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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

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1] article 12, paragraph 13, provides that the "Board shall report annually to the Commission on the implementation of this article and the Commission shall periodically review the adequacy and propriety of Table I and Table II". The attention of the Commission on Narcotic Drugs is drawn to the attached note verbale dated 15 December 1999 from the President of the International Narcotics Control Board addressed to the Chairman of the Commission on Narcotic Drugs concerning the proposed inclusion of norephedrine in Table I of the 1988 Convention (see annex). The assessment, findings and recommendations of the Board with respect to the substance are attached to the note verbale. The Commission, on the recommendation of the Board and pursuant to article 12, paragraph 5, of the 1988 Convention, may decide by a two-thirds majority of its members to place a substance in Table I or Table II of the Convention

* E/CN.7/2000/1.

[1] *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

Note verbale dated 15 December 1999 from the President of the International Narcotics Control Board addressed to the Chairman of the Commission on Narcotic Drugs

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 International Narcotics Control Board, in conformity with article 12, paragraphs 4 and 5, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereinafter referred to as the 1988 Convention), has completed its assessment of norephedrine for possible inclusion in Table I of the 1988 Convention.

The Board finds that norephedrine is frequently used in the illicit manufacture of amphetamine and that the volume and extent of the illicit manufacture of amphetamine creates serious public health or social problems, so as to warrant international action. The Board therefore recommends that norephedrine be included in Table I of the 1988 Convention.

The Board's assessment, findings and recommendations in respect of the substance are contained in the appendix, which has been prepared for submission to the Commission on Narcotic Drugs at its forty-third session. The information contained in the appendix has also been published in the reports of the Board for 1998[a] and 1999[b] on the implementation of article 12 of the 1988 Convention, pursuant to paragraph 13 of that article.

Notes

[a] *Precursors and Chemicals Frequently Used in the Illicit Manufacture of Narcotic Drugs and Psychotropic Substances: Report of the International Narcotics Control Board for 1998 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.99.XI.4).

[b] *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).

Appendix

Assessment of norephedrine pursuant to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 12, paragraph 4, for inclusion in Table I and Table II of the 1988 Convention

A. Background

1. In September 1997, the Government of the United States of America submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that norephedrine,[a] including its salts and enantiomers (optical isomers), should be included in Table I of that Convention. The notification stated that norephedrine had been increasingly used as a precursor for the illicit manufacture of amphetamine in the United States and in Mexico. The problem had reached such proportions that, in the opinion of the Government of the United States, it was necessary to place the substance under international control.

2. The increasing use of norephedrine in illicit drug manufacture is believed to be a direct result of the successful introduction of controls to prevent the diversion of ephedrine and pseudoephedrine, *inter alia*, into North America. Those substances are listed in Table I of the 1988 Convention because of their frequent use in the illicit manufacture of methamphetamine. Norephedrine may be used in illicit drug manufacture, applying the same method, conditions and co-reagents, in the same way as ephedrine and pseudoephedrine. However, the final product is amphetamine, and not methamphetamine. Seizures from illicit laboratories have revealed end products containing both amphetamine and methamphetamine, indicating that norephedrine may have been used to supplement short supplies of ephedrine. Amphetamine is already replacing methamphetamine on the street market in some parts of the United States.

3. The Board conducted an assessment of norephedrine in 1998 and found that the substance is frequently used in the illicit manufacture of amphetamine, and that the volume and extent of the illicit manufacture of amphetamine creates serious public health or social problems, so as to warrant international action. The Board decided, however, to defer its final conclusion on the scheduling of norephedrine for one year in order to further study, in close association with the World Health Organization and international associations of pharmaceutical industries, the possible impact of scheduling under the 1988 Convention on the availability for medical use of pharmaceutical products containing that substance, in particular, by examining information from those countries that had not previously provided relevant data. To that end, a questionnaire was distributed by the Board during 1999.

B. Assessment

4. Article 12, paragraph 4, of the 1988 Convention stipulates those factors which the Board is to consider when assessing a substance for possible control, 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."

5. In making its assessment, in accordance with article 12, paragraph 4, of the 1988 Convention, the Board had at its disposal the information contained in the notification submitted by the Government of the United States, as well as comments and supplementary information received from Governments pursuant to article 12, paragraph 3. Thirty-two countries and territories, and the European Commission, had responded to the questionnaire sent out by the Secretary-General in 1998. Of those, 12 countries and territories supported, or recorded no objection to, the proposal to include norephedrine in Table I of the 1988 Convention.

6. Since the replies came mainly from the major manufacturing and trading countries, the Board supplemented the data with information provided by consumer countries in response to the questionnaire distributed by the Board in 1999. That information specifically related to the medical use of norephedrine in pharmaceutical preparations and to the potential impact of the scheduling of norephedrine on the availability of those products. Thirty-five other States supplied data relevant to the assessment, bringing to 67 the total number of States that responded to the questions raised by the proposed scheduling.

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

(a) Norephedrine is used mainly in the illicit manufacture of amphetamine, which, together with its salts and isomers, is included in Schedule II of the Convention on Psychotropic Substances of 1971;[b, c]

(b) Norephedrine is an immediate precursor for amphetamine. It is chemically and pharmacologically similar to ephedrine and pseudoephedrine, and may be converted relatively easily to amphetamine using the same manufacturing method as that applied in converting those substances to methamphetamine;

(c) The current use of norephedrine in the illicit manufacture of drugs relates to the need by traffickers to find a precursor to serve as an alternative to the strictly controlled ephedrine and pseudoephedrine, both of which are listed in Table I of the 1988 Convention;

(d) Current controls on ephedrine and pseudoephedrine may increasingly push traffickers to illicit use of norephedrine;

(e) Norephedrine is commercially available, with licit use limited entirely to the pharmaceutical industry, where it is an old product with established therapeutical uses in mainly over-the-counter products such as nasal decongestants and cold remedies;

(f) The majority of countries reporting licit medical use of norephedrine already subject those products to some form of national control;

(g) The manufacture and distribution of products containing norephedrine occurs mainly at the national level.

C. Findings

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

(a) Amphetamine, primarily derived from illicit manufacture, is a widely abused substance worldwide. That abuse is spreading to countries previously unaffected. The volume and extent of illicit manufacture of amphetamine creates serious public health and social problems of a multiregional nature warranting international action;

(b) Norephedrine is a highly suitable substance for the illicit manufacture of amphetamine and plays an important role as a precursor. Use of the substance in illicit manufacture is increasingly being detected, with Australia and South Africa having now reported such activity in addition to the original reports received from Mexico and the United States. Given the ease of the illicit manufacturing process and the ready availability of norephedrine, illicit use of the substance may spread to other regions. In particular, operators of clandestine laboratories in Europe, where most of the known illicit manufacture of amphetamine worldwide occurs, may also shift in the future to the use of norephedrine in the illicit manufacture of amphetamine to avoid stricter controls applied to the precursors already scheduled in the 1988 Convention;

(c) The problem of diversion of norephedrine has international dimensions, with the current methods and routes of diversion identifying Europe as the source of much of the norephedrine being diverted to North America;

(d) Licitly, norephedrine is only used by the pharmaceutical industry, an already well-regulated industry with a good record of cooperation in implementing controls over the analogous substances ephedrine and pseudoephedrine;

(e) The impact of scheduling a substance with pharmaceutical applications in the 1988 Convention has

not previously had an adverse effect on the availability for medical use of pharmaceutical products containing that substance. Two substances with pharmaceutical applications currently scheduled in the 1988 Convention, namely ephedrine and pseudoephedrine, are closely related to norephedrine, both chemically and pharmacologically, and both of those substances have been under the control of the Convention since its inception. No adverse effects on the availability of pharmaceutical products containing those substances have been reported;

(f) The availability of pharmaceutical products containing norephedrine at the retail level is determined by the controls implemented by Governments at the national level. Those national controls should be structured in a manner that ensures the availability of norephedrine for formulation in those products and their effective distribution at the consumer level;

(g) Scheduling of norephedrine under the 1988 Convention would have no adverse effect on the availability for medical use of pharmaceutical products containing that substance.

D. Recommendations

9. The Board is of the opinion that the international control of norephedrine is required to limit its availability to traffickers and reduce the quantity of amphetamine manufactured illicitly. Furthermore, those controls would have no adverse effect on the legitimate trade in that substance or on its availability for licit medical requirements. In view of the above, the Board recommends that norephedrine be placed under control of the 1988 Convention.

10. Currently, the only difference between Table I and Table II of the 1998 Convention is the provision of pre-export notifications in accordance with article 12, paragraph 10 (a), of that Convention. Considering the methods and routes of diversion of norephedrine identified during the assessment, the Board found that such notification will assist in preventing diversion for use in the illicit manufacture of amphetamine. The Board therefore recommends that norephedrine be added to Table I of the 1988 Convention.

Notes

[a] The term “phenylpropanolamine” was used by the Government of the United States in the notification submitted to the Secretary-General on 25 August 1997. That term has been found to be a collective term which covers norephedrine and its stereoisomer norpseudoephedrine (analogous to ephedrine and pseudoephedrine already listed in Table I of the 1988 Convention). Because it was the intention of the United States proposal to control only norephedrine, the Board recommended that, to avoid any confusion over terminology, the substance should not be referred to as “phenylpropanolamine” but as “norephedrine”.

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

[c] In addition, norephedrine has been used in the illicit manufacture of another Schedule II substance, phenmetrazine, of the Schedule IV substance, phendimetrazine, and of the non-scheduled substance, 4-methylaminorex. Norephedrine may also be used to manufacture the Schedule I substance, cathinone.