

# Chapter IV.

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

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

### The role of the Internet, including social media, and consequences for drug trafficking and use

994. The international community adopted the Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971 prior to the advent of the Internet, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 shortly before the major changes in information and communication technologies became global in reach. The Internet has proved both to offer opportunities to support the aims of the conventions and to undermine those aims, as it enables communication that facilitates trade and the trafficking in and use of narcotic drugs, psychotropic substances and precursor chemicals.

995. Criminals have adapted to the new informational and technological environment. The growth in online drug trafficking follows the broader trend in Internet use and Internet-facilitated trade. The role of the Internet in drug trafficking and in the sourcing of precursor chemicals and equipment for illicit drug manufacture has evolved, but has not yet dramatically changed drug supply chains. While the share of illicit transactions that occurs online is still marginal, it constitutes a larger share of the global drug market every year and there is considerable potential for

Internet-facilitated drug markets to further expand as the related technological components continue to evolve and larger shares of the global population use social media.

996. Currently, the urgent macro-level challenges to international drug control are the misuse, diversion from domestic trade and evolution of designer and pre-precursor chemicals and new psychoactive substances, including non-medical synthetic opioids, that are not under international control. At the micro level, the Internet and, in particular, social media, in combination with encryption technologies, have increased the availability of drugs on the illicit market and made law enforcement interventions more difficult.

997. Some of the key areas of concern related to the Internet and drug control include the following: easier connectedness between sellers and potential buyers of illicit commodities across the globe enabled through broad Internet access, encryption technologies and innovations helping hide users' identities, modified smartphones, "cryptophones" or "PGP" phones running specialized software, cryptomarkets and Deep Web markets, the increased availability and proliferation of social media platforms, and the misuse of legitimate e-commerce platforms and online pharmacies. The international community needs to consider these issues collectively, drawing on the expertise, across various organizations, of specialists in cybercrime and money-laundering, as well as in trafficking in drugs and firearms, counterfeiting and other forms of smuggling.

998. Meeting the challenges and opportunities afforded by the Internet is currently reliant on voluntary cooperation with social media companies. Internet-facilitated drug trafficking using conventional social media requires new and concurrent responses based on public-private partnerships.

This requires a longer-term effort to build international consensus and improve the capacity of Governments to engage with the private sector. Public-private partnerships should include key industries, academia and non-governmental organizations working with people who use drugs in the development of effective responses.

**Recommendation 1:** The Internet offers potential for both improving international drug control and preventing non-medical drug use. At the same time, it provides new opportunities for trafficking in and the non-medical use of controlled drugs. To optimize the opportunities provided by the Internet, the international community should consider using social media to conduct drug abuse prevention campaigns and to promote awareness-raising messages on drug-related risks. At the same time, to mitigate the related threats, the international community needs to consider this issue collectively, drawing on the expertise, across various organizations, of specialists in cybercrime and money-laundering, as well as in trafficking in drugs and firearms, counterfeiting and other forms of smuggling.

999. For additional recommendations and more details on proposed action, please refer to the section entitled “The role of the Internet, including social media, and consequences for drug trafficking and use”, contained in chapter I of the present report.

## Universal adherence to the international drug control conventions

1000. The three international drug control conventions represent the international consensus on requirements for the control of licit trade in narcotic drugs, psychotropic substances and precursor chemicals that can be diverted, and on the measures needed to facilitate access to and the availability of controlled substances for legitimate medical and scientific purposes. The conventions provide a common normative framework for effective international drug control, in particular in their capacity as the legal basis for international cooperation, extradition and mutual legal assistance. As such, the Board continues to engage with States having yet to become party to one or more of the three conventions with the aim of supporting them in this pursuit and to encourage the comprehensive incorporation of the conventions into national law. By becoming parties to the conventions, States demonstrate their common and shared responsibility for meeting those minimum requirements with a view to achieving the aim of the conventions, which is the health and welfare of humankind.

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

## Use of cannabis for non-medical purposes

1001. The Board continues to reiterate its concern regarding the legalization of the use of cannabis for non-medical and non-scientific purposes in several jurisdictions, with other jurisdictions considering similar action. The Board reiterates that the 1961 Convention as amended, the 1971 Convention and the 1988 Convention limit the use of all controlled substances to medical and scientific purposes.

1002. The developments in a few countries that have legalized or permitted the use of cannabis for non-medical purposes or that have tolerated its legalization at the subnational level are undermining the universal adherence to the three international drug control conventions and the commitment to their implementation, which was reaffirmed by Member States at the special session of the General Assembly on the world drug problem held in 2016 and in the 2019 Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem.

**Recommendation 3:** The Board wishes to recall the thematic chapter contained in its annual report for 2022, in which it addressed the trend of legalizing the use of cannabis for non-medical and non-scientific purposes, and to remind all parties to the 1961 Convention as amended that, under article 4, paragraph (c), thereof, and subject to the provisions of that Convention, the production, manufacture, export, import, distribution of, trade in, use and possession of drugs are limited exclusively to medical and scientific purposes. The apparent tension between these provisions and the trend towards legalization must be addressed by the signatories to the three drug control conventions.

## International drug control conventions and human rights

1003. The fundamental goal of the international drug control conventions, to safeguard the health and welfare of humanity, includes the full enjoyment of human rights. States' actions that violate human rights in the name of drug control policy are inconsistent with the international drug control conventions. Extrajudicial responses to suspected drug-related activities cannot be justified under international law, including under the international drug control conventions.

**Recommendation 4:** The Board reiterates its appeal to Governments to take all measures necessary to prevent the extrajudicial targeting of persons suspected of involvement in drug-related offences. The Board also reiterates in the strongest possible terms that extrajudicial responses to drug-related criminality are in violation of the drug control conventions and fundamental human rights, which require that drug-related crimes be addressed through formal processes adhering to due process of law. Governments are called upon to investigate and prosecute all instances of extrajudicial action purportedly taken in the name of drug control.

1004. The Board notes with concern public reports of the continued use of the death penalty for drug-related offences in a number of countries.

**Recommendation 5:** While recalling that, according to the international drug control conventions, the determination of penalties applicable to drug-related behaviours remains the exclusive prerogative of States parties, the Board encourages all States that retain the death penalty for drug-related offences to consider abolishing the death penalty for drug-related offences and to commute death sentences that have already been handed down, in view of the relevant international conventions and protocols and relevant resolutions of the General Assembly, the Economic and Social Council and other United Nations bodies on the application of the death penalty for the category of drug-related offences.

1005. Owing to the limited availability of proper treatment services, an increased number of patients have been directed to compulsory treatment facilities where deteriorating conditions have been observed in some countries. Additionally, despite a call by a number of United Nations agencies in 2012, many countries throughout the world still retain compulsory systems for the treatment of persons with drug use disorders.

**Recommendation 6:** The Board calls upon those Member States that have not already done so to shift efforts from compulsory and involuntary treatment services for people who use drugs towards alternatives to imprisonment and punishment in drug treatment and rehabilitation.

## Drug treatment and rehabilitation

1006. Over the past decade, the international community has highlighted the need for the voluntary treatment of people who use drugs, adopting health- and people-centred approaches that incorporate human rights concerns. However, many countries still lack mechanisms for gathering information on the scope and nature of drug use and treatment demand. That hinders the ability to determine the scope and consequences of drug use. It also hinders Governments and the international community as they seek to respond effectively through evidence-based drug use prevention and treatment programmes.

**Recommendation 7:** The Board encourages countries to prioritize the collection of data on drug use trends and treatment demand in order to inform the development of evidence-based approaches in the area of prevention and treatment, and encourages bilateral partners and regional and international organizations to provide support to that end.

**Recommendation 8:** The Board encourages Governments to strengthen capacity-building in drug use management, data collection and data-sharing, public policies and treatment and rehabilitation services, and to continue collaborating with the international community in that respect.

**Recommendation 9:** The Board urges Governments to ensure access to voluntary, evidence-based treatment services in line with the UNODC/WHO International Standards for the Treatment of Drug Use Disorders. In doing so, Governments should address systemic disparities and ensure inclusivity in treatment services, with special attention given to vulnerable groups. The Board also encourages Member States to continue to focus on initiatives to combat stigma and discrimination in relation to people who use drugs.

**Recommendation 10:** The Board urges Member States to implement continuous review mechanisms directed at treatment services in their territories with the aim of ensuring that they are in line with the UNODC/WHO International Standards for the Treatment of Drug Use Disorders.

## Availability of internationally controlled substances for medical and scientific purposes

1007. Through the international drug control conventions, the international community made a commitment to ensure – and not unduly restrict – the availability of drugs considered indispensable for medical and scientific purposes. Despite that commitment, there remains a significant imbalance in the availability of controlled substances globally, an imbalance which not only goes against the aim of the international drug control conventions to promote the health and welfare of humankind but also contradicts numerous human rights instruments that contain the right to health or medical care, which also encompasses palliative care. The data available confirm the persistent disparities between regions in the consumption of opioid analgesics for the treatment of pain.

**Recommendation 11:** The Board reiterates that there is a need to improve the availability of and access to opioid analgesics and to increase their prescription and use in all countries and territories, and reiterates its calls for targeted public policies supported by Governments, health systems and health professionals, civil society, patient organizations and communities, the pharmaceutical industry and the international community.

1008. In a few regions of the world, countries have maintained high levels of availability of some controlled substances, in particular opioid analgesics, although the levels of consumption of those substances have been observed to have decreased in recent years.

**Recommendation 12:** The Board highlights the importance of ensuring that narcotic drugs and psychotropic substances are available for legitimate purposes while putting in place adequate policies and practices to avoid overprescription and prevent misuse. The Board reminds Governments of the need to foster responsible prescription practices and controls on distribution to avoid diversion into illicit channels and overconsumption resulting in dependence and associated harms.

## Data collection and analysis practices of the Board

1009. The regular submission of comprehensive and reliable statistical data from Governments to the Board is vital for the overall functioning of the international drug control system and the analysis of global trends. Good-quality data provide information that is necessary not only to ensure the

adequate availability of controlled substances for medical and scientific purposes but also to uncover diversions of controlled substances for illicit purposes.

**Recommendation 13:** The Board encourages those countries and territories that have not provided the reports as required under the international drug control conventions to do so as soon as possible and to take the necessary measures to ensure that their respective competent national authorities have sufficient resources to prepare the reports in a timely manner. In this regard, INCB offers the possibility of training, including through its INCB Learning programme, to support capacity-building in the area of reporting.

1010. The Board makes platforms such as I2ES, PEN Online and PEN Online Light available to Governments to enable secure trade in narcotic drugs, psychotropic substances and internationally controlled and non-controlled precursor chemicals. The Board also makes available the PICS and IONICS platforms to allow drug control authorities to exchange information in real time to report incidents of trafficking in precursor chemicals and synthetic drugs.

**Recommendation 14:** The Board urges Governments to actively use the PEN Online, PEN Online Light, PICS and IONICS platforms and to participate in GRIDS Programme activities in order to prevent the diversion of and investigate trafficking incidents involving internationally controlled substances, scheduled precursors, non-scheduled chemicals, illicit drug manufacturing equipment, new psychoactive substances, non-medical synthetic opioids and related dangerous substances.

## INCB Learning

1011. The importance of capacity-building for ensuring the adequate availability of internationally controlled substances for medical and scientific purposes while preventing diversion and misuse was recognized by the international community in the outcome document of the thirtieth special session of the General Assembly, entitled “Our joint commitment to effectively addressing and countering the world drug problem”. That commitment was reiterated by Member States through the adoption, in March 2019, of Commission on Narcotic Drugs resolution 62/5, entitled “Enhancing the capacity of Member States to adequately estimate and assess the need for internationally controlled substances for medical and scientific purposes”. In that resolution, the Commission encouraged the INCB secretariat to continue implementing capacity-building and training activities for competent national authorities through the INCB Learning global programme. Accurate national



reports are essential for ensuring the availability of controlled substances for medical and scientific purposes. The impact of INCB Learning training, as evidenced by available data, has resulted in improvements in the quality and timeliness of the data submitted to the Board.

1012. INCB Learning has developed five e-modules to support Governments in key areas of treaty compliance. Three e-modules focus on the following systems: (a) estimates of annual legitimate medical and scientific requirements for narcotic drugs; (b) assessments of annual legitimate medical and scientific requirements for psychotropic substances; and (c) estimates of annual legitimate requirements for imports of precursors of amphetamine-type stimulants. A further e-module focuses on the international drug control framework and the role of INCB, and the fifth e-module, which was developed and launched in 2022, supports Governments in their efforts to ensure the adequate availability of narcotic drugs and psychotropic substances. All e-modules offer interactive, self-paced training.

**Recommendation 15:** The Board invites Governments to consider actively supporting INCB Learning through participation in its activities and to consider providing the resources required to ensure the continuation of these activities.

**Recommendation 16:** The Board encourages Governments to register officials of their competent national authorities for e-modules and to provide feedback and suggestions for areas in which the development of further training is needed.

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

1013. The increasing number of emergency situations caused by climate change and armed conflict have led to greater demand not only for international humanitarian assistance but also for controlled substances for the provision of essential care in humanitarian settings. Since the beginning of 2020, when an increasing number of countries were declaring national emergencies relating to the COVID-19 pandemic, the effectiveness of simplified control measures during emergency situations has been tested. INCB organized and conducted a review of and discussion on the lessons learned in the implementation of those measures among competent authorities, international humanitarian organizations and related United Nations agencies.

The outcome of that review is a document entitled “Lessons from countries and humanitarian aid organizations in facilitating the timely supply of controlled substances during emergency situations”, which identifies important actions that Governments can take to improve their emergency preparedness and sets out procedures that they can follow during emergency situations.

**Recommendation 17:** The Board strongly encourages Governments to review existing national legislation on controlled substances and make amendments and/or adopt new provisions that allow for greater flexibility in the import and export of such substances during emergency situations. This includes permitting their export and import without the corresponding import authorizations and/or estimates and setting out clear specifications of the conditions under which such flexibility can be exercised.

## Free trade zones and trafficking in drugs and precursors

1014. Free trade zones, also known as free zones or free ports, have played a pivotal role in promoting international trade and economic development across the globe. These designated areas, often exempt from many of the usual customs, import and export regulations, facilitate the movement of goods, foster foreign investment and create employment opportunities. However, they are susceptible to misuse for illicit activities. The limited supervision, if any, exercised by customs authorities over shipments of goods from abroad into free trade zones, or from such zones to foreign countries, provides for the faster movement of goods, thereby lowering transaction costs. However, it also allows contraband to move undetected through those zones. In general, softened customs controls in free trade zones have made such zones increasingly vulnerable to a wide range of abuses by criminal actors.

**Recommendation 18:** The Board reiterates that States parties to the international drug control conventions are required to apply drug control measures in free ports and free zones that are no less stringent than those applied in other parts of their territories, and have the option of applying more stringent measures as outlined in the conventions.<sup>172</sup> Ensuring that drug control measures are upheld in free ports and free zones is imperative to preventing trafficking in internationally controlled narcotic drugs, psychotropic substances and precursor chemicals.

<sup>172</sup>Article 31, paragraph 2, of the 1961 Convention, article 12, paragraph 3 (a) of the 1971 Convention, and article 18 of the 1988 Convention.

## Drug-related crime and the environment

1015. The impact of illicit drug-related activities on the environment takes different forms around the globe, including deforestation, contamination of rivers and soil, and animal and human poisoning. Indirectly, the illicit production, manufacture and trafficking of drugs can also be linked to other environmentally damaging activities, such as illicit mining. The impact of those activities often affects local communities most adversely, as it may destroy livelihoods and introduce violence and drug use to populations in remote areas. While the connection between illicit drug-related activities and environmental consequences still requires further research, there is growing evidence showing that there are significant linkages at play.

**Recommendation 19:** The Board calls on Governments, with the support of the international community, to take urgent action to address such threats, prioritizing the safety and well-being of local, native and vulnerable populations, as well as the protection of the environment. Furthermore, the Board urges Governments to collaborate with the international community and with the United Nations system in improving the available research and data on the dynamics of illicit drugs and the environment and the related impacts across all regions of the globe.

## Proliferation of highly potent synthetic non-fentanyl opioids

1016. In addition to the substantial proportion of overdose deaths resulting from illicit fentanyl manufacture, newly emerging highly potent synthetic non-fentanyl opioids are being encountered in drug markets around the world. Similar to fentanyl and its analogues, the potency of many of these non-fentanyl opioids, such as analogues of the nitazene group, makes possible the trafficking of smaller end-use quantities through express logistics and postal services worldwide. Online platforms and services, including e-commerce, social media and search and financial services, are exploited by vendors marketing these dangerous opioids, which have no known legitimate uses. To assist Governments in addressing this threat, INCB maintains a list of fentanyl-related substances and non-fentanyl opioids with no known medical, industrial or other legitimate uses.

**Recommendation 20:** The Board encourages the law and regulatory enforcement focal points of Governments and international organizations to take advantage of the suite of INCB proprietary counter-trafficking tools, including IONICS, for the secure real-time exchange of information; the GRIDS Intelligence HD strategic and operational

targeting platforms; the eLearning Individual Training Environment (ELITE), recommended in Commission on Narcotic Drugs resolution 66/2; the Scanning of Novel Opioids on Online Platforms (SNOOP) tool, for detection and dismantling of online vendor marketplaces; and INCB GRIDS Programme training.

**Recommendation 21:** The Board encourages all Governments to have their relevant law enforcement and regulatory agencies join the agencies of other Governments that already exchange real-time information through the IONICS bulk communication feature with regard to new psychoactive substances, non-medical synthetic opioids and related drugs that are seized or stopped or are otherwise suspicious shipments and to facilitate backtracking investigations involving such substances.

**Recommendation 22:** The Board stands ready to assist Governments to engage its relevant private sector partners with the goal of voluntarily identifying, preventing and eliminating the exploitation of legitimate business activities by traffickers of dangerous synthetic opioids not under international control and which have no known legitimate use. Governments are encouraged to make use of a series of practical guidelines prepared under the INCB GRIDS Programme to promote voluntary cooperation with the express courier industry, the freight forwarding industry, the e-commerce industry and Internet-related services.

**Recommendation 23:** The Board invites all Governments and, through them, industry partners to make use of the Board's list of fentanyl-related substances and non-fentanyl opioids with no known medical, industrial or other legitimate use, and to voluntarily refrain from any manufacture, marketing, export, import or distribution of those substances beyond limited research and analytical purposes.

## Narcotic drugs

1017. The Board, having reviewed the latest information and data on the supply of opiate raw materials and the demand for opiates for medical and scientific purposes, points out that although data from producing and manufacturing countries indicate that the supply of both morphine-rich and thebaine-rich opiate raw material is calculated to be sufficient to cover the demand for medical and scientific purposes as expressed by countries, there are significant disparities between countries in the availability of narcotic drugs because many countries do not accurately estimate their medical needs for opioid analgesics or have only limited access to them.

1018. The Board also reminds those countries that cultivate opium poppy rich in noscapine to provide information in a consistent and regular manner about the cultivation of noscapine-rich opium poppy and its intended use, and to report to the Board any extraction and use of the internationally controlled alkaloids, in spite of the fact that noscapine itself is not an internationally controlled substance, given that significant amounts of internationally controlled alkaloids can be extracted from opium poppy rich in noscapine.

**Recommendation 24:** The Board urges major cultivating countries to ensure, in collaboration with the Board, that there are no shortages on the global markets of the opiate raw materials rich in thebaine, codeine and oripavine.

**Recommendation 25:** Given that significant amounts of internationally controlled alkaloids, in particular morphine, can be extracted from opium poppy rich in noscapine, the Board reminds countries to provide information in a consistent and regular manner about the cultivation of noscapine-rich opium poppy and to report to the Board on any such extraction and use of the morphine alkaloid from this variety.

## Psychotropic substances

1019. The 1971 Convention does not require Governments to provide directly to the Board information on diversions or seizures of psychotropic substances from licit channels, although a number of Governments do provide such information to the Board on a voluntary basis. The Board is grateful to countries that provide voluntary reports or other information regarding seizures or other interdiction efforts with regard to the trafficking in or diversion of psychotropic substances.

**Recommendation 26:** The Board calls upon Governments to furnish directly to the Board any information on diversions or attempted diversions of psychotropic substances and to keep the Board apprised of developments in the trafficking of psychotropic substances.

## Precursor chemicals

1020. While no country is immune to attempts by traffickers to obtain chemicals for illicit purposes, territories whose status is unclear or contested or, at any given time, is not effectively within the scope of control of an internationally recognized entity's competent national authorities are at increased risk of being targeted by traffickers. INCB has on several occasions expressed its concern about

the increased risk of trafficking in precursor chemicals in such countries or territories. These areas are particularly vulnerable to exploitation by traffickers seeking to divert precursor chemicals from licit channels. Countries wishing to export precursor chemicals to areas facing conflict or with an ambiguous political status face practical challenges in ensuring that precursor chemicals in legitimate trade are not diverted.

**Recommendation 27:** The Board commends all efforts that contribute to ensuring the availability of controlled precursors for legitimate purposes in all regions of the world, irrespective of a territory's status, while managing the risk of diversion. The Board further invites all Governments to work with the Board to devise appropriate ways and means of monitoring trade pursuant to article 12 of the 1988 Convention and handling pre-export notifications, with a view to enabling the trade in chemicals to and from high-risk areas in a regulated manner.

1021. Further information and analysis of trends relating to precursor chemicals are contained in the Board's report on the implementation of article 12 of the 1988 Convention.<sup>173</sup>

## Ketamine

1022. Many countries have informed the Board that they have reported ketamine seizures or trafficking in ketamine in their territory. This included both trafficking in pharmaceutical preparations and illicitly manufactured ketamine. Additionally, information about ketamine precursors is scarce and not systematically reported by countries, given that these chemicals are not under international control. Nevertheless, some countries submit such information to the Board. Reported seizures of ketamine precursors have predominantly involved two chemicals. Both substances are intermediates in the synthesis of ketamine and can readily be converted into the substance.

**Recommendation 28:** The Board commends Governments that voluntarily report seizures of ketamine precursors, their sources and related contextual information. Similarly, the Board commends Governments that use forensic profiling analysis to determine whether seized ketamine has been illicitly manufactured and from which chemicals. These efforts help to provide the evidence to prevent illicit ketamine manufacture while protecting legitimate supply chains, thus ensuring the availability of ketamine for legitimate purposes. The Board encourages all Governments to report seizures of ketamine precursors to the Board.

<sup>173</sup>E/INCB/2023/4.

1023. The Board takes note of the information voluntarily provided by countries regarding the status of control of ketamine and the requirements of those countries for import or export authorizations for trade in the substance. However, many countries neither control ketamine nor require an import or export authorization in order to trade in the substance, which may hinder trade with countries that do.

**Recommendation 29:** The Board encourages importing Governments that do not control ketamine and that do not require import authorizations for this substance to issue a letter of no objection or other proof of the legitimacy of the import in cases where ketamine is imported from countries where it is controlled.

*(Signed)*  
Jallal Toufiq, President

*(Signed)*  
Cornelis P. de Joncheere, Rapporteur

*(Signed)*  
Mark Colhoun, Secretary

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