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Implementation of the international drug control treaties: changes in the scope of control of substances

Changes in the scope of control of substances

Note by the Secretariat

Summary

The present document contains recommendations for action by the Commission on Narcotic Drugs pursuant to the international drug control treaties.

In accordance with the Convention on Psychotropic Substances of 1971, article 17, paragraph 2, the Commission will have before it for consideration a proposal from the World Health Organization (WHO) concerning recommendations to place four substances under international control: 2C-B, 4-MTA, GHB and zolpidem. In accordance with article 2, paragraphs 1 and 4, of the 1971 Convention, WHO recommends that 2C-B be included in Schedule II, 4-MTA in Schedule I, and GHB and zolpidem in Schedule IV of that Convention.

In accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 12, paragraph 13, which calls on the Commission to review periodically the adequacy and propriety of Tables I and II, the Commission will examine a recommendation by the International Narcotics Control Board, pursuant to article 12, paragraph 2, of the 1988 Convention, that the substances acetic anhydride and potassium permanganate be transferred from Table II to Table I of that Convention.

Pursuant to the relevant provisions of the 1971 Convention and the 1988 Convention, the Commission may decide on the recommendations of the Board and WHO by a two-thirds majority of its members.

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Contents

I. Consideration of a notification from the World Health Organization concerning scheduling under the Convention on Psychotropic Substances of 1971

1. Pursuant to the Convention on Psychotropic Substances of 1971,[1] article 2, paragraphs 1 and 4, the Director-General of the World Health Organization (WHO) notified the Secretary-General that WHO was of the opinion that 4-bromo-2,5-dimethoxyphenyl-ethylamine (2C-B) should be included in Schedule II, 4-methylthioamphetamine (4-MTA) in Schedule I, and gamma-hydroxybutyric acid (GHB) and zolpidem (INN) in Schedule IV of the 1971 Convention (see annex I).

2. In accordance with the provisions of article 2, paragraph 2, of the 1971 Convention, the Secretary-General transmitted by a note dated 2 November 2000 to all Governments the text of the notification, together with all the information submitted by WHO in support of that notification. In response to that note, the following 21 States had provided, as of 26 January 2001, economic, social, legal, administrative or other factors relevant to the possible scheduling of the four substances: Australia, Austria, Bahrain, China, Colombia, Estonia, Germany, India, Ireland, Japan, Mauritius, Mexico, Myanmar, Oman, Portugal, Spain, Switzerland, Republic of Moldova, Tajikistan, Turkey and United Kingdom of Great Britain and Northern Ireland.

3. The Government of Australia reported that zolpidem was available but was not under national control, and indicated that import and export licences and permits had been required for 2C-B, 4-MTA and GHB since 1999, and that they had no legitimate therapeutic use in the country. No data on seizures or information on illicit manufacture of those substances were available. The Government of Austria had no objection to the inclusion of the substances 4-MTA, 2C-B and zolpidem in, respectively, schedules I, II and IV of the 1971 Convention. The Government of Austria would also support the inclusion of GHB in Schedule IV. The Government of Bahrain indicated that no seizures of 2C-B, 4-MTA, GHB and zolpidem had been reported, nor had clandestine laboratories been detected. The Government of China reported that 2C-B, 4-MTA and GHB were neither manufactured nor imported, indicating that only zolpidem had been manufactured and was recently available in the country. Neither abuse nor the existence of clandestine laboratories was reported by the Government of China. The Government of Colombia supported the inclusion of 2C-B in Schedule II, 4-MTA in Schedule I, and GHB and zolpidem in Schedule IV of the 1971 Convention. In Estonia, the Government had already placed 2C-B and GHB under national control. It also reported five seizures of 2C-B (totalling 476 grams) in 1998 and 12 seizures of GHB (totalling 963 grams) in 2000. The Government of Germany reported that 2C-B and 4-MTA were already under national control. GHB was not a controlled substance, but was considered dangerous because of its abuse as “liquid Ecstasy”. Zolpidem was not under national control and was available for the short-term treatment of insomnia symptoms. The inclusion of zolpidem in Schedule IV of the 1971 Convention was advisable. The Government of India indicated that only zolpidem was marketed in its territory and that neither seizures nor clandestine laboratories were reported. The Government of Ireland indicated that 2C-B and GBH were controlled substances, while legislation was currently being drafted to include 4-MTA under national control. The Government of Ireland notified that, in the case of zolpidem, there was evidence of its abuse in Ireland, and that the substance was currently controlled under the medicinal products regulations. Tighter control over zolpidem and its preparations was welcomed, and the Government would also favour stricter controls on the related product zopiclone. The Government of Japan indicated that 2C-B and Zolpidem are under national control as narcotic drugs and psychotropic substances, respectively, while 4-MTA and GHB are not controlled substances. The seizure of 203 tablets and 3 capsules of 2C-B was reported in 2000; there was no data on seizure of 4-MTA, GHB and zolpidem. While 2C-B, 4-MTA and GHB were not used for medical purposes, zolpidem was manufactured as a compound for treating insomnia. The Government of Mauritius noted that there was no evidence of the availability of the substances 2C-B, 4-MTA and GHB. zolpidem was being commercialized in that country, but following reports of abuse it had been listed among the nationally controlled substances. The Government of Mexico reported that zolpidem and 2C-B were already under

national control. GBH and 4-MTA were neither imported nor commercialized in Mexico, but the Ministry of Health considered it important to include them among the controlled substances. No clandestine laboratories were detected by the Mexican authorities. The Government of Myanmar indicated that none of the four substances were available and no seizures or clandestine laboratories were reported. The Government of Oman supported the scheduling of all four substances. The Government of Portugal indicated that no seizures of 2C-B, 4-MTA, GHB and zolpidem were reported, nor were clandestine laboratories detected. The Government of the Republic of Moldova indicated that the four substances were not available and no seizures or clandestine laboratories were reported. The Government of Spain observed that 2C-B, 4-MTA and GHB had no therapeutic use in its territory and were not contained in any pharmaceutical products. Zolpidem was used in the preparation of some medicinal products, but there was no evidence of its abuse. The proposal of WHO to include the four substances in the schedules of the 1971 Convention was supported. The Government of Switzerland approved the recommendations made by WHO to include 2C-B, 4-MTA, GHB and zolpidem in the schedules of the 1971 Convention. The Government of Tajikistan indicated that there were no records of 2C-B, 4-MTA, GHB and zolpidem, nor of the existence of clandestine laboratories. The Government of Turkey considered the inclusion of 4-MTA, 2C-B, GHB and zolpidem in the relevant schedules of the 1971 Convention as useful. The Government of the United Kingdom reported that 2C-B was already under national control, while 4-MTA will be included in the course of 2001. Zolpidem was a prescription medicine, used as a hypnotic, and the United Kingdom authorities were not aware of its illicit manufacture. GHB is not licensed as a medicinal product in the United Kingdom. However, its importation, manufacture, sale and supply fall within the scope of the medicines legislation as it is regarded as an unlicensed "medicinal product". The Medicines Control Agency investigates reports of unlawful manufacture, advertising and sale of GHB, and has brought a number of successful prosecutions in the last few years. GHB exists virtually in equilibrium with its precursor chemical gamma-butyrolactone (GBL). GBL converts easily and also metabolizes to GHB. The Advisory Council on the Misuse of Drugs felt that, given the nature of the relationship between GHB and GBL, consideration should also be given to the position of GBL, and that there would be an obvious loophole if controls were introduced on GHB but no action was taken in respect of GBL.

Action by the Commission on Narcotic Drugs

4. The notification by the Director-General of WHO is before the Commission for consideration in accordance with the provisions of article 2, paragraph 5, of the 1971 Convention, which reads as follows:

> "The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources."

5. With regard to the decision-making process, the attention of the Commission is drawn to article 17, paragraph 2, of the 1971 Convention, which stipulates that the "decisions of the Commission provided for in articles 2 and 3 shall be taken by a two-thirds majority of the members of the Commission". From a practical point of view, that means that for a decision to be adopted, an affirmative vote of at least 35 members of the Commission is required.

6. The Commission should therefore decide:

(a) Whether it wishes to include 4-MTA in Schedule I of the 1971 Convention, or, if not, what other action, if any, is required;

(b) Whether it wishes to include 2C-B in Schedule II of the 1971 Convention, or, if not, what other action, if any, is required;

(c) Whether it wishes to include GHB and zolpidem in Schedule IV of the 1971 Convention, or, if not, what other action, if any, is required.

II. Consideration of two notifications from the International Narcotics Control Board concerning scheduling under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

7. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[2] article 12, paragraph 2, provides as follows:

> "If a Party or the Board has information which in its opinion may require the inclusion of a substance in Table I or Table II, it shall notify the Secretary-General and furnish him with the information in support of that notification. The procedure described in paragraphs 2 to 7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from Table I or Table II, or the transfer of a substance from one Table to the other."

8. The attention of the Commission on Narcotic Drugs is drawn to the attached notifications dated 14 December 2000 from the President of the International Narcotics Control Board to the Chairman of the Commission on Narcotic Drugs concerning the transfer of acetic anhydride and potassium permanganate from Table II to Table I of the 1988 Convention (see annexes II and III). The background assessment, findings and recommendations of the Board with respect to the two substances are attached to annexes II and III.

9. Pursuant to article 12, paragraph 2, of the 1988 Convention, the Board recommends the transfer of acetic anhydride and potassium permanganate from Table II to Table I of the 1988 Convention.

Action by the Commission on Narcotic Drugs

10. In accordance with article 12, paragraph 5, of the 1988 Convention, the Commission, taking into account the comments submitted by the parties and the comments and recommendations of the Board, whose assessment shall be determinative as to scientific matters, and also taking into due consideration any other relevant factors, may decide by a two-thirds majority of its members to transfer the substances from Table II to Table I of the Convention.

11. The Commission should therefore decide:

(a) Whether it wishes to transfer acetic anhydride from Table II to Table I of the 1988 Convention, or, if not, what other action, if any, is required;

(b) Whether it wishes to transfer potassium permanganate from Table II to Table I of the 1988 Convention, or, if not, what other action, if any, is required.

Notes

[1] United Nations, *Treaty Series*, vol. 1019, No. 14956.

[2] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

Annex I

Notification dated 4 October 2000 from the Director-General of the World Health Organization to the Secretary-General of the United Nations concerning proposals for international control in respect of 2C-B, 4-MTA, GHB and zolpidem

The Director-General of the World Health Organization presents her compliments to the Secretary-General of the United Nations and has the honour to submit, in accordance with article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances of 1971, assessments and recommendations of the World Health Organization, attached hereto, concerning proposed international control in respect of 2C-B, 4-MTA, GHB and zolpidem.

Appendix

Assessment and recommendations

A. 4-bromo-2,5-dimethoxyphenyl-ethylamine (2C-B)

1. Substance identification

1. The substance 2C-B is chemically 4-bromo-2,5-dimethoxyphenylethylamine (2-(4-bromo-2,5-dimethoxyphenyl)ethylamine; CAS 66142-81-2). Other names include a-desmethyl-DOB, BDMPEA, MFT, Erox, Nexus and Performax. There are no chiral centres; therefore, no stereoisomers or racemates are possible.

2. Similarity to known substances and effects on the central nervous system

2. The substance 2C-B has structural and pharmacological similarities to brolamfetamine and mescaline. 2C-B is a selective partial agonist for 5-$HT_{2A?}$ and 5-$HT_{2C?}$ serotonin receptors. In humans, 2C-B is more potent than mescaline but less potent than brolamfetamine. In low doses, it has sensory-enhancing effects: skin sensitivity, heightened responsiveness to smells, tastes and sexual stimulation. In higher doses, 2C-B is a strong hallucinogen. It produces particularly marked visual hallucinations with an intense colour play, intriguing patterns emerging on surfaces and distortions of objects and faces. It was reported to enhance sexual feelings, sexual perception and performance.

3. Dependence potential

3. There are no animal or human studies about the dependence potential of 2C-B.

4. Actual abuse and/or evidence of likelihood of abuse

4. In the 1990s, 2C-B was sold as an aphrodisiac in several countries and some abuse of 2C-B has been reported from a number of countries. The reports suggest that 2C-B has modest abuse liability like other hallucinogens. Although hallucinogens are rarely associated with compulsive or dependent use, they are known to have modest abuse potential, particularly in polydrug abusers.

5. Therapeutic usefulness

5. Apart from the controversial experimental use to facilitate psychotherapy, hallucinogens, such as 2C-B, do not have any therapeutic usefulness.

6. Recommendation

6. Despite the limited availability of studies, the chemical and pharmacological similarity of 2C-B to the hallucinogen mescaline has been demonstrated. The altered state of mind induced by hallucinogens such as 2C-B may result in harm to the user and to others. On the basis of its perceived aphrodisiac effects and the known modest abuse potential of hallucinogenic drugs in general, it is estimated that 2C-B may be so abused as to constitute a public health and social problem warranting its placement under international control. However, hallucinogens are rarely associated with compulsive use, and abuse of 2C-B has been infrequent, suggesting that abuse of 2C-B is likely to constitute a substantial, rather than an especially serious, risk to public health. On those grounds, it is recommended that 2C-B be placed in Schedule II of the Convention on Psychotropic Substances of 1971.

B. 4-methylthioamphetamine (4-MTA)

1. Substance identification

7. The substance 4-MTA is chemically 4-methyl-thioamphetamine (CAS 14116-06-4). Other names include a-methyl-4-methylthiophenetylamine, *p*-methyl-thioamphetamine, 4-MTA, *p*-MTA, MTA, MK, S5, S_5, “flatliner” and “the one and only dominator”. The substance 4-MTA has one chiral centre and can exist in two enantiomers and a racemate. Only the racemic mixture has been reported to have been synthesized.

2. Similarity to known substances and effects on the central nervous system

8. The substance 4-MTA is a potent serotonin-releasing agent and reversible inhibitor of monoamine oxidase-A, and is structurally similar to 4-methoxy-amphetamine. Pharmacologically, it is similar to methylenedioxy`amphetamine (MDA) and methylene-dioxymethamphetamine (MDMA); studies suggest that 4-MTA is six times more potent than MDMA and MDA in inhibiting 5-HT uptake.

3. Dependence potential

9. Drug discrimination studies in rats suggest that 4-MTA produces discriminative stimulus effects similar to MDMA. The substance 4-MTA did not substitute for amphetamine, lysergic acid diethylamine (LSD) or phencyclidine. Reports from the United Kingdom of Great Britain and Northern Ireland indicate that 4-MTA is abused for its stimulant and euphoric effects similar to MDMA.

4. Actual abuse and/or evidence of likelihood of abuse

10. The substance 4-MTA is mainly abused in Europe. It appears that 4-MTA is part of the dance music culture, although its use is relatively less widespread probably because of perceptions by users that the drug is stronger and more harmful than other "club drugs" such as MDMA. The substance 4-MTA has resulted in a number of fatalities and hospital admissions. It appears that toxic effects can be produced directly from the drug, and that the presence of other drugs or alcohol may exacerbate such effects.

5. Therapeutic usefulness

11. The substance 4-MTA has no recognized therapeutic use.

6. Recommendation

12. The substance 4-MTA is chemically and pharmacologically similar to MDA and MDMA. It is a new synthetic drug that was seized for the first time in 1997. Although evidence of its actual abuse is available only in several countries in Europe, seizures, including those of large quantities reported from a wider range of countries, suggest that the trafficking and abuse of 4-MTA are more widespread than have been reported. That being the case, and on the basis of its similarity to known MDA-type psychotropic substances, as well as data from drug discrimination studies in animals, it is estimated that 4-MTA is likely to be so abused as to constitute a public health and social problem warranting its placement under international control. Taking into consideration that 4-MTA has no recognized therapeutic use and that it has resulted in a number of fatalities, abuse of 4-MTA is estimated to constitute an especially serious risk to public health. It is therefore recommended that 4-MTA be placed in Schedule I of the Convention on Psychotropic Substances of 1971.

C. Gamma-hydroxybutyric acid (GHB)

1. Substance identification

13. GHB is chemically ?-hydroxybutyric acid (4-hydroxybutyric acid; CAS 591-81-1). GHB usually exists as either the free acid or as the sodium salt. Sodium oxybate (CAS 502-85-2) is a national non-proprietary name for its sodium salt. There are no chiral centres; therefore, no stereoisomers or racemates are possible.

2. Similarity to known substances and effects on the central nervous system

14. GHB is an endogenous compound and is structurally similar to the neurotransmitter GABA. Pharmacologically, it produces sedative and anaesthetic effects at high doses. Such depressant effects of GHB appear to be associated with its cataleptic effects and are different from those of barbiturates and benzodiazepines. GHB sedation possesses distinct excitatory properties, which may be due to its effect on the dopaminergic system (increase in intracellular neuronal dopamine). GHB has been found to induce anaesthesia (but does not provide pain relief), (slow-wave) sleep, bradycardia, vomiting, random clonic movements, hypothermia, reduction in potassium levels, decrease in ventilatory rate and apnoea. However, the respiratory centre remains sensitive to an increase in carbon dioxide.

3. Dependence potential

15. In drug discrimination studies in animals, none of the known abused drugs has the ability to fully substitute for GHB. Morphine, dexamfetamine, LSD and some benzodiazepines produced, at best, partial substitution. There have been few studies regarding the dependence and abuse potential of GHB. However, during the numerous studies involving administration

of GHB to patients at varying concentrations, no dependence has been observed at low doses of GHB. At prolonged high doses, however, a withdrawal syndrome including insomnia, muscular cramping, tremor and anxiety has been noted upon discontinuation in some cases.

4. Actual abuse and/or evidence of likelihood of abuse

16. GHB abuse has been reported in Australia, the United States of America and many countries in Europe. Precursors of GHB, such as ?-butyrolactone and 1,4-butanediol, which are metabolized to GHB in the body, have also been abused. Although initially abused by bodybuilders for its apparent growth-hormone-promoting properties, the more recent primary mode of abuse of GHB worldwide has been for its subjective hypnotic, euphoric and hallucinogenic effects, especially in the context of the dance music culture (i.e. "raves"). Some users have also claimed to use GHB as an alternative to alcohol (for relaxation), as a sexual adjunct, an appetite suppressant and anti-ageing product, and it has also been implicated in cases of sexual assault.

17. It appears that toxic effects can be produced directly from GHB and the presence of other depressant or sedative drugs (e.g. opiates, benzodiazepines, alcohol and barbiturates), and possibly other psychoactive compounds (e.g. amphetamine) may exacerbate the effects of GHB. Hospital admissions and deaths have been linked to GHB ingestion, generally involving the onset of coma and respiratory depression.

5. Therapeutic usefulness

18. GHB has been used as an anaesthetic agent and as an aid to alcohol and opiate withdrawal, primarily in France, Germany and Italy. In the United States and Canada, it is currently under evaluation for the treatment of narcolepsy-associated cataplexy.

6. Recommendation

19. Although GHB is an endogenous compound that exists in the human body, it has psychoactive and toxic effects when administered. The pattern and consequences of its abuse in a number of countries in Europe and the United States seem to suggest that its liability to abuse constitutes a significant risk to public health. The current easy availability of GHB and some of its precursors has contributed to its recent abuse. The wide availability is likely to be reduced once GHB is placed under international control. On those grounds. it is recommended that GHB be placed in Schedule IV of the Convention on Psychotropic Substances of 1971.

D. Zolpidem (INN)

1. Substance identification

20. Zolpidem is chemically *N*,*N*,6-trimethyl-2-*p*-tolylimidazo[1,2-*a*]pyridine-3-acetamide (*N*,*N*,6-trimethyl-2-(4-methylphenyl)imidazo[1,2-*a*]pyridine-3-acetamide; CAS 82626-48-0). Trade names include Ambien, Bikalm, Niotal, Stilnoct and Stilnox.

2. Similarity to known substances and effects on the central nervous system

21. Though chemically different from benzodiazepines, zolpidem produces benzodiazepine-like effects. It acts as an agonist binding with high and low affinity to BZ_1 and BZ_2 receptor subtypes, respectively. It is generally believed to produce relatively greater hypnotic effects than other benzodiazepine-like effects.

3. Dependence potential

22. The results of human laboratory studies suggest that zolpidem and triazolam are generally similar in terms of producing subjective reinforcing effects. As with many of the benzodiazepines, there have been a number of case reports describing withdrawal symptoms after cessation of zolpidem administration. Though withdrawal discomfort does not necessarily lead to compulsive drug-taking (drug dependence) in humans, there are reports of clinically diagnosed cases of drug dependence resulting from a prolonged use of zolpidem.

4. Actual abuse and/or evidence of likelihood of abuse

23. Epidemiological studies indicate that zolpidem is associated with relatively low incidence of abuse. Sporadic case reports in the scientific literature have indicated that zolpidem is abused, but those cases usually involved patients with histories of drug abuse

or chronic psychiatric disorders. Cases of zolpidem overdose requiring emergency treatment have been reported. Death due to zolpidem overdose is rare. Rates of actual abuse of and dependence on zolpidem appear to be similar to those observed for other hypnotic benzodiazepines in Schedule IV. In terms of the numbers of cases of abuse, dependence and withdrawal reported to the WHO adverse drug reaction database, less than 10 benzodiazepines are ranked higher than zolpidem.

5. Therapeutic usefulness

24. Zolpidem is used for treatment of insomnia in more than 80 countries.

6. Recommendation

25. Although zolpidem has a somewhat novel neuropharmacological profile relative to classic benzodiazepines, studies of its abuse potential suggest that it may be comparable to that of many benzodiazepines. Furthermore, rates of actual abuse of and dependence on zolpidem in medical use, as well as the risk to public health of its abuse, appear to be similar to those observed for hypnotic benzodiazepines currently placed in Schedule IV. On those grounds, it is recommended that zolpidem be placed in Schedule IV of the Convention on Psychotropic Substances of 1971.

Annex II

Notification dated 14 December 2000 from the President of the International Narcotics Control Board to the Chairman of the Commission on Narcotic Drugs concerning the transfer of acetic anhydride from Table II to Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

1. The President of the International Narcotics Control Board presents his compliments to the Chairman of the Commission on Narcotic Drugs and has the honour to inform him that the Board, in conformity with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 12, paragraphs 4 and 5, has completed its assessment of acetic anhydride for possible transfer from Table II to Table I of the 1988 Convention.

2. The Board finds that acetic anhydride continues to be frequently used in the illicit manufacture of heroin and that the volume and extent of the illicit manufacture of heroin creates serious public health or social problems, so as to warrant international action. In addition, the Board finds that the use of pre-export notifications, as proven during the current voluntary initiatives, is essential to allow shipments of the substance to be tracked internationally and ultimately to prevent diversions of the substance. The Board is therefore recommending that acetic anhydride be transferred from Table II to Table I of the 1988 Convention.

3. The assessment, findings and recommendations of the Board in respect of the substance are attached hereto, and have been prepared for submission to the Commission at its forty-fourth session. The information presented has also been published in the reports of the Board for 1999[a] and 2000[b] on the implementation of article 12 of the 1988 Convention.

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[a] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1999 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (United Nations publication, Sales No. E.00.XI.3).

[b] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 2000 on the Implementation of Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988* (United Nations publication, Sales No. E.01.XI.4).

Appendix

Assessment and recommendations

A. Background

1. In 1997, the Board recognized that tightened controls were required to prevent the diversion of acetic anhydride, a critical chemical in the illicit manufacture of heroin and one of the original 12 substances scheduled in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, where it is listed in Table II.

2. While the 1988 Convention, in article 12, paragraph 10 (a), makes provision for pre-export notifications to be supplied by Governments of exporting countries to the Governments of importing countries, that provision is mandatory only for the Table I substances. After holding working meetings with competent authorities of the major exporting, importing and manufacturing countries, the Board recommended that some form of pre-export notification should be introduced for both acetic anhydride and potassium permanganate.

3. That recommendation of the Board was endorsed by Governments when the General Assembly, in its resolution S-20/4 B on the control of precursors, adopted on 10 June 1998 at its twentieth special session, devoted to countering the world drug problem together, requested that the requirements of article 12, paragraph 10 (a), of the 1988 Convention be extended to include acetic anhydride and potassium permanganate. Furthermore, in its resolution 1999/31 of 28 July 1999, the Economic and Social Council, in recognizing the proposals put forward in the Lucknow accord on the adoption of uniform measures to control international trade in precursor and other chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances, requested the Board "to consider the necessary measures, in accordance with article 12 of the 1988 Convention, for the transfer of acetic anhydride and potassium permanganate from Table II to Table I of the Convention".

4. In 1999, the Board carried out a review of acetic anhydride and concluded that information was available that may require the transfer of the substance from Table II to Table I, and transmitted to the Secretary-General a corresponding notification containing the relevant information at its disposal in February 2000. In accordance with the provisions of article 12, paragraph 3, the Secretary-General transmitted that notification to all Parties and to other countries, requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessment.

B. Assessment

5. Article 12, paragraph 4, of the 1988 Convention stipulates those factors which the Board is to consider when assessing a substance for possible control, or transfer between the Tables, as follows:

> "If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:
>
> "(a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;
>
> "(b) That the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action, it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment."

6. Furthermore, article 12, paragraph 2, of the 1988 Convention states that the "procedure described in paragraphs 2 to 7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from Table I or Table II, or the transfer of a substance from one Table to another".

7. In making its assessment of acetic anhydride, in accordance with the above-mentioned paragraphs of the 1988 Convention, the Board had at its disposal the information contained in its notification submitted to the Secretary-General, as well as comments and supplementary information received from Governments pursuant to article 12, paragraph 3. Fifty-one States, Hong Kong Special Administrative Region (SAR) of China and the European Commission had responded to the questionnaire sent out by the Secretary-General. The respondents included 11 States that manufactured acetic anhydride and 18 that exported the substance or were trans-shipment points.

8. In conducting the assessment, the Board has taken the following factors into consideration:

(a) Acetic anhydride is manufactured and traded in large volumes to all regions of the world;

(b) Acetic anhydride has a wide variety of licit uses and cannot be easily replaced in commercial processes;

(c) The extensive licit trade patterns of acetic anhydride enable traffickers to target any country in the world as a potential source of diversion for the substance;

(d) The routes of diversion identified for acetic anhydride are diverse;

(e) Acetic anhydride is already under some form of control at the national level in most countries;

(f) The major countries manufacturing and exporting acetic anhydride are complying with General Assembly resolution S-20/4 B on the control of precursors, and are supplying pre-export notifications to countries that have submitted such a request to the Secretary-General;

(g) Two major trans-shipment points, Hong Kong SAR of China and Singapore, are furthermore supplying pre-export notifications for all shipments of acetic anhydride, whether or not the importing country has requested such notification.

C. Findings

9. In view of the above-mentioned factors, the Board finds that:

(a) The importance of acetic anhydride in illicit manufacture is well established, and it is recognized as being essential in the illicit manufacture of heroin, and as the chemical of choice sought by traffickers. Similarly, the public health and social problems created by heroin remain an issue that warrants international action;

(b) The diversity of the licit trade routes and the large number of countries to which licit trade is carried out offer traffickers the opportunity to divert acetic anhydride from international trade in any country in the world. The use of pre-export notifications, as proven during the current voluntary initiatives, allows shipments to be tracked internationally and ultimately prevents diversions;

(c) Although the volumes of acetic anhydride traded internationally are large, the number of operators conducting international trade and the number of individual transactions for the substance are not so large. Therefore, supplying pre-export notifications would not have an adverse effect on industry and licit trade;

(d) Since the major exporting and trans-shipment countries are already supplying pre-export notifications for shipments of the substance, the introduction of pre-export notifications as a treaty obligation would not place an undue burden on competent authorities;

(e) The transfer of acetic anhydride from Table II to Table I of the 1988 Convention should not have any adverse effect on the availability of the substance for licit purposes at the national level, as the provisions of article 12, paragraph 10 (a), only concern international trade. Governments are responsible for implementing their own controls at the national level, and those national controls should be structured in a manner that ensures the continuing availability of the substance for licit requirements.

D. Recommendations

10. The Board finds that the utilization of pre-export notifications as described in article 12, paragraph 10 (a), of the 1988 Convention is required to limit the availability of acetic anhydride to traffickers and subsequently to reduce the quantity of heroin manufactured. Furthermore, the introduction of pre-export notifications as a treaty requirement for the substance will facilitate licit international trade by expediting the clearance of shipments, without adverse effects on the availability of the substance for licit purposes at the national level. The Board therefore recommends that acetic anhydride be transferred from Table II to Table I of the 1988 Convention.

Annex III

Notification dated 14 December 2000 from the President of the International Narcotics Control Board to the Chairman of the Commission on Narcotic Drugs concerning the transfer of potassium permanganate from Table II to Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

1. The President of the International Narcotics Control Board presents his compliments to the Chairman of the Commission on Narcotic Drugs and has the honour to inform him that the Board, in conformity with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 12, paragraphs 4 and 5, has completed its assessment of potassium permanganate for possible transfer from Table II to Table I of the 1988 Convention.

2. The Board finds that potassium permanganate continues to be frequently used in the illicit manufacture of cocaine and that the volume and extent of the illicit manufacture of cocaine creates serious public health or social problems, so as to warrant international action. In addition, the Board finds that the use of pre-export notifications, as proven during the current voluntary initiatives, is essential to allow shipments of the substance to be tracked internationally and ultimately to prevent diversions of the substance. The Board is therefore recommending that potassium permanganate be transferred from Table II to Table I of the 1988 Convention.

3. The assessment, findings and recommendations of the Board in respect of the substance are attached hereto and have been prepared for submission to the Commission at its forty-fourth session. The information presented has also been published in the reports of the Board for 1999 and 2000 on the implementation of article 12 of the 1988 Convention.

Appendix

Assessment and recommendations

A. Background

1. In 1997, the Board recognized that tightened controls were required to prevent the diversion of potassium permanganate, a critical chemical in the illicit manufacture of cocaine. Potassium permanganate was one of 10 substances added, in 1992, to the list of substances scheduled in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, following a notification by the Government of the United States of America. The substance is listed in Table II of that Convention.

2. While the 1988 Convention, in article 12, paragraph 10 (a), makes provision for pre-export notifications to be supplied by Governments of exporting countries to the Governments of importing countries, that provision is mandatory only for the Table I substances. After holding working meetings with competent authorities of the major exporting, importing and manufacturing countries, the Board recommended that some form of pre-export notification should be introduced for both acetic anhydride and potassium permanganate.

3. That recommendation of the Board was endorsed by Governments when the General Assembly, in its resolution S-20/4 B on the control of precursors, adopted on 10 June 1998 at its twentieth special session, devoted to countering the world drug problem together, requested that the requirements of article 12, paragraph 10 (a), of the 1988 Convention be extended to include acetic anhydride and potassium permanganate. Furthermore, in its resolution 1999/31 of 28 July 1999, the Economic and Social Council, in recognizing the proposals put forward in the Lucknow accord on the adoption of uniform measures to control international trade in precursor and other chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances, requested the Board "to consider the necessary measures, in accordance with article 12 of the 1988 Convention, for the transfer of acetic anhydride and potassium permanganate from Table II to Table I of the Convention".

4. In 1999, the Board carried out a review of potassium permanganate and concluded that information was available that may require the transfer of the substance from Table II to Table I, and transmitted to the Secretary-General a corresponding notification containing the relevant information at its disposal in February 2000. In accordance with the provisions of article 12, paragraph 3, the Secretary-General transmitted that notification to all Parties and to other countries, requesting their comments concerning the notification and all supplementary information that might assist the Board in carrying out its assessment.

B. Assessment

5. Article 12, paragraph 4, of the 1988 Convention stipulates those factors which the Board is to consider when assessing a substance for possible control, or transfer between the Tables, as follows:

> "If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:
>
> "(a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;
>
> "(b) That the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action, it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment."

6. Furthermore, article 12, paragraph 2, of the 1988 Convention states that the "procedure described in paragraphs 2 to 7 of this article shall also apply when a Party or the Board has information justifying the deletion of a substance from Table I or Table II, or the transfer of a substance from one Table to another".

7. In making its assessment of potassium permanganate, in accordance with the above-mentioned paragraphs of the 1988 Convention, the Board had at its disposal the information contained in its notification submitted to the Secretary-General, as well as comments and supplementary information received from Governments pursuant to article 12, paragraph 3. Forty-seven States, Hong Kong Special Administrative Region (SAR) of China and the European Commission had responded to the questionnaire sent out by the Secretary-General. The respondents included six States that manufactured potassium permanganate and 23 that exported the substance or were trans-shipment points.

8. In conducting the assessment, the Board has taken the following factors into consideration:

(a) Potassium permanganate is manufactured and traded in large volumes to all regions of the world;

(b) Potassium permanganate has a wide variety of licit uses and cannot be easily replaced in commercial processes;

(c) The extensive licit trade patterns of potassium permanganate enable traffickers to target any country in the world as a potential source of diversion for the substance;

(d) The routes of diversion identified for potassium permanganate are diverse;

(e) Potassium permanganate is already under some form of control at the national level in most countries;

(f) The major countries manufacturing and exporting potassium permanganate are complying with General Assembly resolution S-20/4 B on the control of precursors, and are supplying pre-export notifications to countries that have submitted such a request to the Secretary-General;

(g) Two major trans-shipment points, Hong Kong SAR of China and Singapore, are furthermore supplying pre-export notifications for all shipments of potassium permanganate, whether or not the importing country has requested such notification.

C. Findings

9. In view of the above-mentioned factors, the Board finds that:

(a) The importance of potassium permanganate in illicit manufacture is well established, and it is recognized as being essential in the illicit manufacture of cocaine, and as the chemical of choice sought by traffickers. Similarly, the public health and social problems created by cocaine remain an issue that warrants international action;

(b) The diversity of the licit trade routes and the large number of countries to which licit trade is carried out offer traffickers the opportunity to divert potassium permanganate from international trade in any country in the world. The use of pre-export notifications, as proven during the current voluntary initiatives, allows shipments to be tracked internationally and ultimately prevents diversions;

(c) Although the volumes of potassium permanganate traded internationally are large, the number of operators conducting international trade and the number individual transactions for the substance are not so large. Therefore, supplying pre-export notifications would not have an adverse effect on industry and licit trade;

(d) Since the major exporting and trans-shipment countries are already supplying pre-export notifications for shipments of the substance, the introduction of pre-export notifications as a treaty obligation would not place an undue burden on competent authorities;

(e) The transfer of potassium permanganate from Table II to Table I of the 1988 Convention should not have any adverse effect on the availability of the substance for licit purposes at the national level, as the provisions of article 12, paragraph 10 (a), only concern international trade. Governments are responsible for implementing their own controls at the national level, and those national controls should be structured in a manner that ensures the continuing availability of the substance for licit requirements.

D. Recommendations

10. The Board finds that the utilization of pre-export notifications as described in article 12, paragraph 10 (a), of the 1988 Convention is required to limit the availability of potassium permanganate to traffickers and subsequently to reduce the quantity of cocaine manufactured. Furthermore, the introduction of pre-export notifications as a treaty requirement for the substance will facilitate licit international trade by expediting the clearance of shipments, without adverse effects on the availability of the substance for licit purposes at the national level. The Board therefore recommends that potassium permanganate be transferred from Table II to Table I of the 1988 Convention.