

**TOPIC No. 1**  
**PRECURSOR CONTROL– A STRATEGY TO REDUCE PRODUCTION  
AND SUPPLY OF DRUGS**

<b>DURATION OF SESSION:</b>	<b>1 HOUR</b>
<b>SUGGESTED METHOD:</b>	<b>LECTURE</b>
<b>TRAINING AIDS:</b>	<b>OHP, POWER POINT PRESENTATION</b>

**AIM OF THE SESSION:**

The session will familiarise the participants with the concept of precursor control, which now constitutes an important part of the international strategy to reduce the availability of the narcotic drugs and psychotropic substances. It also needs to be explained that precursor control should strike a fine balance between the legitimate interests of industry and the need to prevent the precursors from going into illicit channels. The session will also give an overview of how the issue of precursor control has been dealt with in the three UN Conventions of 1961, 1971 and 1988.

**OBJECTIVE OF THE SESSION:**

At the end of the session, each participant will be able to:

1. Fully understand the concept of precursor control and why some kind of precursor control is necessary;
2. Get to know how the concept of precursor control which merely found a mention in earlier two UN Conventions of 1961 and 1971 developed into a comprehensive system of control in 1988 UN Convention.

**POINTS TO BE COVERED:**

**THE CONCEPT**

- The Concept of 'precursor control' increasingly constitutes an important part of the international strategy to reduce the availability of narcotic drugs and psychotropic substances.
- Having regard to the sources from which they originate, the drugs of abuse can be classified into (i) Natural, (ii) Semi-synthetic, and (iii) Synthetic.
- Manufacture of semi-synthetic and synthetic drugs requires certain chemicals, which are generally referred to as 'precursor chemicals' or just 'precursors'.
- However, all chemicals generally referred to, as precursors are not true precursors; they include essential chemicals, reagents, solvents and catalysts.

- If these chemicals are not available to criminals for manufacture of drugs of abuse, the latter would not come into existence. The concept of precursor control can be summed up as - no precursors = no drugs.
- However, denying these chemicals to criminals is not easy for the following reasons:
  - Most of the precursors have dual uses, i.e. in legitimate commercial applications in illicit production of drugs.
  - Precursors in themselves are legitimate goods unless used in the manufacture of narcotic drugs and psychotropic substances.
  - They are good if used for legitimate purposes and bad if used for manufacture of drugs.
- They play an important role in pharmaceutical, textile, leather and other industries but are also misused for producing drugs of abuse, for instance:
  - Ephedrine is used in cough syrup. It is also misused for the manufacture of methamphetamine.
  - Potassium permanganate purifies water and also cocaine.
  - Acetic anhydride useful in pharmaceutical, textile and leather industries is misused for manufacture of heroin.
- Precursor chemicals are indispensable; they cannot be banned; and so the best option is to control them.
- But extent of control is a debatable issue.
- Excessive control is undesirable because of the wide-ranging licit use of precursors.
- Hence a fine balance has to be struck; control should not hamper legitimate trade and commerce in precursors but should give a fair chance to enforcement officers to prevent them from going into illicit channels.
- 1988 UN Convention recommends monitoring of production, transport, consumption, import and export of these chemicals.
- The Convention provides sufficient flexibility to the Parties to adopt a system of control they deem appropriate.
- An ideal monitoring system would involve verification of data and legitimacy of transaction in precursor trade.
- Hence, the monitoring mechanism should be supported by a capability of rapid exchange of information on transactions so that consignments are not unduly held up where legal but stopped immediately when they are illegal.
- Continuing cooperation of the industry is vital to success of any control mechanism.

## **1961, 1971 AND 1988 UN CONVENTION AND PRECURSOR CHEMICALS - AN OVERVIEW**

### **1961 and 1971 UN Conventions**

- The thinking that mere interdiction of drugs was not enough and that an effective way of ensuring that drugs do not come into existence was to

ensure that criminals do not come by the chemicals necessary for manufacture of drugs found its first definite expression in 1961 and 1971 Conventions.

- Even though precursor chemicals were not covered by the two Conventions, Articles 2 of both these Conventions still enjoined upon the Parties to use such measures of supervision as may be practicable on these chemical substances.
- Though the Conventions were emphatic in mandating supervision they did not specify how and to what extent supervision was to be implemented.

### **1988 UN Convention**

- The 1988 Convention was a more focused document of international intent and addressed the issue of precursor control in a more comprehensive manner.
- It listed the substances that needed to be regulated in its Tables I and II.
- The Convention envisaged a control regime, the important elements of which are:
  - 1) Establishment of certain acts relating to precursors as criminal offences (Article 3);
  - 2) Adoption of legislative and administrative regulatory measures to monitor their manufacture, use and domestic as well as international trade (Article 12); and
  - 3) International cooperation (Article 12)

### **ESTABLISHMENT OF CERTAIN ACTS AS CRIMINAL OFFENCES**

- Article 3 of the Convention urged the parties to establish the following acts in respect of precursors listed in Table I and Table II as criminal offences if the said precursors are being or are to be used in illicit manufacture of narcotic drugs and psychotropic substances:
  - 1) manufacture
  - 2) transport
  - 3) distribution
  - 4) possession
- In case of offences, 'knowledge', 'intent' or 'purpose' had to be a necessary ingredient which was inferable from objective factual circumstances:
- 1988 Convention requires the domestic laws to provide for punishment that can be in the form of imprisonment, fines, penalties and confiscation.

### **MONITORING OF PRECURSORS AT DOMESTIC LEVEL**

- To prevent diversion of Tables I and II substances, the Convention calls upon the parties to:
  - (a) Control all persons and enterprises engaged in the manufacture and

- distribution of Table I and Table II substances;
- (b) Require that establishments and premises used for the manufacture or distribution of Table I and Table II substances obtain licenses;
- (c) Mandate a system of permits for the manufacture or distribution of Table I and II substances;
- (d) Prevent the accumulation of such substances in the possession of manufacturers and distributors in excess of the quantities required for the normal conduct of business and prevailing market conditions.

### **MONITORING OF INTERNATIONAL TRADE IN PRECURSORS**

- Article 12 lays down a system of monitoring the international trade in the precursor chemicals. Article 12 urges the parties to:
  - (a) Establish and maintain a system to monitor international trade in Table I and Table II substances in order to facilitate identification of suspicious transactions;
  - (b) Provide for the seizure of any substance, if there is evidence that it is intended for use in the illicit manufacture of narcotic drugs and psychotropic substances;
  - (c) Notify the competent authorities of the concerned Parties if there is information that the import, export or transit of a substance is destined for the illicit manufacture of narcotic drugs and psychotropic substances;
  - (d) Ensure that the imports and exports are properly labeled and documented. Commercial documents such as invoices, cargo manifests, customs, transport and other shipping documents shall include the names as stated in Table I and Table II of the substances being imported or exported, the importer and, wherever available, the consignee.
  - (e) Ensure that above documents are preserved for a period of not less than two years and are available for inspection by the competent authorities;
  - (f) Notify the competent authorities of the importing country of any exports of Table I substances to its territory if the importing country has made a request to this effect.

### **INTERNATIONAL COOPERATION**

- Convention laid great stress on international cooperation which is manifest from the following:
  - Convention urges that competent authorities of concerned parties be notified if there is evidence that precursor is intended for use in illicit manufacture of drugs;
  - Provision of PEN in respect of Table I substances;
  - Mutual legal assistance (Article 7) to be requested and afforded for any of the following purposes:
    - (a) Take evidence or statements from persons;

- (b) Effecting service of judicial documents;
- (c) Executing searches and seizures;
- (d) Examine objects and sites;
- (e) Providing information and evidentiary items;
- (f) Providing originals or certified copies of the relevant documents and records including bank, financial, corporate and business records;
- (g) Identifying or tracing proceeds, property, instrumentalities or other things for evidentiary purposes.