

TOPIC No. 20
COOPERATION BETWEEN COMPETENT AUTHORITIES AND
CHEMICAL INDUSTRY IN PRECURSOR CONTROL;
CODES OF CONDUCT WORKED OUT BY THE INDUSTRY – THEIR
EFFECTIVENESS

DURATION OF SESSION: 1 HOUR
SUGGESTED METHOD: LECTURE
TRAINING AIDS: OHP, POWERPOINT PRESENTATION
AIM OF THE SESSION:

The session aims at explaining in what areas and how cooperation should be fostered between the enforcement authorities and the chemical industry/trade for better enforcement and compliance of precursor control measures.

OBJECTIVE OF THE SESSION:

At the end of the session, the participants will be better placed to appreciate the need of cooperation between the enforcement agencies and chemical industry/trade and contribute to strengthening of such cooperation for better enforcement of the precursor laws.

POINTS TO BE COVERED:

1. Unlike narcotic drugs and psychotropic substances in the manufacture of which they are used, the precursors are not illegal.
2. The people who manufacture or deal in precursors are engaged in legally valid enterprises.
3. Yet, the fact remains that criminals get their supply of precursors through diversion of these substances from the licit chemical industry/trade.
4. The quantity of chemicals so diverted and people from industry/trade participating/helping in diversion represent a very miniscule proportion of total quantity of manufactured/traded chemicals and manufacturers/traders respectively.
5. Majority of manufacturers/traders are honest but are unwittingly exploited or taken advantage of by the criminals.
6. Manufacturers/traders lack in awareness of the problem of illicit diversion of chemicals and the need to control precursors to prevent such diversions.
7. Hence, need for cooperation between Competent Authorities and Chemical Industry and Trade.
8. In SAARC region particularly, enforcement departments and the Chemical Industry/Trade need to eschew the attitude of distrust for each other and foster a spirit of mutual cooperation.

9. Cooperation can succeed between the two if each group willingly and readily fulfils its obligations towards the other.
10. Obligations of Competent Authorities towards Chemical Industry/Trade are -
 - Creating awareness in Industry about the concept of precursor control and the need for such control.
 - Enhancing knowledge of trade and industry about the regulatory procedures and how they are to be complied with.
 - Educating the management/staff of industry and trade on how to identify suspicious transactions and notify the Competent Authorities.
11. Obligations of the Industry towards enforcement authorities, government and society as a whole are -
 - Complying with the requirements of the precursor control mechanism in the country.
 - Siding with the enforcement authorities in their fight against drug trafficking.
12. Areas of mutual cooperation between Competent Authorities and Chemical Industry/Trade are as under -
 - Educating the industry/trade on SSL.
 - Persuading the chemical industry/trade to evolve a Voluntary Code of Conduct.
 - Entering into of MOU's between the industry/trade and the Competent Authorities.
13. Ways to foster and strengthen cooperation are -
 - Frequent meeting between Competent Authorities and representatives of the chemical industry/trade.
 - Holding of training programmes/workshops/seminars for industry/trade.
14. Voluntary Code of Conduct
 - It is not yet popular in SAARC region but a beginning has been made.
 - Codes of conduct have been evolved in India and Sri Lanka
15. **INDIA.**
 - Manufacturers of Acetic Anhydride have evolved a code in India.
 - Salient features of this Code of Conduct are -
 - Code applies to manufacturers transporters, agents/distributors/dealers, captive consumers and exporters.
 - In case of manufacturers, the code suggests observance of detailed procedures with regard to production, storage/handling, despatch, transportation, marketing and periodic updation.
 - Similar procedures have been laid down for transporters, agents/distributors/dealers, captive consumers and exporters.
 - Code also lists factors that may help identify suspicious transactions and whom to inform about them.

- Code is quite elaborate and lays emphasis on taking precautions, maintenance of prescribed records and voluntary compliance of the precursor control regulations in India
16. **SRI LANKA**
- The name of code of conduct evolved in Sri Lanka is "Guiding Principles for the chemical industry of Sri Lanka in the context of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988".
 - Those who wish to subscribe to the code can do so by writing a letter to the Executive Director, National Dangerous Drugs Control Board.
 - Objectives of the code are
 - a. Expression of commitment to 1988 UN Convention and cooperation with regulatory authorities to achieve the objectives of the convention.
 - b. Promotion of adoption of uniform practices aimed at improved procedure to prevent diversions.
 - The guiding principles laid down in the code are -
 - a. Compliance with laws, regulations and codes of conduct in international and domestic trade in Table I and Table II precursors.
 - b. Taking reasonable measure such as 'end user declaration' to ensure that precursors are not intended for illicit manufacture of drugs.
 - c. Seeking assistance of competent authority or National Dangerous Drugs Control Board in case of suspicious orders or transactions and to cooperate with them.
 - d. Periodically reviewing and improving where necessary in-house procedures, practices and documentation with regard to transactions and maintaining records for period prescribed by law/1988 UN convention.
 - e. Providing adequate training and guidance to relevant staff to ensure compliance with applicable laws.
17. Effectiveness of voluntary Code of Conduct results in -
- Voluntary compliance of control procedures.
 - Moral pressure on those elements in Industry who are likely to deviate from legal practices.
 - Voluntarily coming forward to report suspicious transactions.
 - Ultimately creating an atmosphere of cooperation rather than conflict with the authorities.