

# The Concept And Significance Of Precursor Control In Containing Illicit Drug Production, India's International Obligations Under The UN Conventions

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Based on their origin, drugs of abuse can be classified as natural, semi-synthetic and synthetic. Natural drugs are derived from plants and require little or no processing at all. Opium, cannabis and coca paste fall under this category. Semi-synthetic drugs are produced by subjecting natural drugs to some chemical processes. Heroin and cocaine are common examples of semi-synthetic drugs. Synthetic drugs are produced solely through chemical processes and include drugs such as methaqualone (mandrax), amphetamine type stimulants, diazepam, etc. Most of the dangerous drugs of abuse are either semi-synthetic or synthetic by nature.

Abuse of synthetic drugs, especially of amphetamine type stimulants (ATS) is growing rapidly across the world. According to World Drug Report 2000, an estimated 180 million people abuse drugs, which is equal to 3% of the world's population. Of these 144.1 million people or 2.4% abuse cannabis. The second most abused class of drugs are the ATS. An estimated 28.7 million people (0.5%) abuse ATS i.e., one in every 200 human beings abused ATS during 1990s. More people are addicted to ATS than to cocaine, heroin and other opiates put together. During the period 1990-98, seizures of heroin and cocaine rose by 50% while the seizures of ATS rose by 400%.

One of the biggest challenges facing mankind is curbing the production of synthetic drugs, especially ATS. Precursor control is a globally recognized strategy to control synthetic drugs.

Precursors are chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances. The term includes true precursors (which form part of the molecule of the drug), solvents, reagents, essential chemicals, etc. Precursors are critical ingredients for the manufacture of drugs.

The problem in containing precursors is that they are used both for legitimate and illicit purposes and, unless they are diverted, they are legal substances. These substances also cannot be banned since they are essential for legitimate uses. The objective of precursor control is to maintain a balance between preventing diversion of precursors for illicit manufacture of drugs, and not affecting the legitimate trade. This balance can be achieved through non-intrusive monitoring of the trade,

coordination with legitimate trade and industry, verifying legitimacy of transactions when in doubt, and coordination with other countries in international trade.

To sum up, 'No precursors = No Drugs'. Hence we need to prevent availability of precursors to illicit drug manufacturers.

### **UN Conventions:**

Three international conventions deal with drug related issues. They are:

1. Single Convention on Narcotic Drugs, 1961
2. Convention on Psychotropic Substances, 1971 and
3. UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

Of these conventions, the first two urged states to 'use their best endeavours to apply measures of supervision as may be practicable' to substances used in the illicit manufacture of narcotic drugs and psychotropic substances. Thus, while they recognised the need for controlling precursors, they were not specific inasmuch as they did not specify either the substances that need to be regulated or the measures of supervision to be applied.

The third of the aforesaid UN Conventions, signed in 1988, however, dealt with precursor control more extensively. It not only listed the substances to be controlled in Tables I and II but also laid down a framework for such control. Article 3 of this Convention requires states to criminalise certain acts such as manufacture, transport, distribution, of substances listed in Tables I and II while knowing that they are meant for production of illicit drugs. It also requires states to declare it an offence to be in possession of these substances in the knowledge that they are meant for illicit manufacture of drugs an offence.

Article 12 requires states to:

1. Control manufacturers and distributors of precursors.
2. Require licences for their operations
3. Introduce a system of permits
4. Prevent accumulation of precursors beyond actual need.

On international trade, this article recommends states to:

1. Monitor and identify suspicious transactions
2. Seize if there is evidence of diversion for illicit use
3. Notify the competent authorities of the Parties concerned
4. Ensure proper labelling
5. Ensure records are preserved for at least two years

This Convention also encourages states to use the technique of controlled delivery (Article 11), to apply to measures to FTZs and Free Ports measures as strict as those in other areas (Article 18) and to take stricter measures than those prescribed under the Convention (Article 24).