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The world drug problem

Fourth biennial report of the Executive Director

Addendum

Control of precursors

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* E/CN.7/2007/1.



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I. Introduction

1. In the Political Declaration adopted by the General Assembly at its twentieth special session (resolution S-20/2, para. 14), Member States decided to devote particular attention to measures for the control of precursors adopted at that session (resolution S-20/4 B) and to establish 2008 as a target date for States to eliminate or reduce significantly the illicit manufacture, marketing and trafficking of psychotropic substances, including synthetic drugs, and the diversion of precursors. The measures adopted at the special session strengthened the framework for multilateral cooperation to prevent the diversion of precursor chemicals from legitimate commerce, as provided for in article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereinafter referred to as “the 1988 Convention”).¹

2. Precursor chemicals are widely traded and their diversion from licit manufacture and trade into the illicit traffic represents a challenge for the international community. Specialized brokers, free trade zones, falsified export or import authorizations and non-existent importers are used in attempts to divert precursor chemicals. In general, the diversion of precursors takes place where control mechanisms are deficient or non-existent. The establishment by each State of effective and flexible control systems to regulate and monitor the legitimate trade in precursors, including effective and continuous cooperation with the International Narcotics Control Board (INCB), is essential in preventing their diversion into illicit drug manufacture.

3. INCB has developed practical guidelines for use by national authorities in preventing the diversion of precursors and essential chemicals. It makes recommendations to Governments for preventing the diversion of substances listed in Tables I and II of the 1988 Convention. INCB reports annually to the Commission on Narcotic Drugs (CND) on the implementation of the provisions of article 12 of the 1988 Convention and continues to play a central role in the monitoring of the implementation of the measures adopted by the General Assembly for the control of precursors. For the international control of precursors to be effective, Governments have an obligation under the international drug control treaties to cooperate fully with INCB and to implement its recommendations for the control of precursors.

4. In its resolution 59/162 of 20 December 2004, entitled “Follow-up on strengthening the systems of control over chemical precursors and preventing their diversion and trafficking”, the General Assembly requested the Executive Director to include in his biennial reports progress on the implementation of the outcome of the twentieth special session of the General Assembly recommendations on how to strengthen the use of the pre-export notification mechanism and ensure timely responses. Recommendations to that effect were reflected in the third biennial report (E/CN.7/2005/2/Add.5) and further recommendations continue to be issued in the annual reports of INCB,² as well as its report on the implementation of article 12 of the 1988 Convention,³ which are presented annually to the Commission.

¹ United Nations, *Treaty Series*, vol. 1582, No. 27627.

² For the most recent annual report, see United Nations publication, Sales No. E.06.XI.2.

³ For the most recent report on precursors, see United Nations publication, Sales No. E.06.XI.5.

A. Validity of the information

5. The information provided in the biennial reports questionnaire is qualitative in nature as it is based on expert opinion. The average response rate for the biennial reports questionnaire over the four reporting periods was around 53 per cent of the total number of Member States of the United Nations (approximately 102 States)⁴ for each reporting period. However, the number of States replying to the questionnaire for more than one period was lower. Only 56 States or 29 per cent of the global total responded to the questionnaire in all four reporting periods.

Table 1

States responding to the biennial reports questionnaire, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Percentage of reporting States</i>
Baseline (1998-2000)	109	55
F1 (2000-2002)	114	58
F2 (2002-2004)	93	47
F3 (2004-2006)	91	46
All four reporting periods (1998-2006)	56	28

B. Analysis of the information

6. In spite of the limitations in terms of the quality of information, the response rate and the significance of the sample of States considered, the biennial reports questionnaire provides important information on how each country assesses its progress towards achieving the broad goals set out in the Political Declaration adopted by the General Assembly at its twentieth special session (resolution S-20/2, annex, para. 14).

7. In part III of the biennial reports questionnaire, Governments provide information on action taken to implement the measures on the control of precursors adopted by the General Assembly at its special session.

8. The present report focuses upon progress made in the third and fourth reporting periods, covering 2002-2004 and 2004-2006. Throughout the report reference will be made to the baseline reporting period of 1998-2000 and any distinctive trends observed in the four reporting periods, which are referred to in tables 1 to 8 as “baseline” for the first reporting period (1998-2000), “F1” for the second reporting period (2000-2002), “F2” for the third reporting period (2002-2004) and “F3” for the fourth reporting period (2004-2006). A number of key questions from the biennial reports questionnaire were selected to generate an index number, a precursor control index, which is intended to show overall progress in implementing the targets set in 1998 over the four reporting periods (see chapter II, section E).

⁴ At the time of preparation of the present report there were 192 States Members of the United Nations.

II. Action by Governments on the control of precursors

A. Regulatory and control framework

1. Legislation

9. A total of 50 States responded in all four reporting periods, between 1998 and 2006, to the question on whether they possessed precursor control legislation (see table 2). An average of 82 Member States or 43 per cent of the global total reported having laws pertaining to precursor control.

Table 2

States responding to the question “Has your Government any laws pertaining to precursor control?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of legislation</i>
Baseline (1998-2000)	109	83
F1 (2000-2002)	111	93
F2 (2002-2004)	91	74
F3 (2004-2006)	90	79

10. A total of 74 States reported the existence of precursor control legislation in the third reporting period of 2002-2004, compared to 79 in the fourth reporting period of 2004-2006. In the third and fourth reporting periods of 2002-2006, of the 17 States that responded either by not answering the question or stating that they did not have legislation, 3 reported the existence of legislation by the fourth reporting period of 2004-2006.

11. With the exception of Oceania, which has a low reporting rate, the majority of the subregions reported the existence of laws pertaining to precursor control. The subregion with the highest proportion of precursor control laws was North America, followed by Western and Central Europe, and East and South-East Asia. A continuous increase in the number of States reporting the existence of precursor control laws was observed over the four reporting periods in the subregion of South-Eastern Europe.

12. In the third reporting period, of the 74 States that confirmed having laws, 54 reported that they had enacted new laws and regulations or revised existing ones. In the fourth reporting period, of the 79 States that reported having laws, 52 reported having enacted new laws or revised existing ones. A total of 18 States reported the development or revision of laws in each of the reporting periods. The fact that three quarters of States reported the revision of their laws pertaining to precursor control by the end of the four reporting periods reflects the willingness of Governments to update their precursor control legislation in line with their international commitments and changing trafficking patterns.

2. Import and export controls

13. States were asked whether they had a system of prior import/export authorization within the framework of precursor control (see table 3). A sharp rise in

the introduction of import/export authorization systems was observed between the first and second reporting periods and since then a relatively stable trend has prevailed. Of the 75 States who reported either not having a system of prior authorization or intending to establish one in the first reporting period of 1998-2000, 46 confirmed having such a system by the second reporting period. The majority of these reporting States were concentrated in the subregions of Western and Central Europe, East and South Asia, and South-Eastern Europe.

Table 3

States responding to the question “Does the framework of control include a system of prior import/export authorization?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of authorization system</i>
Baseline (1998-2000)	109	34
F1 (2000-2002)	110	96
F2 (2002-2004)	89	81
F3 (2004-2006)	91	85

14. During the third reporting period, 81 States reported the implementation of a prior authorization system and by the fourth reporting period, 85 States reported the existence of such a framework. Of the 8 States that had reported not having a prior authorization system in the third reporting period, 1 reported that it had established such a system in the following reporting period.

15. When asked what type of substances were included in prior authorizations, of the 85 States that reported having such systems in the fourth reporting period, 4 reported substances in Table I only, 1 State reported substances in Table II and 68 States reported substances in both Tables I and II of the 1988 Convention. Of the States that reported individual substances, 5 submitted a list of individual substances.

B. Prevention of diversion of precursors, materials and equipment used in the illicit production or manufacture of narcotic drugs and psychotropic substances

1. Identifying suspicious transactions

16. An average of 70 States or 35 per cent of the global total reported the existence of a system for monitoring and identifying suspicious transactions involving precursors (see table 4). A total of 30 States have reported having such a system since the first reporting period. The 46 States that did not respond to this question in any of the four reporting periods were mainly found in the subregions of Latin America and the Caribbean, Oceania and Sub-Saharan Africa.

17. Of the 133 States in the third reporting period that either did not report, did not answer the question or stated that they did not have a monitoring system, 23 reported that they did have such a system by the fourth reporting period. These developments were observed in the subregions of Western and Central Europe, Latin America and the Caribbean and Sub-Saharan Africa.

Table 4
States responding to the question “Has your Government established working procedures for monitoring and identifying suspicious transactions involving precursors?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of system for monitoring and identifying suspicious transactions involving precursors</i>
Baseline (1998-2000)	109	72
F1 (2000-2002)	109	76
F2 (2002-2004)	87	63
F3 (2004-2006)	92	69

2. Codes of conduct

18. With regard to the question on whether States had established a code of conduct for the chemical industry, in most of the reporting periods one third of States responded that one existed (see table 5). A total of 6 States, found primarily in the subregion of Western and Central Europe, reported the existence of such a code from the initial reporting period of 1998-2000. Of the 65 States that initially reported not having such a code of conduct, 12 had reported the existence of one by the fourth reporting period. These States were from the subregions of Western and Central Europe, Latin America and the Caribbean, Northern Africa and the Middle East, and Central, South and South-West Asia.

Table 5
States responding to the question “Has a code of conduct been established with the chemical industry?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of code of conduct</i>
Baseline (1998-2000)	109	34
F1 (2000-2002)	109	26
F2 (2002-2004)	85	25
F3 (2004-2006)	92	37

19. In the third reporting period, 85 States reported information related to code of conduct programmes and by the fourth reporting period, this number had increased to 92. Of the States that did not respond in the third reporting period, 28 had reported by the fourth reporting period, when 9 specifically reported on implementing codes of conduct. These States were mainly found in the subregions of Western and Central Europe, followed by Central, South and South-West Asia.

20. Given the large number of States reporting the existence of code of conduct initiatives in the four reporting periods, it is clear that the number of States adopting this practice is increasing.

C. Legal, law enforcement and other measures to prevent the diversion of precursors

1. Preventing diversion of materials and equipment

21. When States were asked what steps had been taken to prevent trade in and diversion of materials and equipment used for illicit production or manufacture of narcotic drugs and psychotropic substances, it was clear from the reporting that a large number of States had introduced countermeasures (see table 6).

Table 6

States responding to the question “Has your Government taken measures to prevent trade in and diversion of materials and equipment for illicit production or manufacture of narcotic drugs and psychotropic substances?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of preventive measures</i>
Baseline (1998-2000)	109	27
F1 (2000-2002)	109	65
F2 (2002-2004)	87	54
F3 (2004-2006)	92	62

22. In the third reporting period, 87 States reported diversion-related information and 54 States reported the existence of preventive mechanisms. In the fourth reporting period, 62 States reported the existence of preventive mechanisms. Of the 142 States that either did not report, reported that they did not know or that they did not have such preventive mechanisms in the third reporting period, 27 reported the existence of such mechanisms in the fourth reporting period. These States were primarily concentrated in the subregions of Sub-Saharan Africa, Western and Central Europe, and Central, South and South-West Asia.

2. Investigating diversions and clandestine laboratories

23. When States were asked in the baseline reporting period of 1998-2000 whether there were procedures in place to investigate the diversion of chemicals and clandestine laboratories, over half reported the existence of such procedures (see table 7).

Table 7

States responding to the question “Have the law enforcement authorities of your country put in place procedures to investigate (a) diversions of chemicals and (b) clandestine laboratories?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of investigative procedures</i>
Baseline (1998-2000)	109	57
F1 (2000-2002)	110	75
F2 (2002-2004)	87	61
F3 (2004-2006)	92	60

24. In the third reporting period, of the 87 States that responded to this question, 61 reported the existence of procedures to investigate diversion; this number remained virtually unchanged in the fourth reporting period. Of the 26 States that reported not having investigative procedures in the third reporting period, 3 reported the existence of such procedures in the fourth reporting period. The States that reported having established such procedures were found primarily in the subregions of Central, South and South-West Asia, followed by Sub-Saharan Africa, Western and Central Europe, and South-Eastern Europe.

25. In the third reporting period, of the 61 States that reported having procedures to investigate the diversion of chemicals, 55 also reported having procedures to investigate clandestine laboratories. In the fourth reporting period, of the 60 States that responded positively on the availability of procedures to investigate the diversion of chemicals, 50 reported that such procedures also existed for clandestine laboratories.

D. International cooperation

1. Seizure of precursors

26. When asked whether there had been seizures of precursors as a result of cooperation with other Governments, an average of one quarter of the responding States reported that they had some form of cooperation (see table 8). The majority of States that reported the existence of international cooperation mechanisms in the third reporting period were concentrated in the subregions of Western and Central Europe, followed by Latin America and the Caribbean, and Eastern and South-Eastern Europe. In the fourth reporting period, they were concentrated in Western and Central Europe, Latin America and the Caribbean, and East and South-East Asia.

Table 8

States responding to the question “Have there been any seizures of precursors as a result of cooperation by your Government with Governments of other countries in the control of precursors?”, 1998-2006

<i>Reporting period</i>	<i>Number of States reporting</i>	<i>Number of States reporting existence of international cooperation</i>
Baseline (1998-2000)	109	27
F1 (2000-2002)	110	28
F2 (2002-2004)	87	24
F3 (2004-2006)	93	26

27. Of the 172 Member States that either did not report, did not answer the question or reported not having international cooperation in the third reporting period, 14 reported the use of international cooperation in the fourth reporting period, representing a cumulative increase over the two periods in the total number benefiting from cooperation. The subregion of Western and Central Europe reported the greatest increase in the use of international cooperation to investigate precursor diversion.

2. Resources for technical assistance

28. When asked whether their Governments provided resources for technical assistance in precursor control to Governments of other countries, 18 States reported in the third period that they provided such resources and 28 States stated in the fourth reporting period that they did so. For example, in the subregion of Western and Central Europe, where reporting was highest in the fourth reporting period, 13 States, the majority of which are members of the European Union, reported having provided technical assistance to the Andean States in Latin America and States in Central Asia. Of those providing additional information, Finland reported that it had assisted the Baltic States, while Spain reported providing technical assistance to South America and to Northern and Central Africa. In the subregion of Latin America and the Caribbean, which reported the second highest returns in terms of technical assistance (4 States), technical assistance was provided to immediate neighbouring States.

29. In the third reporting period, 33 States reported having received technical cooperation in relation to precursor control, compared to 43 in the fourth reporting period. The largest concentration of technical assistance reported was in the subregion of Latin America and the Caribbean, followed by Western and Central Europe and East and South-East Asia. In the subregion of Latin America and the Caribbean, the European Commission project on the prevention of the diversion of chemical precursors in the Andean region, joint Inter-American Drug Abuse Control Commission/United Nations Office on Drugs and Crime (UNODC) initiatives and the European Police Office were mentioned by States as multilateral initiatives and organizations providing assistance. In a bilateral context, Colombia and Panama, together with France, Japan, Spain and the United States of America were also mentioned as providers of such assistance.

E. Global overview of progress in precursor control since 1998

30. In order to enable global progress in the control of precursors since the twentieth special session to be graphically presented, a precursor control index has been created, based on the information provided by States through the four reporting periods of the biennial reports questionnaire. The index reflects the introduction of measures to exercise control over precursor chemicals in accordance with General Assembly resolution S-20/4 B.

31. Six questions related to precursor control in the biennial reports questionnaire were selected and an index generated at the subregional level to observe the progress being made by States (see figure I).⁵

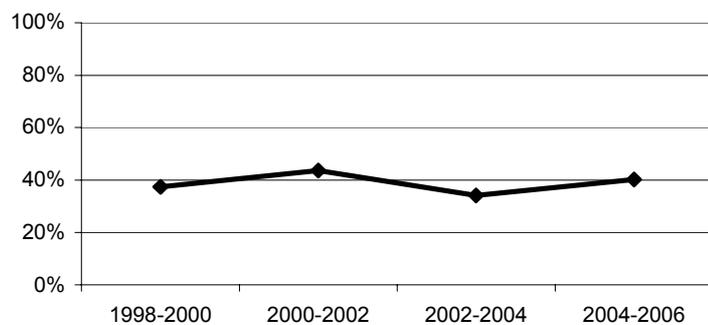
32. The fact that the absolute number of reporting States in the third and fourth reporting periods was lower than the number reporting in the baseline and second reporting periods may influence the results of the index generated, but the overall

⁵ The six questions selected for the generation of the index were those related to the existence of (a) precursor control legislation, (b) a prior import/export authorization framework, (c) working procedures for monitoring and identifying suspicious transactions involving precursors, (d) a code of conduct with the chemical industry, (e) measures to prevent trade in and diversion of materials and equipment and (f) procedures to investigate the diversion of chemicals and clandestine laboratories.

trend is that progress with regard to the introduction of controls over precursors was stable.

Figure I

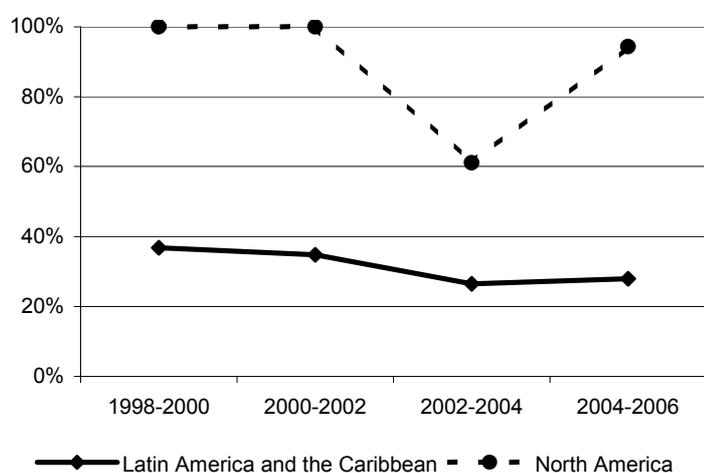
Progress in precursor control at the global level: percentage of States reporting implementation of controls on precursor chemicals since 1998



33. At the subregional level, North America had the highest index, followed by Western and Central Europe and East and South-East Asia. The subregions with the lowest ranges were Sub-Saharan Africa and Oceania (see figures II to V).⁶

Figure II

Progress in precursor control at the subregional level: percentage of States in the Americas reporting implementation of controls on precursor chemicals since 1998



⁶ The low index of these subregions is partly owing to their low reporting rate in comparison to other subregions.

Figure III
Progress in precursor control at the subregional level: percentage of States in Europe reporting implementation of controls on precursor chemicals since 1998

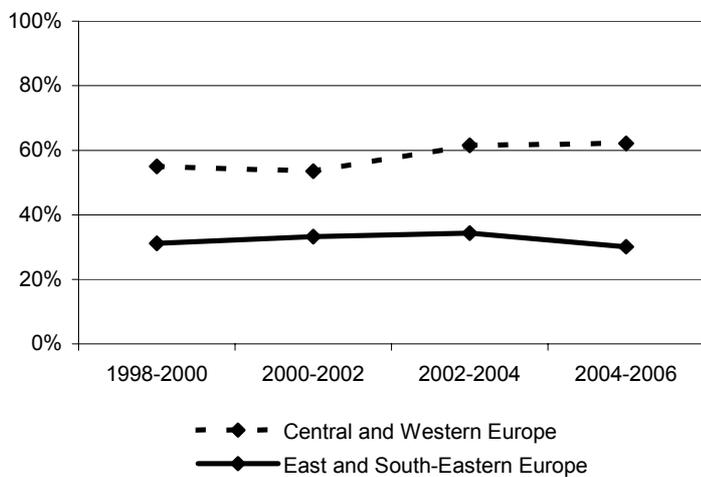


Figure IV
Progress in precursor control at the subregional level: percentage of States in Asia and Oceania reporting implementation of controls on precursor chemicals since 1998

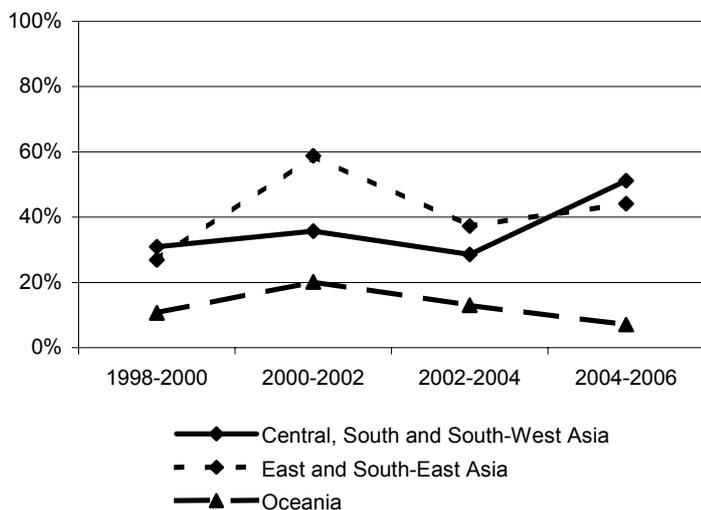
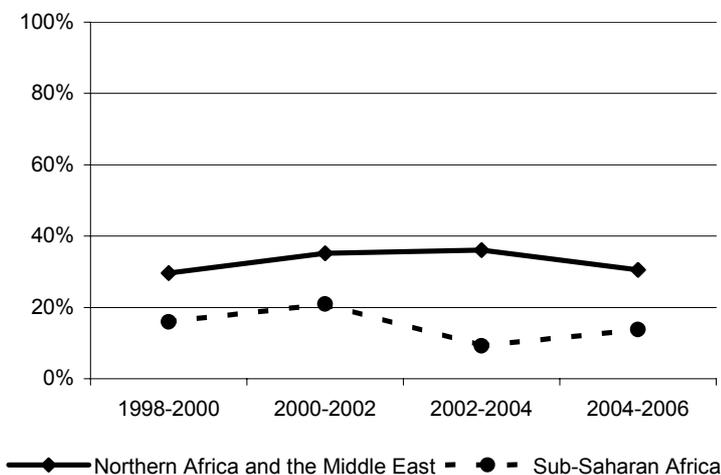


Figure V
Progress in precursor control at the subregional level: percentage of States in Africa reporting implementation of controls on precursor chemicals since 1998



34. In the African region, while the index range was lower than for the other regions, the trends of both reporting and the index illustrate that the environment of precursor control is similar in the subregions of Northern Africa and the Middle East and Sub-Saharan Africa. There was a decrease in the regional index in the Sub-Saharan Africa region between the second and third reporting periods, but an increase again in the fourth reporting period. The index in the subregion of Northern Africa and the Middle East had been increasing since the baseline reporting period, but dropped in the fourth reporting period.

35. In Asia and its two subregions of East and South-East Asia, and Central, South and South-West Asia, an increase in progress was observed, especially between the third and fourth reporting periods. This may reflect the illicit drug cultivation scene in the region (especially that of opium poppy in Afghanistan), together with the long-running technical support programmes run by UNODC in these subregions. The lack of reporting from the Oceania region, particularly the small island States, suggests that there is still insufficient data collection capacity, which affects the opportunity to carry out regional in-depth analysis. However, the larger States of the region did report; therefore, in volume terms, the decline would suggest reporting difficulties.

36. In the Americas, although there was a decrease in the third reporting period in the North America subregion, it still has the highest index globally. The dip in the third reporting period is most probably explained by the fact that one major country in the subregion did not report in the third reporting period, as well as possible reporting errors. In the Latin America and the Caribbean subregion, the index shows a slightly declining trend since the baseline reporting period. This, however, could be explained by the quality and quantity of reporting for this subregion. The

declining illicit coca leaf cultivation in the Andean region of Latin America since 2000 may also have had an impact on precursor control issues in the region.

37. In the region of Europe, the subregion of Central and Western Europe has a higher index range than does Eastern and South-Eastern Europe. In Central and Western Europe there was an increase between the second and third reporting periods, while in Eastern and South-Eastern Europe it has increased steadily since the baseline reporting period of 1998-2000 and decreased slightly in the fourth reporting period. The region is not only the recipient of already processed and manufactured illicit drugs, such as heroin and cocaine, but also a region where amphetamine-type stimulants are manufactured. Thus, it is essential that technical cooperation to prevent the diversion of precursors continues in the region.

III. Conclusion

38. Table 9 contains an analytical summary of the various figures and comments provided above.

Table 9

Progress in the area of precursor control, by subregion, 2004-2006

Area of interest within the framework of precursor control	Africa		Americas		Asia and Oceania			Europe	
	Northern Africa and the Middle East	Sub-Saharan Africa	North America	Latin America and the Caribbean	Central, South and South-West Asia	East and South-East Asia	Oceania	Western and Central Europe	Eastern and South-Eastern Europe
Precursor control legislation	Little	..	Substantial	Little	Moderate	Moderate	..	Substantial	Little
Prior import/export authorization framework	Little	Little	Substantial	Little	Moderate	Moderate	..	Moderate	Little
Monitoring and identification of suspicious transactions	Little	..	Substantial	Little	Moderate	Moderate	..	Moderate	Little
Code of conduct with chemical industry	Little	..	Substantial	..	Little	Very little	..	Moderate	..
Measures to prevent diversion of equipment and materials	Little	Very little	Substantial	Very little	Moderate	Little	..	Little	Very little

<i>Area of interest within the framework of precursor control</i>	<i>Africa</i>		<i>Americas</i>		<i>Asia and Oceania</i>			<i>Europe</i>	
	<i>Northern Africa and the Middle East</i>	<i>Sub-Saharan Africa</i>	<i>North America</i>	<i>Latin America and the Caribbean</i>	<i>Central, South and South-West Asia</i>	<i>East and South-East Asia</i>	<i>Oceania</i>	<i>Western and Central Europe</i>	<i>Eastern and South-Eastern Europe</i>
Procedures to investigate diversion of chemicals and clandestine laboratories	Little	..	Moderate	Little	Moderate	Little	..	Moderate	Little
Cooperation with other Governments	Moderate	Little	Little	Little	..	Substantial	..

Note: Two dots (..) indicate that data are not available or are insufficient.

39. In the fourth reporting period, there was an absolute decline in the number of States that answered questions from part III of the biennial reports questionnaire as compared to the previous three reporting periods. This decline was recorded across all regions and limited the degree of comparability of the data provided by States. The Commission may therefore wish to recommend strengthening data collection and reporting capabilities.

40. The Commission may also wish to recommend that Member States continue to strengthen mechanisms for the collection and sharing of information on trafficking in precursors, in particular on seizures, prevented diversions, detained consignments, dismantled laboratories, emerging trends in trafficking and diversions, new manufacturing methods and the use of non-controlled substances as substitutes, with a view to enhancing the international control and monitoring system. Mechanisms to include chemical profiling in order to identify the source of precursors used in the illicit manufacture of drugs should also be considered.

41. The Commission may wish to urge Member States to carefully review and heed the recommendations of INCB in relation to the control of precursors.

42. There is scope for further development and commitment with regard to technical cooperation to increase the level of seizures of diverted illicit precursors.

43. Obstacles remain to the global implementation of the recommendations made by the General Assembly at its special session with regard to measures for the control of precursors. A number of Governments lamented the lack of resources, technical know-how and loopholes in legislation or monitoring systems, or both. In that regard, the Commission may wish to invite Member States to make available adequate human and financial resources to ensure the effective functioning of national precursor control systems and increase their efforts to ensure that officials engaged in the control of precursors receive the training required to facilitate the operation of those systems. The Commission may wish to invite Governments to provide support for UNODC and INCB in their task of furnishing technical assistance and expertise to meet requests from Governments to enhance control systems and more effectively prevent the diversion of precursors.

44. The Commission may also wish to urge all Member States to respond fully and in a timely manner to the fifth biennial reports questionnaire.
