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English only*

**Fortieth Meeting of Heads of
National Drug Law Enforcement Agencies,
Asia and the Pacific**

Colombo, 24-27 October 2016

Item 4 of the provisional agenda**

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

1. The Thirty-eighth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, held in Bangkok, from 21 to 24 October 2014, adopted a set of recommendations, following the consideration by working groups of the issues defined below.
2. In accordance with established practice, the report on the Thirty-eighth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, was forwarded to the Governments represented at that Meeting. A questionnaire on the implementation of the recommendations was dispatched on 30 June 2016.
3. The present report was prepared on the basis of information provided to the United Nations Office on Drugs and Crime (UNODC) by Governments in reply to that questionnaire. As at 9 September 2016, replies had been received from the Governments of Armenia, Australia, Bangladesh, China (including Macao, China), France, Indonesia, Japan, Myanmar, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Sri Lanka and Thailand. Member States that have not provided responses for inclusion in the present report may wish to brief the Meeting on implementation under the corresponding agenda item.

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

** UNODC/HONLAP/40/1.



Issue 1: Responding to trafficking in synthetic drugs and new psychoactive substances and preventing the diversion of chemical precursors**Recommendation (a)**

Governments are encouraged to strengthen their domestic controls over the availability of new psychoactive substances and to make available to their foreign law enforcement counterparts their national lists of controlled substances used in the manufacture of such substances.

4. Armenia reported that its laws on making amendments and additions to the Criminal Code and on making amendments and additions to the Code of Administrative Offences had entered into force in 2015, resulting in 114 new psychoactive substances having been placed under control. Additions were also made for the same purpose to Government decree No. 1129, which entered into force on 14 May 2015. The implementation programme and the schedule of events on drug abuse and drug trafficking for 2015 was approved on 25 September 2014. Moreover, Armenia's national strategy against drug abuse and illicit drug trafficking was approved on 8 February 2015.

5. Australia had enacted the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Act on 5 September 2015, which introduced new offences into the Commonwealth Criminal Code Act 1995 to ban the importation of new psychoactive substances that did not have a legitimate use or were not otherwise regulated. The Amendment Act also gave Border Force officers the power to stop and seize substances they reasonably suspected were new psychoactive substances. Under these changes, importers had to show that the seized substance had a legitimate use. Several Australian states had placed controls on the manufacture, sale and marketing of new psychoactive substances. Australia was also undertaking ongoing work to improve and harmonize controls on precursor chemicals and equipment, including through the development of an electronic end user declaration system. The Australian Criminal Intelligence Commission published an updated Precursor Chemicals Information Resource in April 2016 and distributed the document to domestic and international agencies.

6. Bangladesh reported that it had conducted an assessment of the abuse of pharmaceutical drugs in February 2016, when the Department of Narcotics Control reviewed all the imported and existing pharmaceutical drugs in Bangladesh and found no new psychoactive substances, except ketamine, which had been under national control since 2014. As a member of the Drug Control Committee, the Department of Narcotics Control continuously monitored new psychoactive substances and shared information with the Ministry of Health and Family Welfare and all other relevant departments. The Department of Narcotics Control had registered with Project Ion, developed by the International Narcotics Control Board (INCB) and the UNODC early warning advisory on new psychoactive substances. The lists of nationally controlled narcotic drugs, psychotropic substances and precursor chemicals were transmitted to foreign law enforcement counterparts in accordance with the Narcotics Control Act of 1990.¹

¹ The English version of that Act is available on the Department of Narcotics Control website at www.dnc.gov.bd.

7. China reported that it had taken some effective measures to control new psychoactive substances. Owing to the persistent efforts of its National Narcotics Control Commission, in October 2015 China issued regulations on the control of narcotic drugs and psychotropic substances for non-medical use, under which 116 new psychoactive substances were scheduled, after 14 substances, including ketamine and mephedrone, had been scheduled in previous years. In those regulations, narcotic drugs and psychotropic substances for medical use and non-medical use had been placed under separate control in order to tackle new psychoactive substances more effectively and counter the related illicit activities. China conducted law enforcement activities and engaged in international cooperation to combat the illicit production and smuggling of new psychoactive substances. In June 2015, China uncovered one case of illicit production and smuggling of new psychoactive substances and arrested eight criminals. In addition, China seized 4 kg of 3,4-methylenedioxy-*N*-methylcathinone (a category I psychotropic substance that is under control in China) and over 20 kg of suspected new psychoactive substances. China also provided 1,114 case tips relating to new psychoactive substances to foreign counterparts of more than 20 countries, as well as relevant international drug control organizations, and proposed initiatives for joint law enforcement actions to combat crimes relating to new psychoactive substances. Furthermore, China provided more than 4,000 case tips to over 50 national (regional) and international organizations.
8. Macao, China, had put in place a compulsory licensing requirement for all substances referred to its Economic Services, thus placing any production, manufacture, application, trade, distribution, import, export, transit, transport, advertising, use or possession of new substances under monitoring. The records of production, manufacture, application and distribution should be kept for inspection and manufacturers and pharmacists had to provide a Certificate of No Criminal Conviction as a pre-condition for engaging in such activities.
9. France reported that it had been playing an active part in the UNODC early warning advisory on new psychoactive substances and shared its findings regarding new psychoactive substances on a regular basis, both with its European Union and international partners through the relevant forums and organizations.
10. Indonesia referred to the process of adding new psychoactive substances to Law No. 35 of 2009 on Narcotics and the Ministry of Health Regulation No. 13 of 2014 on Narcotics Classification Changes. Indonesia also improved its monitoring by strengthening its regulations and pharmaceutical facility controls.
11. Japan reported that, in 2007, it had created a new drug category called “Designated Substance” and that 2,345 new psychoactive substances had been placed under control under that category. Japan provided the list to foreign counterparts and relevant international organizations at every opportunity.
12. Myanmar reported that it had not detected any new synthetic drugs, or their abuse or production. The Dangerous Drugs Board of the Philippines formulated policies to deal with pharmaceutical preparations that were bought/sold and delivered in an electronic environment.
13. The Republic of Korea reported that the spread of new psychoactive substances, such as ketamine, phentamine, benzylpiperazine, *gamma*-hydroxybutyric acid (GHB), MAM-2201, khat and kratom, had been

increasing in that country. Most of the new psychoactive substances seized had been transported into that country from overseas by means of international postal services, express cargo and air passengers, although online drug shops were also used. The Government strongly regulated controlled drugs and their analogues through national legislation and had seized 3.1 tons of khat and 300 g of kratom in 2015.

14. The Russian Federation reported that it had amended certain legislative acts in Federal Act No. 7-FZ. Under that Act substances of synthetic or natural origin that induced in a person a state of narcotic or other intoxication dangerous to life and health and in respect of which the competent public authorities had not established public health requirements or trafficking control measures, were categorized as potentially dangerous psychoactive substances, the trafficking of which was prohibited in that country. Those substances were subject to inclusion in the Register of new potentially dangerous psychoactive substances. The Act established the criminal and administrative liabilities in connection with such substances and, every year, a list of narcotic drugs, psychotropic substances and their precursors was supplemented with new entries of substances circulating under the guise of “legal” drugs. The Federal Act No. 3-FZ of 1998 established restrictions on trafficking in new potentially dangerous substances by adding them to the register.

15. Singapore noted that it had enhanced its legislation to control and prevent the proliferation of new psychoactive substances under the Misuse of Drugs Act, whose Fifth Schedule allowed the Central Narcotics Bureau to, inter alia, temporarily list new psychoactive substances in that Schedule for 12 months, with a possibility of extension. The trafficking, manufacture, import/export, possession or consumption of any substance listed in the Fifth Schedule would not constitute an offence under the Misuse of Drugs Act, until the substance was removed from the Schedule and was subsequently listed as a controlled drug in the First Schedule, whereupon all the offences would apply. The list of controlled substances is updated annually.

16. In Sri Lanka, the Precursor Control Authority was established in 2010 at the National Dangerous Drugs Control Board and it had put into effect the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

17. Thailand monitored the situation and placed new psychoactive substances under control on the basis of its relevant national legislation, which was available to the public and counterpart agencies.

Recommendation (b)

Governments should encourage their law enforcement authorities and chemical industry regulatory authorities to regularly update and widely circulate details of the manufacture and marketing of and trends in substances used in the manufacture of new psychoactive substances on secure platforms such as the UNODC early warning advisory system, the International Narcotics Control Board (INCB) Precursors Incident Communication System and Project Ion, the World Customs Organization network of Regional Intelligence Liaison Offices, and other trusted communication and information-sharing networks.

18. Armenia reported that it had taken measures to prevent the illegal import of precursors through State borders and exclude their use in the manufacture of illegal

drugs, as well as to prevent the illegal importation of new psychoactive substances. The police of Armenia had joined the Pre-Export Notification Online (PEN Online) system in 2011 and conducted online exchanges of information on the export and import of chemical substances and precursors, which could be used for drug production in clandestine laboratories. The organizations dealing with precursors regularly submitted reports to the police and the Ministry of Health about precursors turnover.

19. The Border Force of Australia had regularly updated and widely circulated details of the manufacture and marketing of and trends in substances used in the manufacture of new psychoactive substances on secure platforms.

20. Bangladesh reported that its Department of Narcotics Control had registered with the UNODC early warning advisory system, as well as the INCB Precursors Incident Communication System (PICS) and Project Ion Incident Communication System (IONICS). The Department of Narcotics Control regularly collected information on new psychoactive substances and precursor chemicals from those platforms and circulated the latest update to all law enforcement authorities in Bangladesh. The Department of Narcotics Control encouraged the health, customs and other law enforcement authorities to register to use secure online tools.

21. China participated in Project Ion (by submitting case information about new psychoactive substances and conducting operations) and in the World Customs Organization network of Regional Intelligence Liaison Offices.

22. In Macao, China, the Economic Services conducted regular inspections of relevant manufacturers to check that the records provided were genuine and up to date. The Health Bureau was informed of all the new psychoactive substances that were observed as part of clinical practice. The Judiciary Police of Macao, China, had been approved as the user of and obtained access rights to the PICS and IONICS online systems in 2014 and, since then, had been receiving information on seizures of new psychoactive substances and precursor chemicals by other countries.

23. France reported that its law enforcement utilized all the tools at their disposal, especially at the international level, to facilitate the sharing and exchange of information. In addition to the UNODC early warning advisory on new psychoactive substances, the National Mission for the Control of Chemical Precursors and the General Directorate for Customs and Excise (DGDDI) had been regularly providing information for inclusion in INCB databases, such as PICS and IONICS, and had actively participated in Project Ion. In addition, the National Mission for the Control of Chemical Precursors recently developed a new national code of conduct on expanding the active monitoring of chemical products, in order to include precursors of new psychoactive substances and strengthen the collection and transmission of information on suspicious transactions. A new brochure on the risks of diversion of chemical precursors of new psychoactive substances was to be widely disseminated to all the economic operators.

24. Indonesia noted that the National Narcotics Board, the National Agency of Drug and Food Control and other ministries shared information and circulated details on trends, manufacture of and trade in substances used in the manufacture of new psychoactive substances regularly. Indonesia also maintained the control over the use of drugs for medical and scientific purposes, in order to avoid diversion.

25. Japan reported that new psychoactive substances were not manufactured in that country and that the Ministry of Health, Labour and Welfare actively participated in and used relevant secure platforms, such as the early warning advisory on new psychoactive substances, PICS and IONICS to receive the latest information.

26. Myanmar reported that its law enforcement authorities and the precursor chemical inspection team ensured that the manufacture of new psychoactive substances did not occur. In the Philippines, relevant agencies regularly updated the secure platforms as per information received from various regulatory and enforcement agencies. Moreover, private industrial entities were encouraged to exercise self-monitoring and undertake constant coordination with the Government as to trends and concerns that affected their respective industries.

27. The Republic of Korea noted that its Supreme Prosecutor's Office had been working closely with UNODC through the Global Synthetics Monitoring: Analyses, Reporting and Trends (SMART) programme; had provided information on recent trends in amphetamine-type stimulants, new psychoactive substances and precursors through the annual reports questionnaire; and had submitted information to INCB on illegal precursor transactions. The Customs Service exchanged information with 54 customs administrations in the Asia-Pacific region and initiated, inter alia, Operation CATalyst of the World Customs Organization.

28. The law enforcement of the Russian Federation conducted control and legislative activities to counter trafficking in narcotic drugs, psychotropic substances and their precursors and contributed on an ongoing basis to international anti-drug programmes such as Project Prism and Project Ion.

29. Singapore actively participated in and shared information as part of all UNODC initiatives, including at the UNODC Regional Office for South-East Asia and the Pacific. Singapore regularly participated in and provided updates through the Global SMART programme; the Drug Abuse Information Network for Asia and the Pacific; the global early warning advisory on new psychoactive substances; Project Prism; Project Cohesion and Project Ion.

30. The Office of the Narcotics Control Board of Thailand worked closely with counterpart agencies and chemical industries through the chemical control network to monitor the manufacture of, trade in and trends regarding substances used to produce new psychoactive substances. This information was reported to INCB, although not through a secure platform.

Recommendation (c)

Governments should take steps to ensure that staff in their public health services and national drug analysis laboratories are familiar with the range of new psychoactive substances on their local markets in order to enable them to correctly identify such substances and respond appropriately.

31. In Armenia, additions and amendments relating to narcotic drugs, psychotropic substances and their turnover were periodically made to the Criminal Code and the Code of Administrative Offences and a set of drafts of relevant legal acts had entered into force. The police of Armenia periodically took advanced training courses at the national Police Educational Complex, as well as in other countries.

32. Australia reported that its Federal Police Forensic Drug Intelligence team had performed this role through its relationship with the National Measurement Institute and state government forensic services to both identify new psychoactive substances and report their detection across Australia.

33. In Bangladesh, the Drug Control Committee provided the platform to discuss new psychoactive substances. That Committee comprised representatives of the Ministry of Health and Family Welfare, Drug Administration, Department of Narcotics Control, Medical University and College, Veterinary Hospital, Pharmacy Department, Homeopathy University, and the pharmaceutical industry, as well as researchers, mentors and all the drug importer and manufacturer associations. The Department of Narcotics Control had been providing information on new psychoactive substances to the members of the Drug Control Committee. The central chemical laboratory of the Department of Narcotics Control had registered with the International Collaboration Exercise programme, while UNODC provided training to laboratory personnel on new psychoactive substances.

34. China collected and analysed nearly 500 unknown samples, discovered close to 50 types of new psychoactive substances and developed a more comprehensive sample pool and database of psychoactive substances to be used as a basis for the formulation of relevant policies. Over 10 materials on drugs, precursor chemicals and new psychoactive substances had been prepared to develop a more comprehensive library of reference materials and support the related analysis in local laboratories. China organized a national on-site exchange meeting and seminar on the construction of drug laboratories among drug control departments, and standardized the grade and standards of construction. Furthermore, China implemented rotation training programmes for technical professionals and organized four training courses on drug-testing technology for 28 trainees. In addition, in 2015, there was collaboration with the Institute of Forensic Science of the Ministry of Justice to complete proficiency testing of over 20 drug laboratories.

35. Macao, China, indicated that it had taken action to implement this recommendation. In France, the Government Plan for Combating Drugs and Addictive Behaviours (2013-2017) foresaw awareness-raising activities on new psychoactive substances among professional staff. A clinical guide for use by emergency services, dealing with therapies adapted to intoxications due to synthetic drugs was being published. In addition, the 2016-2017 Plan envisaged the development of a networking system of toxicological and biological testing in the framework of emergency services when intoxications caused by new psychoactive substances were suspected and assessments of whether the patients required follow-up treatment. The development of activities to reduce the Internet-related risks focused on the dissemination of new psychoactive substances by means of the Internet was envisaged as well.

36. The Ministry of Health of Indonesia worked together with other ministries on conducting scientific research on new psychoactive substances and issued the standard approval procedure as regards the identification of narcotic drugs or psychotropic substances. The National Narcotics Board and the police continued to improve its analytical capabilities, including in relation to new psychoactive substances.

37. Japan indicated that it had already dismantled all domestic street shops of products related to new psychoactive substances and the problem was successfully resolved. In Myanmar, the Ministry of Health and Sports ensured that no new psychoactive substances reached the drug market in that country. In the Philippines, the Drug Enforcement Agency, through its Laboratory Service, regularly monitored the list of new psychoactive substances on the UNODC website and analysed and disseminated information on new psychoactive substances to regional offices.

38. In the Russian Federation, circulars and guidelines concerning research on controlled substances, as well as databases for tool-assisted identification of such substances, were produced and disseminated on regular and ad hoc bases.

39. Singapore reported that the list of new psychoactive substances under national control was available for public reference, that its Central Narcotics Board worked closely with the Health Sciences Authority in detecting and identifying new psychoactive substances and collaborated with the Health Sciences Authority in their research and development in new psychoactive substances forensics and detection capabilities.

40. Sri Lanka reported that its two drug analysis laboratories participated in the International Collaborative Exercises, which included analysis of new psychoactive substances and were part of the quality assurance programme of UNODC. Public health services required training in this regard.

41. The Office of the Narcotics Control Board of Thailand organized annual seminars to update laboratory scientists on the forensic situation and technology, and analyse the latest narcotic drugs, chemicals and new psychoactive substances.

Issue 2: Measures to amend legislation, agency practices and procedures that may improve the responses of national authorities to challenges posed by drug trafficking and related organized criminal offences

Recommendation (a)

Governments are encouraged to review their national drug control legislation regularly so as to ensure that it meets the needs of their enforcement agencies and the community they serve.

42. In Armenia, the national legal acts that regulated the fight against illegal drug trafficking and drug addiction were subjected to regular analysis and laws and secondary legislation were amended if required.

43. Australia kept under review its national drug control legislation to ensure that it remained appropriately targeted and fit for purpose. The recently enacted Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015 contained amendments to the serious drug and precursor offences in the Criminal Code, which addressed problems identified in prosecuting people involved in drug and precursor importation. The Government had also moved quickly to address the needs of the Australian community in tackling the increase in methylamphetamine (“ice”) use. In 2015, the Government established the National Ice Taskforce to recommend strategies for dealing with the harms associated with “ice” use in the community. Based on the Taskforce’s recommendations, the Government worked with states and territories to develop a National “Ice” Action Strategy, which would deliver an extra

298.2 million Australian dollars over four years for health and law enforcement initiatives.

44. In Bangladesh, the amphetamine-type stimulant “yaba” posed a serious threat. Since instant punishment through mobile courts was very effective in Bangladesh, the Department of Narcotics Control reviewed the Narcotics Control Act of 1990 and the Mobile Court Act of 2009 and found that drug peddlers who possessed less than 5 g of amphetamine-type stimulants could be punished under the existing Mobile Court Act. The Department of Narcotics Control then proposed to the Ministry of Home Affairs a review of the Narcotics Control Act of 1990 so that drug peddlers who possessed 50 g or less of amphetamine-type stimulants could be punished under the Mobile Court Act.

45. China indicated that, in 2015, it had issued administrative regulations on the visual examination of delivered and received mails and express mails (for trial implementation) and introduced amendments to the Narcotics Control Law of the People’s Republic of China; measures for addressing and countering special groups involved in drug-related crimes; interpretation of the Supreme People’s Court about the issues relating to the trial; conviction and sentencing standard of drug cases; regulations on the testing procedure for drug use; and measures for confirming the drug addictions and the measures for the public security organs’ seizure of drugs. The Government drafted the rules on the case evidences of drug crimes; the administrative measures for the detention of special groups involved in drug-related crimes; and the regulations on several issues regarding the extraction, seizure, weighing, sampling and testing procedures of drugs seized in drug cases. In addition, China listed the compound codeine phosphate oral solution as one of the second types of psychotropic substances and strengthened research on driving under the influence of drugs.

46. Macao, China, reported that, in order to consolidate the fight against drug-related crimes and in accordance with Law No. 17/2009 on the Prohibition of the Production, Trafficking and Consumption of Illicit Narcotic Drugs and Psychotropic Substances, which stipulates the regular review of and the amendment to the categories of drugs on the annex of the aforementioned law, it had launched the related law amendment task in line with the analysis and the evaluation report of the amendment to Law No. 17/2009 by the Anti-Drug Law Enforcement and Follow-Up Working Group and a resolution of the Commission on Narcotic Drugs. The proposed law was being reviewed by the Legislative Assembly.

47. France had regularly enacted legislation on combating drugs, including, on 26 January 2016, a law on modernizing the public health system, which focused on prevention, access to treatment and innovation that allowed the experimentation for a maximum of six years of the drug injecting rooms supervised by health professionals. In the area of new psychoactive substances, any law enforcement agency could contact the French National Criminal Laboratory in order to determine if a substance should be considered as a drug and added to the list of controlled substances. To date, the French legislation had dealt with drugs by classifying molecules, although owing to the rising popularity of new psychoactive substances, France was switching to a “molecular family” approach, where the entire family of a molecule would be classified at once.

48. Indonesia supported amendments to its national legislation to address the threat posed by new psychoactive substances and had issued the Ministry of Health Regulation No. 13 of 2014 on Narcotics Classification, which regulated some of the new psychoactive substances to be included in Narcotics Table 1.

49. Japan had a Five-Year Drug Abuse Prevention Strategy in place and followed up on the measures every year. In Myanmar, a national level legal review workshop on the Narcotic Drugs Law and an operational level legal review workshop on the same law were conducted in February 2015 and January 2016, respectively. The new Government was discussing the Law with relevant ministries and its revision would be delivered to the 2nd Union Hluttaw for approval.

50. The Philippines indicated that its National Anti-Drug Plan of Action for 2015-2020 outlined the Government's efforts to strengthen its campaign against drugs, on the basis of the Political Declaration and Plan of Action of 2009; that all the agencies had been directed to implement the National Anti-Drug Plan of Action and that the Dangerous Drugs Board monitored its status of implementation.

51. The Republic of Korea noted that its Prosecution Service had established a "violent crime investigation unit" in order to better respond to illicit drugs and organized crime, including "narco-terrorism". Revisions to relevant legislation were under consideration.

52. In the Russian Federation, the functions and powers of the Federal Drug Control Service were transferred to the Ministry of Internal Affairs (Decree No. 156 of the President of the Russian Federation of 5 April 2016), with the aim of improving state administration with regard to control of trafficking in narcotic drugs, psychotropic substances and their precursors. Furthermore, amendments and additions to the List were made six times during 2015 and the first half of 2016 and 36 narcotic drugs, psychotropic substances and their precursors were placed under control.

53. Singapore conducted regular reviews of national drug control legislation including amendments to the Misuse of Drugs Act in 2013. The Organised Crime Act enacted in 2016 provided authorities with the power to disrupt and prevent the activities of organized criminal groups at various levels of their hierarchy.

54. Sri Lanka enacted the Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Act No. 1 of 2008. The Office of the Narcotics Control Board of Thailand was drafting an amendment to the Narcotics Act in order to respond to the latest situation and conform to the new approach in the national drug control policy.

Recommendation (b)

Governments are encouraged to review their drug law enforcement and related legislation with a view to harmonizing their provisions with those of other countries in the region.

55. Armenia reported that its police had prepared the draft laws "On making amendments and additions to the Criminal Code of Armenia", "On making amendments and additions in the Code of Administrative Offences of Armenia" and "On making amendments and additions in Government's Decree #1129 of 21.08.2003", adopted in 2016, by which the controlled lists of drugs, psychotropic

and psychoactive substances and precursors had been harmonized with the schedules and tables of international drug control conventions of 1961, 1971 and 1988. Australia indicated that it had taken no action to implement this recommendation.

56. Bangladesh had bilateral agreements in place with India and Myanmar and participated in the South Asian Association for Regional Cooperation and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation. On the basis of this agreement, 4th DG-level talks with India and 2nd DG-level talks with Myanmar were held in Dhaka in 2015. In those meetings, the Department of Narcotics Control of Bangladesh, the Narcotics Control Bureau of India and the Central Committee for Drug Abuse Control of Myanmar had reviewed their drug law enforcement and related legislation with a view to harmonizing their provisions. Moreover, the establishment of a South Asian regional intelligence and coordination centre on transnational organized crime was under consideration by Bangladesh.

57. China indicated that it had taken no action to implement this recommendation. In Macao, China, drug abuse was an indictable offence and offenders were subject to a maximum sentence of three months' imprisonment or, alternatively, to fines. An indictment for drug trafficking occurred when possession quantities exceeded the amount regarded as sufficient for three days of consumption — in those cases, offenders would be subject to a term from 3 to 15 years of imprisonment. Macao, China, had conducted a comparative research on the related provisions of the neighbouring regions, including China, Taiwan Province of China, and Hong Kong, China. The proposed law had appropriately enhanced the penalties for the related crimes.

58. France reported that its law enforcement agencies had regularly participated in international meetings allowing the benchmarking of professional practices both at the operational and institutional levels. France also actively participated in discussions in the European Union Working Group on Drugs, whose main objectives were the development of strategies in the fight against drugs, action plans and other useful documents in this regard, the exchange of information on national policies and the coordination of measures taken by Member States.

59. Indonesia had incorporated the provisions of the Convention on Psychotropic Substances of 1971 and the 1988 Convention into Law No. 35 of 2009 on narcotics, which was under review.

60. Japan indicated that it had taken no action to implement this recommendation.

61. Myanmar noted that, in order to effectively implement drug control cooperation within the region, it reviewed the Narcotic Drugs Law with the view to amending it accordingly.

62. The Philippines referred to its National Anti-Drug Plan of Action for 2015-2020 and to the efforts made by the Government to implement it. The Republic of Korea had been providing information on international precursor chemicals transactions to INCB, as well as to other countries, through the PEN Online system.

63. Singapore referred to the existing proposal to harmonize legislation on drug matters among the Association of Southeast Asian Nations (ASEAN) members and to one of the endorsed recommendations in the Vientiane Action Programme, which

was to work towards standardization of level of punishment among national laws on combating drugs among ASEAN Member Countries.

64. Sri Lanka had proposed a memorandum of understanding between the South Asian Association for Regional Corporation and UNODC. Thailand noted that it had taken action to implement that recommendation.

Recommendation (c)

Governments should encourage and support UNODC to step up efforts to provide technical assistance to Member States to review and support the reform of national laws, regulations and other measures with a view to fully implementing the international drug control treaties.

65. Armenia reported that its police had been periodically reviewing the legislation of the countries in the region and had taken steps to introduce the advanced experience of other countries in Armenia.

66. Australia indicated that it had taken no action to implement this recommendation. Bangladesh had been adhering to all the rules and regulations stipulated in the Single Convention on Narcotics Drugs of 1961 as amended by the 1972 Protocol, the 1971 Convention and the 1988 Convention. As party to these treaties, Bangladesh, through its Department of Narcotics Control, had been supporting INCB and UNODC in stepping up efforts to provide technical assistance to Bangladesh to review and support the reform of national laws, regulations and other measures, with a view to fully implementing the international drug control treaties.

67. In China, the National Narcotics Control Commission asked the National Institute on Drug Dependence of Peking University to conduct a survey of the abuse of ketamine in 10 provinces of China, and held the international symposium on ketamine abuse in Guangzhou, to which UNODC, representatives from Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as specialists in the field of prevention and control of ketamine abuse from Hong Kong, China; Macao, China; and Taiwan Province of China had been invited. Participants discussed the situation of ketamine abuse and damage around the world, as well as its prevention, challenges and measures. An official report had been completed and submitted to the World Health Organization.

68. Macao, China, amended its Law No. 17/2009 in 2015. That amendment, which was pending review by the legislation committee, included enhanced penalties for drug trafficking and drug abuse offences, as well as regulated compulsory urine testing. That amendment also added seven psychoactive substances to the list of controlled drugs listed in article 4 of Law No. 17/2009.

69. France had provided support to UNODC and encouraged the Office to undertake activities to support Member States in the development of their capacity-building and legislation. France earmarked a significant part of its voluntary contributions to UNODC (over 2 million euros in 2016) towards building the capacity of Member States to fully implement the international drug control treaties and the recommendations contained in the various political declarations and resolutions adopted by the international community. Moreover, French law

enforcement agencies provided as much information as possible to UNODC, when tasked to do so by the Office.

70. Indonesia encouraged and supported UNODC by drafting the law on new psychoactive substances in order to support the reform of national laws and regulations on narcotics.

71. Japan reported that, in countries in Asia and the Middle East, it had been providing technical cooperation and had shared its experience and knowledge through capacity-building with narcotic agents and drug experts, in addition to contributing to drug monitoring programmes.

72. Myanmar noted UNODC had provided support to it in fully implementing the international drug control conventions, as well as rules and regulations. The Philippines referred to its National Anti-Drug Plan of Action for 2015-2020 and to the efforts made by the Government to implement it. The Republic of Korea indicated that it had taken no action to implement this recommendation.

73. Singapore was party to the three international drug control conventions and modelled its laws on those conventions. Singapore provided yearly financial contributions to UNODC and conducted courses with partners, such as the Australian Federal Police and the Colombo Plan.

74. Sri Lanka reported that UNODC had conducted a training-of-trainers programme for its law enforcement officers and noted that it required assistance to review national laws and regulations, if necessary. Thailand noted that, although it was not supporting UNODC directly, it had taken the initiative to assist other countries in developing asset seizure laws by organizing an international seminar in 2016.

Recommendation (d)

Governments should consider sharing, with other Governments in the region, information on similarities and differences between their legislation and should make such information available to law enforcement authorities.

75. Armenia actively exchanged information with countries in the region regarding detected illicit drug trafficking cases and involved persons, while the quantities of seized drugs were sent monthly to both the specialized database of the Coordination Bureau for the fight against organized crime and other dangerous types of crime of the Commonwealth of Independent States and to the combined database of the Coordination Council of Heads of the Competent Authorities of the Collective Security Treaty Organization.

76. Australia engaged in regional capacity-building work on transnational crime and domestic law and justice issues and provided legal assistance to support the capacity of regional countries to combat transnational crime and collaborate effectively with international partners. The international relationships of the Australian Federal Police formed an integral component of the Government's strategy to strengthen engagement with regional and international partners. The International Operations of the Australian Federal Police provided a range of capacity development programmes designed to enhance law enforcement capacity in Pacific Island Countries. Australia was undertaking a comprehensive stock-taking

and review of its current international cooperative arrangements with respect to law enforcement, intelligence and capacity-building.

77. Bangladesh noted that codeine-based syrup, which was widely abused in the region, was illegal in Bangladesh. Since in India this syrup was used legally as a cough syrup, Bangladesh had requested India to stop the manufacture of the codeine-based syrup. As a result, recently, India had decided to ban the production of codeine-based syrup in their country. The Department of Narcotics Control regularly analysed the information from the region on similarities and differences between legislation and informed other national law enforcement authorities such as the police, border guard, Rapid Action Battalion, coast guard, customs and Ansar and VDP.

78. China had established an annual bilateral meeting mechanism with many countries in the region, where information on similarities and differences between their legislation was shared. Macao, China, noted all the legislation was publicly available online.

79. France actively participated in the international initiatives geared towards reinforcing the exchanges of information among Member States, especially as regards different laws and experiments that could be implemented at the national and regional levels. France had been providing information to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) and had been keeping INCB informed of developments regarding anti-drug legislation at the national level. Regular exchanges of information had also been taking place through the European Union Horizontal Working Party on Drugs through which France maintained a certain number of biregional dialogues. Moreover, French law enforcement agencies had been responding to queries from European Union member States through the SIENA (Secure Information Exchange Network Application) communication system.

80. In Indonesia, relevant national agencies including, inter alia, Customs, Immigration, the Ministry of Transportation, the National Agency of Food and Drug Control, the Ministry of Health and the Ministry of Agriculture established an integrated interdiction team by sharing information and conducting joint investigations.

81. Japan indicated that it had taken no action to implement this recommendation. Myanmar noted that it had been exchanging information during regional meetings, workshops and conferences. The Philippines referred to its National Anti-Drug Plan of Action for 2015-2020 and to the efforts made by the Government to implement it.

82. Singapore reported that its drug legislation was published online and was accessible to local and foreign law enforcement authorities. Singapore participated in and shared information at regional meetings discussing drug issues — for example, the ASEAN Senior Officials on Drug Matters (ASOD). In 2014, Singapore also shared with the participants at the ASOD Research Working Group meeting on the national experience in controlling new psychoactive substances.

83. Sri Lanka had established a South Asian Association for Regional Cooperation Drug Offences Monitoring Desk for sharing information in the region. Thailand indicated that it had always shared information and updated details of the laws and regulations with counterparts in other countries.

Issue 3: Collaboration and coordination among drug law enforcement agencies

Recommendation (a)

To address the increasing complexity of drug trafficking and facilitate the expeditious exchange of intelligence between lead law enforcement agencies, Governments are encouraged to establish operational joint agency teams to target trafficking syndicates.

84. In Armenia, an interdepartmental commission on prevention of illicit trafficking in narcotic drugs and psychotropic substances, which included representatives of all the stakeholder agencies, had been operating since 2003.

85. Australia took a “whole of government” approach to drug importation and trafficking. Internationally, the Australian Federal Police’s joint agency agreements with China (Taskforce Blaze), Thailand (Taskforce Storm) and Cambodia (Strikeforce Dragon) were examples of offshore disruption efforts in conjunction with regional partners. In the Pacific, the Pacific Police Development Programme and the Pacific Transnational Crime Network (PTCN) sought to improve intelligence-sharing between regional partners in the region. Australia was working to further strengthen international advocacy and engagement on cooperation and information-sharing between law enforcement agencies to disrupt the supply of methamphetamine and precursors from major source and transit countries.

86. Bangladesh had established temporary operational joint agency teams to target trafficking syndicates as necessary. A task force established by the Ministry of Home Affairs, comprising the regional heads of law enforcement agencies of Chittagong Division, was working and a special operational unit had been established in Teknaf at the Bangladesh-Myanmar border by the Department of Narcotics Control. Moreover, the Department of Narcotics Control led operations with other law enforcement agencies such as police, border guard, Rapid Action Battalion, coast guard, customs and Ansar and VDP.

87. China and its neighbouring countries launched a series of special operations to counter drug smuggling and trafficking, such as the second “Safe Mekong” joint drug interdiction operation carried out by China, the Lao People’s Democratic Republic, Myanmar and Thailand from January to September 2015 and the second Drug Interdiction Joint Operation along the border areas of China and Viet Nam from September to November 2015. The Safe Mekong Coordination Centre, which was the joint agency team for the Safe Mekong joint operation, had been established in Thailand and the other member States assigned officers there to work together. China and the Australian Federal Police jointly implemented the first Sino-Australian Joint Drug Enforcement Taskforce (Operation Blaze) from November 2015 to June 2016.

88. The Judiciary Police of Macao, China, maintained a very effective cooperation within the region with the authorities in Hong Kong, China, and the Guangdong Province of China. Macao, China, frequently organized joint operations, in addition to assigning liaison officers and establishing permanent contacts. Those practices enhanced the effectiveness of intelligence exchange and the sharing of information among domestic and international agencies and effectively targeted trafficking syndicates.

89. France reported that its Central Office for the Suppression of Illicit Drug Trafficking (OCRTIS) comprised civil servants from the police, the Gendarmerie and Customs. It was an interministerial structure tasked with coordinating drug enforcement in France and, as such, had oversight on all questions relating to drug trafficking.

90. Indonesia reported that it had established the ASEAN Seaport Interdiction Task Force, which met on 20 and 21 July 2016 in Batam, Indonesia, with the view to sharing information and conducting joint investigations in the ASEAN region. With this meeting, Indonesia and other ASEAN member States could improve operational cooperation among relevant authorities and invite experts from UNODC and authorities of other countries.

91. Japan indicated that it had taken no action to implement this recommendation. Myanmar reported that Phase 1 of the Safe Mekong Project Operation by China, the Lao People's Democratic Republic and Myanmar had been conducted from January to March 2015, and Phase 2 from May to September 2015. The three-year Safe Mekong Operation implemented by Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam had started in January 2016.

92. The Philippines reported that its Drug Enforcement Agency had strengthened its cooperation with agencies of other countries by, inter alia, establishing the Inter-Agency Drug Interdiction Task Group, organizing the Anti-Drug Coordinating Conference, sharing information and enhancing inter-agency cooperation and operations.

93. In the Republic of Korea, the Supreme Prosecutor's Office and the Customs Service cooperated closely on the basis of a memorandum of understanding signed in 1996, and had been deploying joint investigations teams at ports and seaports. The Supreme Prosecutor's Office also closely worked with the National Intelligence Service and the National Police Agency. Successful information exchange and inter-agency collaboration had led to the interdiction in 38 cases by the Customs Service.

94. The Russian Federation reported that, in the first half of 2016, its internal affairs authorities had participated in a number of inter-agency preventive operations, such as Operation Far East Barrier, to curb trafficking in synthetic narcotics; the first phase of Operation Poppy; and the inter-agency nationwide anti-drug campaign "Tell us where they trade in death!". Moreover, an international controlled delivery was conducted in June 2016 with counterparts from Kyrgyzstan along the Bishkek-Moscow-Kaunas route, which resulted in: (a) the arrest of a citizen of Lithuania, who was an active participant in a drugs organization and was involved in organizing heroin smuggling from Kyrgyzstan through the Russian Federation to countries in Europe, and (b) the seizure of more than 18.6 kg of heroin.

95. The Central Narcotics Bureau of Singapore cooperated actively with foreign law enforcement agencies on a bilateral basis and met yearly with representatives of Brunei Darussalam, Malaysia and Thailand. The Central Narcotics Bureau also worked closely with the authorities of Australia and the United States and maintained liaison contacts with the International Criminal Police Organization (INTERPOL) and the World Customs Organization. Singapore was also a member of the International Drug Enforcement Conference and participates in the

Asia-Pacific Operational Drug Enforcement Conference, the ASEAN Senior Officials on Drug Matters meetings and the ASEAN and China Cooperative Operations in Response to Dangerous Drugs meetings.

96. Sri Lanka tasked and empowered the National Dangerous Drugs Control Board, Police Narcotic Bureau, police, customs department, Department of Excise, air force, army, navy, Special Task Force and coast guard with reducing drug trafficking and the availability of dangerous drugs. Thailand reported that it operated a task force with the Australian police to investigate international drug trafficking syndicates and other related crimes.

Recommendation (b)

Governments must ensure that their law enforcement agencies responsible for drug law enforcement and related organized crime are adequately funded so as to meet the increasing need for cross-border cooperation and multi-jurisdictional investigations.

97. In Armenia, in order to implement the measures envisaged in the annual programme of the fight against drug addiction and illicit drug trafficking, summaries were drawn up each year concerning financial resources, which the police was required to implement.

98. Australia remained committed to protecting the community from the harms posed by illicit drugs and responsive to the needs of law enforcement agencies by providing additional funding for capability development and to increase intelligence-sharing and international cooperation efforts to combat the threat of transnational crime. In 2015, the Government provided an additional 9.9 million Australian dollars to the Australian Criminal Intelligence Commission from the Confiscated Assets Account to develop a pilot programme for a National Criminal Intelligence System. Once fully developed and implemented, the National Criminal Intelligence System would significantly improve the ability of Australian police to access and use criminal intelligence to guide operations targeting illicit drugs and other serious and organized crime. The Government also provided an additional 4.9 million Australian dollars to the Australian Criminal Intelligence Commission to undertake international secondments, with a focus on key transnational shipping areas for illicit drugs. The Government had also committed further funding of 3.5 million Australian dollars over three years for the implementation of a national waste water analysis scheme to enable early identification and targeted responses by law enforcement to new and emerging drug threats identified through analysis of drug metabolites in waste water.

99. Bangladesh was determined to combat the threat posed by drugs and had adopted a zero-tolerance policy against drug offences. In this connection, Bangladesh ensured that its law enforcement agencies responsible for drug law enforcement and related organized crime were funded to the degree possible in order to meet the increasing needs for cross-border cooperation and multi-jurisdictional investigations. All the law enforcement agencies had source money and other related funds for drug-related crime investigations.

100. In 2015, China's Central Government increased its financial support for drug control from central subsidies to the local, reaching the amount of 1.2 billion yuan, an increase of 9.1 per cent, of which 0.4 billion yuan had been used to subsidize the

purchase of drug control equipment in order to help local governments, especially the drug control departments.

101. In Macao, China, the Judiciary Police maintained a dedicated drug enforcement capability unit that was fully staffed. International operations were coordinated through this unit, along with regular attendance at regional and international meetings.

102. France indicated that drug enforcement was one of the top priorities of the French government and that, as such, sufficient and adequate funding had been allocated to that issue.

103. The National Narcotics Board of Indonesia worked together with other agencies such as, inter alia, Customs and Immigration in order to fund investigations on an alternating basis, thus ensuring that sufficient funds were available to meet the increasing need for cross-border cooperation and multi-jurisdictional investigations.

104. Japan indicated that it had taken no action to implement this recommendation. Myanmar noted that it had cooperated with countries in the region by rendering fugitives, providing drug samples and evidence, as well as exchanging suspects' statements. The Philippines reported on the efforts that its Drug Enforcement Agency had been undertaking to strengthen its cooperation with agencies of other countries.

105. The Republic of Korea had been hosting the Anti-Drug Liaison Officials' Meeting for International Cooperation since 1989, as well as maintaining close partnerships within the ASEAN framework, which led to the establishment, in 2012, of the Asia-Pacific Information and Coordination Centre. The Republic of Korea had also signed agreements on combating illicit drug trafficking with China and Uzbekistan.

106. Singapore had been actively engaged with counterparts in joint operations (25 in 2014 and 11 in 2015) and was operationally ready to conduct cross-border investigations.

107. Sri Lanka noted it had established the Department of Coast Guard for cross-border cooperation under Act No. 41 of 2009.

Recommendation (c)

Where they have not already done so, Governments are encouraged to review their existing bilateral and multilateral cooperation agreements to ensure that they support the needs of their drug enforcement agencies with regard to the exchange of information, requests for assistance and evidence-gathering.

108. Armenia indicated that it had taken action to implement this recommendation.

109. Australia regularly reviewed its bilateral and multilateral cooperation arrangements to ensure that they supported the needs of its drug enforcement agencies with regard to the exchange of information, requests for assistance and evidence-gathering. Australia had concluded several international cooperation arrangements, including 29 bilateral treaties for mutual assistance in criminal matters and many agency-to-agency memorandums of understanding. Furthermore, Australia was a party to, and had implemented domestic legislation in respect of, a

number of multilateral conventions that support cooperation. The International Crime Cooperation Central Authority took action to address mutual assistance requests to/from countries on the basis of reciprocity. In 2014 and 2015, the International Crime Cooperation Central Authority made over 100 mutual assistance requests to other countries in relation to drug offences, of which a large part was related to methamphetamine (including “ice”). The Department of Immigration and Border Protection had entered into many cooperative arrangements with a variety of foreign agencies covering customs, immigration and border control matters, while the Australian Criminal Intelligence Commission had cooperative arrangements with a variety of foreign agencies on drug-related enforcement issues as well.

110. Bangladesh had developed a cooperative relationship with those external agencies that were engaged in combating drug offences and concluded bilateral agreements with India, the Islamic Republic of Iran and Myanmar, as well as a memorandum of understanding with the Drug Enforcement Agency of the United States. Bangladesh had also established cooperation with INCB, UNODC, the Colombo Plan, the Korea International Cooperation Agency and Japan’s International Cooperation Agency. In addition, Bangladesh regularly reviewed the existing bilateral and multilateral cooperation agreements and exchanged information in line with those agreements, as well as memorandums of understanding and conventions.

111. China noted that the Second Amendment on the Addendum on Partnership to the 1993 Memorandum of Understanding on Drug Control had been signed at the Ministerial Meeting of Great Mekong Sub-region drug control cooperation mechanism in May in Hanoi. Macao, China, indicated that it had taken no action to implement this recommendation.

112. France noted that the Directorate for International Cooperation of the French police was dedicated to international cooperation for both the national police and the Gendarmerie and was tasked with upholding current cooperation agreements as well as exploring the possibilities for new partnerships.

113. Indonesia noted that its National Narcotics Board had signed memorandums of understanding and agreements with other countries or agencies on joint investigations and information.

114. Japan indicated that it had taken no action to implement this recommendation. Myanmar noted that, as a signatory to agreements with China, the Lao People’s Democratic Republic and Thailand, it had participated in meetings on drug control cooperation. The Philippines referred to its National Anti-Drug Plan of Action for 2015-2020 and to the efforts made by the Government to implement it.

115. Singapore referred to the Mutual Assistance in Criminal Act, which set out various forms of assistance that Singapore may request from a foreign country, and vice versa. Mutual legal assistance requests were de-linked from the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act and reorganized into a stand-alone list in the Mutual Assistance in Criminal Act.

Conclusions

116. All the Governments that returned the questionnaire strengthened their domestic controls over the availability of new psychoactive substances and many made available to their foreign law enforcement counterparts their national lists of controlled substances used in the manufacture of such substances.

117. The law enforcement authorities and chemical industry regulatory authorities of many responding Governments regularly updated and circulated details of the manufacture and marketing of and trends in substances used in the manufacture of new psychoactive substances on secure platforms such as the UNODC early warning advisory on new psychoactive substances, the International Narcotics Control Board Precursors Incident Communication System and Project Ion, the World Customs Organization network of Regional Intelligence Liaison Offices and other trusted communication and information-sharing networks.

118. Most Governments took steps to ensure that staff in their public health services and national drug analysis laboratories were familiar with the range of new psychoactive substances on their local markets.

119. Almost all the responding Governments either already reviewed or were in the process of reviewing their national drug control legislation regularly so as to ensure that it met the needs of their enforcement agencies and the community they served.

120. Many Governments reviewed their drug law enforcement and related legislation and several had sought to share information and improve their cooperation with other countries in the region.

121. A number of responding Governments supported UNODC in stepping up efforts to provide technical assistance to Member States to review and support the reform of national laws, regulations and other measures with a view to fully implementing the international drug control treaties, while some countries provided capacity-building assistance to other States.

122. The majority of responding Governments noted that they had shared with other Governments in the region information on similarities and differences between their legislation and should make such information available to law enforcement authorities.

123. Almost all the responding Governments established operational joint agency teams to target trafficking syndicates. Many Governments ensured that their law enforcement agencies responsible for drug law enforcement and related organized crime were adequately funded so as to meet the increasing need for cross-border cooperation and multi-jurisdictional investigations.

124. Many Governments reviewed their existing bilateral and multilateral cooperation agreements to ensure that they supported the needs of their drug enforcement agencies with regard to the exchange of information, requests for assistance and evidence-gathering.