments should ensure that the drug law enforcement authorities take measures to monitor the sale of trade equipment used for the illicit production or manufacture of narcotic drugs and psychotropic substances, such as tablet-making machinery, laboratory glassware and related laboratory equipment, in order to effectively prevent the diversion of such materials to clandestine manufacturing sites. Laboratory Service Staff of the Drug Enforcement Agency of that country ensured that the chain of custody and proper disposition of evidence was properly observed.

96. Republic of Korea indicated that no action had been taken under this recommendation.

97. In Russian Federation relevant monitoring methods had been established on the basis of decisions of the Government. The Ministry of Internal Affairs had issued proposals to various individuals for strengthening the monitoring of such production.

98. In Singapore, Section 10A of the Misuse of Drugs Act (MDA) provided any person who (a) manufactured any controlled equipment, controlled material or controlled substance; (b) supplied any controlled equipment, controlled material or controlled substance to another person; (c) had in his possession any controlled equipment, controlled material or controlled substance; or (d) imported or exported any controlled equipment, controlled material or controlled substance, knowing or having reason to believe that the controlled equipment, controlled material or controlled substance was to be used in or for the manufacture of a controlled drug in contravention of section 6 of the MDA shall be guilty of an offence. Section 6 of the MDA made it an offence to manufacture a controlled drug unless authorized.

99. Viet Nam reported that it was a transit country for trafficking of illegal drugs by transnational organized crime groups and that it was also a consumer country. Recently, Viet Nam's functional agencies had uncovered some manufacturing activities of synthetic drugs. For example, the Police Force in Nghe An province dismantled a methamphetamine manufacturing facility (ice), arrested 5 subjects and arrested methamphetamine manufacturing equipment. The Police Force in Ho Chi

Minh city dismantled a pseudoephedrine manufacturing facility, arrested one subject and seized 5kg of pure pseudoephedrine.

Issue 3: Meeting the challenge of effective border controls

Recommendation (a)

Governments of the region should take steps to encourage law enforcement authorities based at international airports to work collaboratively, including in the creation of inter-agency task forces to pool professional experience and available knowledge, in order to address drug trafficking and related organized crime by air

100. In Armenia, officers of the National Security Service and the Customs Service of the Ministry of Finance had been on duty at the airport for organizing the joint control.

101. The Federal Police of Australia (AFP) worked collaboratively with Customs to manage the threat to Australia's border from persons involved in criminal activities. The success of this collaboration may be demonstrated through the large number of seizures of illicit drugs and other illicit items seized at the border or through the conduct of successful joint operations between the two agencies. As part of Australia's law enforcement approach to targeting organised crime in the air stream, Joint Airport Intelligence Groups (JAIGs) and Joint Airport Investigation Teams (JAITs) had been established. JAITs and JAIGs included representatives from the AFP, Customs and state and territory police, in addition to other agencies as required. JAIGs collected, collated, analysed and disseminated information and intelligence relating to both criminal activity and threats to security in the airport environment. JAITs investigated serious and organised crime in the aviation sector focussing on Australia's 10 major airports. These activities were enhanced through the AFP and Customs working with international partners to ensure that relevant investigations are conducted in the most efficient and effective manner and may involve policing activities of foreign law enforcement agencies to disrupt and dismantle transnational organised crime syndicates.

102. Bangladesh was focused on preventing illicit trafficking of drugs and related organized crimes by air. The Department of Narcotics Control (DNC) had an office at Dhaka airport and worked collaboratively, in an inter-agency task force, with the Customs, Immigration, Civil Aviation authority and other intelligence and law enforcement authorities at the airport. At the airport, the DNC always assisted the Customs authority in identifying illicit drugs and chemical examinations of all the seized drugs at the airport were conducted by the drug testing laboratory of the DNC. The DNC investigated the cases of seizures of illicit drugs at the airport and, recently, the operation of an inter-agency task force was going to be launched at the sea port also, under the initiation of UNODC. The required training of the members of this task force on interdiction of illicit trafficking of drugs through cargo vessels would soon be conducted by UNODC.

103. Brunei Darussalam, through its Narcotics Control Bureau, had established an Airport Interdiction Task Force, consisting of members from relevant agencies at the airport, such as Customs and Excise, Police Force, Immigration Department and Directorate of Civil Aviation, each with a role to play and contribute in their own jurisdiction and expertise in addressing any issue related to drug trafficking.

104. Cambodia had jointly implemented an Airport Interdiction Task Force mechanism in order to share and suppress transnational threats across the airports in a timely manner. Furthermore, the ASEAN Airport Interdiction Task Force had been identified for further contact and operations.

105. China had established inter-agency task forces under the leadership of immigration control of customs at international airports, with drug trafficking as one of their major tasks.

106. In France, in order to ensure the coordination of the activities carried out by the customs authorities, the police and the gendarmerie at international airports, the Central Office for the Suppression of Drug Trafficking (OCRTIS) of the Central Directorate of the Criminal Investigation Service (DCPJ) had tasked a unit with the issue of drug trafficking through airports. The unit was based at the Roissy Charles de Gaulle international airport and deals with the legal aspect of customs seizures carried out at the two major airports of Paris, namely Roissy Charles de Gaulle and Orly. Moreover, OCRTIS, an interministerial body, had, at its offices, a customs liaison officer tasked with facilitating inter-agency exchanges.

107. The National Narcotic Board (BNN) of Indonesia, as a focal point, had already developed an integrated agency response to border management through the adoption of national strategies that built confidence, trust and cooperation between national law enforcement agencies, namely the Directorate Interdiction BNN, National Police, Customs, Immigration, Ministry of Transportation based on the regulation of Head of BNN Decree Number: KEP/516/XI/2012/BNN on the Technical Conduct of Integrated Interdiction Operation, covering air, maritime, sea, land and land borders.

108. The Customs of Japan attached importance to closer international cooperation among competent authorities and it had committed to a series of internationally coordinated actions. Among other things, the Customs had participated in “Drug Seizure Immediate Notification System (DSINS)”¹ and initiated “Operation WESTERLIES”.² The former, managed by RILO A/P, shares information on drug seizure cases detected by participating Customs administrations at their airports at the earliest possible time so that other participating Customs may prevent and detect similar incidents. The latter, initiated by Japan Customs and carried out in cooperation with the World Customs Organization, was an inter-regional enforcement operation to target and combat illegal trafficking in methamphetamine and other contraband by air passengers.

109. In New Zealand, law enforcement agencies cooperated at air borders through a number of all-of-government mechanisms including joint operations under the aegis of the Combined Law Agencies Group.

110. Pakistan reported that the Anti Narcotics Force was working in close collaboration with other law enforcement agencies at all international airports and

¹ “DSINS” is a voluntary system for the timely and direct dissemination of information on significant drug cases among the participating members.

² “Operation WESTERLIES” is an enforcement operation against trafficking in methamphetamines and other drugs by air passengers departing from African countries and bound for East Asian countries via European or Middle Eastern countries, as articulated in the UNODC’s World Drug Report 2012.

actively shared real-time information related to drug trafficking by air with its international counterparts. As a result, various domestic and international seizures had been made, significant amounts of drugs had been recovered and key members of transnational drug trafficking organizations had been arrested.

111. The Philippines indicated that they had met the challenge of effective border controls.

112. Republic of Korea reported that, based on a MOU signed in 1996 between its Supreme Prosecutors' Office and the Customs Service to step up their anti-drug activities at sea ports and airports throughout the nation, both authorities had established a Task Force team at the principal airports of major cities, including Seoul, Incheon and Busan. Since the launch of the T/F team in 1996, it had been actively trying to be at the forefront in its joint operations to monitor and track transnational drug trafficking organizations targeting our international airports for their illegal business to move drugs into and/or through that country, generating a significant successes every year.

113. In Russian Federation, training for foreign personnel had been organized on the premises of the Federal Drug Control Service and the Ministry of Internal Affairs. Joint working groups were being established, consisting of representatives of Federal Drug Control Service, Ministry of Internal Affairs, the Federal Security Service and the Customs Service. Joint plans were being drawn up with the territorial subdivisions of the Customs Service, joint investigative and operational work was being carried out and operational information was being exchanged.

114. In Singapore, the Central Narcotics Bureau (CNB) was an active participant of Project DSINS*³ (AIR). Regular notifications of drug seizures were shared with countries under the RILO⁴ for the Asia-Pacific region. These notifications aided in identifying the modus operandi of the drug traffickers and in turn, aided foreign law enforcement agency counterparts in profiling suspected targets. Information on drug trafficking with regard to foreign countries was also shared using this forum. CNB was a member of the ASEAN Airport Interdiction Task Force (AAITF), a project spearheaded by Thailand. AAITF was an airport-specific, drug-specific contact channel that bypassed multiple national/international contact points with the aim of strengthening drug enforcement coordination at the ASEAN airports.

115. In Viet Nam, before the drug trafficking by air had increased, the Government had actively guided the functional forces. The airport security force, Customs, Police had signed an inter-agency Action Plan to control drugs at the airport. In addition, through regional projects and framework of ASEAN cooperation, Vietnam attended initiatives to establish ASEAN Airport Interdiction Task Force (AAITF), due to which participants from Viet Nam had often attended study visits, information exchange conferences and training courses with regional agencies to strengthen drugs control capacity for law enforcement officers in the airport.

³ Drugs Seizure Immediate Notification System

⁴ Regional Intelligence Liaison Office.

Recommendation (b)

In response to the increasingly complex methods employed by drug trafficking networks operating into and through the region, Governments need to support law enforcement authorities and prosecutors in launching domestic and cross-border intelligence-led investigations against high-profile drug trafficking syndicates, in order to collaboratively investigate, arrest and prosecute them

116. Armenia indicated that Interpol, the Commonwealth of Independent States, UNODC and Collective Security Treaty Organization exchanged information about domestic and cross border intelligence-led investigations.

117. In Australia, law enforcement agencies had been actively involved in joint groups and task forces through Memoranda of Understanding, treaties, bilateral and multilateral agreements to work collaboratively to dismantle organised crime networks. In addition, the Federal Police (AFP) and other Australian government agencies, including Customs, worked collaboratively with international agencies to take the fight against illicit drugs offshore and had an entrenched intelligence-sharing framework.

118. In Bangladesh, all the drug law enforcement agencies had their own intelligence wings. The intelligence wing of the Department of Narcotics Control (DNC) was headed by an Additional Director and 4 Zonal offices at Dhaka, Chittagong, Rajshahi and Khulna headed by four Deputy Directors. The intelligence offices of the DNC had a close network and working relation with the intelligence wings of other law enforcement agencies such as Customs, Police, Border Guard (BGB), Rapid Action Battalion (RAB), Coast Guard and National Security Intelligence (NSI). Recently, the intelligence wings of the BGB and DNC had conducted domestic and cross-border intelligence-led investigations against high-profile drug traffickers at the Western, Eastern and South-Eastern border of Bangladesh and prepared a list. The Intelligence wings of DNC and BGB had also traced a number of clandestine laboratories of manufacturing Phensedyl (codeine preparation) and Yaba in the territories of India and Myanmar. These intelligence wings also detected illicit cultivation of opium poppy at Western and South-eastern border of Bangladesh. Those lists of clandestine laboratories and illicit poppy fields had been conveyed to counterparts in India and Myanmar.

119. Brunei Darussalam indicated that collaborative cross-border investigations were being conducted for cases involving outside jurisdictions. The Government collaborated and cooperated with foreign enforcement entities if investigations or arrests were required locally.

120. In Cambodia, the Ministry of Justice had set up regular meetings among law enforcement agencies, prosecutors and judges in order to effectively brainstorm about intelligence-led investigations against drug trafficking syndicates.

121. As a successful example of the implementation of this recommendation, China reported on the joint border interdiction operations recently launched at border area between China and Viet Nam. During 3 months of intensified operations, the capability of intelligence-led investigations against major drug trafficking syndicates had been greatly enhanced.

122. France had internal security services, comprising police or gendarmerie officers, customs attachés and liaison magistrates, posted on the staff of

ambassadors in a number of countries in the region. They provided the appropriate level of intelligence-sharing, including where such exchange may have implications for operations. The Ministry of Justice coordinated the establishment of joint investigation teams, which sought to promote, in the fight against organized crime, the development of joint investigation strategies that were key to dismantling transnational networks. Since the introduction of joint investigation teams into French law, 86 such teams had been established by French prosecutors. At the national level, within the agencies tasked with countering drug trafficking, France had special units for national and transnational investigations of criminal organizations involved in such trafficking (including OCRTIS and the National Customs Intelligence and Investigations Directorate).

123. In Indonesia, a common understanding in terms of investigation, arresting and prosecution among drug law enforcement officers was necessary in order to close the gap which could be used by drug crime syndicate to avoid prosecution for crimes they had committed.

124. In Japan, the Customs had concluded agreements on Cooperation and Mutual Administrative Assistance in Customs Matters with nine countries and areas. It had also concluded Cooperative Arrangements on Mutual Assistance with seven jurisdictions. National competent authorities had met regularly, attended trainings (including on controlled deliveries), conducted combined boarding inspection and joint investigations for countering illicit drug trafficking with relevant authorities such as National Police Agency, Customs and others.

125. New Zealand continued to support law enforcement authorities in launching domestic and cross-border intelligence-led investigations against high profile drug trafficking syndicates. This work had been largely lead by task forces established under the Organised and Financial Crime Agency of that country.

126. In Pakistan, the Anti Narcotics Force (ANF) regularly conducted the analysis of emerging drug trafficking trends and concealment methods and disseminated such information to its counterparts through various fora. Moreover, ANF extended extensive cooperation to other countries in conducting joint intelligence-led investigations and sharing of information/intelligence on HVTs/joint targets and DTOs.

127. The Philippines reported that, in April 2013, its Drug Enforcement Agency (PDEA) launched the Operations Center of NAIA Inter-Agency Drug Interdiction Task Group (NAIA-IADITG) to address illicit trafficking of dangerous drugs in and out of the country. Thus, the intensification of interdiction operations, particularly at the main international airport of that country, would deter illicit traffic of dangerous drugs. The NAIA-IADITG partnered with eight law enforcement units and was funded by the US Government through the Drug Enforcement Administration (DEA). The PDEA was also establishing the same task group in Clark and Cebu with the assistance of US DEA. The personnel of this Task Group had already been trained. The PDEA, with the support of US DEA, planned to establish the IADITG in Davao, General Santos City and Zamboanga, which catered to international flights, next year. Furthermore, PDEA had established a partnership with the Coast Guard, which conducted trainings on the narcotic detection K9s, in order to strengthen interdiction operations at airports and seaports used by drug traffickers

128. Republic of Korea had recently identified the *modi operandi* employed by transnational drug trafficking cartels and their networks, which were becoming increasingly sophisticated. The Supreme Prosecutors' Office (SPO) had sought to establish a close partnership with ASEAN member states in order to effectively cut off the flow of drugs destined for Korea by identifying and disrupting drug trafficking networks. For this reason, SPO had designed the 'ASEAN project' to support ASEAN's anti-drug efforts in 2007 and, since then, SPO and ASEAN members had been annually implementing counter-narcotics programs tailored to their different drug-related situations. As a result of such efforts, Republic of Korea and eight ASEAN members had agreed to create a regional intelligence-sharing centre, which had allowed the countries involved to operate a real-time law enforcement cooperation to bring drug networks operating in the region to justice through reciprocal assistance such as a prompt deportation and providing of requested information. SPO had been working closely with US Drug Enforcement Administration by co-hosting a workshop for national law enforcement authorities including prosecutors, also on money laundering and precursor chemicals, since 2005. During the workshop, DEA had provided information on newly detected drug trends and developments by drug crime groups in the region and shared up-to-date investigative technologies to counter money laundering and precursor diversion.

129. Singapore recognized that collaboration with its regional and international counterparts was essential in detecting the flow of drugs into Singapore. In this regard, the Central Narcotics Bureau conducted and facilitated cross-border drug trafficking investigations with other foreign law enforcement agencies by providing operational support, sharing information and participating in joint investigations.

130. In Viet Nam, the Ministry of Public Security, Ministry of Defense and Ministry of Finance further guided functional agencies to continuously suppress drug trafficking networks on the important trafficking routes. The functional task forces proactively built measures and plans to deal with drug-related crime. In addition, the Ministry of Public Security established an Information Center to collect information relating to drug cases, effectively contribute to case investigations and open criminal investigations. In addition, there had been an action mechanism between Customs, Police, Coast Guard, and Border Guard in order to coordinate drug cases investigations.

Recommendation (c)

In anticipation of requests for assistance in the investigation of cross-border drug trafficking offences from foreign law enforcement agencies, Governments should establish practices, procedures and standard operating procedures, where applicable and in line with their national rules and regulations, which will facilitate a response when overseas investigations require their operational support

131. Armenia indicated that no action had been taken under this recommendation.

132. In Australia, the Mutual Assistance in Criminal Matters Act 1987 (Commonwealth), governed the process that countries used to provide and obtain 'formal' government to government assistance in criminal investigations, prosecutions and proceedings to recover the proceeds of crime. This did not impact on 'informal'/'agency to agency' assistance. Agencies, such as the Federal Police

and Customs had various Memoranda of Understandings with overseas law enforcement agencies, which provided an increased framework to support and enhance levels of cooperation.

133. Bangladesh was firmly committed to bilateral cooperation in mutual legal assistance in the field of suppressing illicit trafficking of drugs. In addition to the provisions on such cooperation contained in United Nations and SAARC conventions on drugs Bangladesh had also concluded bilateral agreements with India and Myanmar, which contained provisions for mutual assistance in suppression of cross-border drug trafficking offences and their investigation, exchange of information and intelligence, tracing and forfeiture of assets derived from drugs and extradition of the drug offenders. Bangladesh also had a separate law for extradition, although it did not have in place standard operating procedure for mutual cooperation and assistance with neighbouring countries in drug-related crimes. These types of assistance were generally practiced through diplomatic channels, frequently directly in response to requests from foreign drug law enforcement agencies regarding supply of information on drug related crime to facilitate investigation of drug offences.

134. Brunei Darussalam, through the Narcotics Control Bureau, had the appropriate procedures in line with national rules and regulations to facilitate a response and action from foreign law enforcement agencies.

135. Cambodia, in order to promote and strengthen cooperation in the fight against drug syndicates organized crime groups, the National Authority for Combating Drugs, with the support of UNODC, had established standard operating procedures between Cambodia-Viet Nam, Cambodia-Thailand and Cambodia-Lao People's Democratic Republic.

136. China reported that standard operating procedures had already been implemented between the National Narcotics Control Commission and its counterparts around the world, which had been facilitating the case clue verifications and investigation assistance.

137. In France, according to law, operational measures may be implemented, such as cross-border observations (enabling foreign law enforcement services to operate on French territory in order to pursue their investigations) or controlled deliveries that make it possible to monitor narcotic substances not only while they are in transit in France but also until they reach their final destination in order to facilitate investigations at a later stage. Those measures are centralized and coordinated by O CRTIS for the purposes of police procedures and by DNRED for the purposes of customs procedures. In addition, a platform for promoting channels of cooperation with INTERPOL, Europol and the Schengen States had been set up within the Criminal Investigation Service, namely the Central Division for Police Operational Cooperation (SCCOPOL). At the judicial level, in order to facilitate investigations of offences with a transnational dimension, France had implemented measures to expand and strengthen the applicable regulatory framework and ensure smoother operational exchange. For example, France signed an agreement on mutual legal assistance with China on 18 April 2005, seeking to establish a coherent legal framework facilitating the exchange of evidence between the judicial authorities of the States concerned. Bilaterally, it complemented the following international instruments: the Single Convention on Narcotic Drugs of 1961, the United Nations

Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, and the United Nations Convention against Transnational Organized Crime of 2000.

138. Indonesia reported that the legislation, character and methods, as well as responses to drug-related crime in each country were different, and that, accordingly, each country should have its own standard operating procedures for the international cooperation framework. Customs should always be included in the discussion of regulation/standard operating procedures, as well as cooperation agreements in the framework of the process of law enforcement against drug smuggling in Indonesia. Assistance in visa application process for foreign investigators may be provided upon BNN/INP proposal/request.

139. In Japan, NCD, under the Ministry of Health, Labour and Welfare, dispatched narcotics agents to foreign countries, such as Hong Kong, Thai, Taiwan, Mexico and others and thus strengthened the relationship with the drug control law enforcements of those countries.

140. New Zealand reported that it had already implemented the actions contained in this recommendation.

141. Pakistan informed that the Anti Narcotics Force fully cooperated with all its international counterpart in providing assistance in investigation of drug related cases. The interaction for such assistance was carried out through diplomatic and DLO channels, INTERPOL and other international fora. Provisions contained in the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 had been incorporated in the domestic counter narcotics law of Pakistan, such as the Control of Narcotic Substances Act, 1997 for providing legal assistance to international partners.

142. The Philippines indicated that the Ninoy Aquino International Airport-Inter Agency Drug Interdiction Task Group (NAIA-IADITG), which was being spearheaded by the PDEA, had been created with the assistance of the United States Drug Enforcement Administration and that one of the functions was to aid in investigation of cross-border drug trafficking. Furthermore, this practice was being implemented in Regional Offices with international airports. In addition, the implementation of EO 57 had established the National Coast Watch System exercising overall jurisdiction and direction over policy-formulation, implementation and coordination with other government agencies, experts and organizations, both foreign and local, on all maritime issues to include drug trafficking affecting the country.

143. Since 1989, Supreme Prosecutors' Office (SPO) of the Republic of Korea had been organizing Anti-Drug Liaison Officials' Meetings for International Cooperation (ADLOMICO), joined by liaison officials from leading anti-drug agencies and international bodies in the region, with a view to seeking better countermeasures against emerging drug trends, transnational drug trafficking organizations and their illicit drug business. As a consequence, with the trust and experience that ADLOMICO had earned more than 20 years, a cooperative mechanism had allowed Republic of Korea to effectively and promptly perform international law enforcement operations without disregarding its national jurisdiction and legislation. One of primary functions by ADLOMICO had been a quick response to requests from counterpart countries for drug law enforcement cooperation. The Supreme Prosecutor's Office (SPO) had continued to conclude bilateral and multilateral MOUs with the aim to creating and maintaining

partnerships for counter-narcotic collaboration, which had help SPO to develop a standard operation procedure for its rapid anti-drug assistance to a requesting country.

144. In the Russian Federation, matters related to operational and investigative activities were governed by Federal Act No. 144 of 12 August 1995 and other related legislative acts of the federal State authorities.

145. In Singapore, the Mutual Assistance in Criminal Act (MACMA) had set out the forms of assistance that Singapore may request from a foreign country, and vice versa. In April 2006, the MACMA was amended to provide a bilateral case-by-case initiative that would be available to all countries in all instances in which Singapore and the foreign government would agree to provide the same type of assistance in a similar reciprocal request. Since 1 April 2006, an MLAT is no longer required before assistance involving the use of coercive powers (e.g. search and seizure) can be provided to any requesting State as long as the requesting State provides a reciprocity undertaking before assistance is granted. The MACMA was further amended in October 2014 to allow some ease in the requirements that foreign requests must satisfy before Singapore can provide mutual legal assistance. Three amendments were made to the act to increase the effectiveness of Singapore to fight cross-border crime, namely: (i) easing some requirements that foreign requests must satisfy before Singapore can provide mutual legal assistance; (ii) widening the scope of mutual legal assistance that Singapore can provide; and (iii) and expanding the list of offences for which Singapore can provide mutual legal assistance.

146. Viet Nam's functional agencies coordinated with foreign police forces to investigate, arrest, seizure transnational criminals transporting drugs across and into Vietnam. The Narcotics Investigation Department exchanged information and had joint investigations with foreign countries arresting foreigners trafficking drugs. Typically, Police Force coordinated with Japanese Police arrested 5 subjects, and seized 110 kg of synthetic drugs (ice) transported from Japan, transited to Vietnam by sea and approached Australia. In 2013, Border Guard Force coordinated with functional agencies of Laos, Cambodia, China arrested 300 subjects, seized 161.2 kg of heroin, 7kg and 68,768 pills of synthetic drugs. In addition, the functional agencies had strengthened information exchange, bilateral/trilateral cooperation with countries with which there drugs control agreements had been concluded. For instance, Viet Nam coordinated with Thailand's functional forces to arrest one subject who trafficked 5.4 kg of cocaine, and, in coordination with Taiwan's functional forces, arrested one subject trafficking 600 cakes of heroin.

Conclusions

147. Most Government that returned the questionnaire, had implemented measures to ensure that the sale and use of the preparation ketamine was controlled and monitored, in order to prevent its diversion for illicit use. The majority of responding States had provided trainings, in some cases on a regular basis, to the staff of their relevant national authorities. In addition, a number of Governments reported that they had established inter-agency partnerships comprising ministries with the appropriate mandates to regulate, oversee and enforce the import and export, national manufacture, trade and distribution of precursor chemicals.

148. Regarding amphetamine-type stimulants, most Governments had undertaken to adopt, review and/or amend their legislation in order to ensure that drug law enforcement agencies had the authority to deal with new challenges posed by pre-precursor substances, non-controlled licit chemicals and the emerging new psychoactive substances. All Governments had made efforts to encourage and support their law enforcement authorities to increase cooperation at the national, bilateral, regional and international levels. The majority of responding Governments had endeavoured to improve measures taken at the national level to monitor the sale and trade in equipment used for the illicit production or manufacture of narcotic drugs and psychotropic substances.

149. Almost all the Governments had taken steps to encourage law enforcement authorities based at international airports to work collaboratively and a number of Governments had also established inter-agency task forces. Furthermore, the majority of Governments had supported their law enforcement authorities and prosecutors to launch domestic and cross-border investigations and some Governments, in their responses to the questionnaire, also presented examples of such investigations. Many Governments had also reported that they had established practices, procedures and/or standard operating procedures to facilitate responses to requests for operational support from counterparts from other countries.
