

**TOPIC No. 21**  
**INTERNATIONAL, REGIONAL AND BILATERAL COOPERATION IN**  
**PRECURSOR CONTROL**

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

The session aims to provide the participants an insight into the need of cooperation at international, regional and bilateral levels between the governments and also their enforcement authorities in precursor control matters and familiarise them with the instruments of cooperation already in place.

**OBJECTIVE OF THE SESSION:**

At the end of the session, each participant should be able to appreciate the importance of cooperation at different levels for better enforcement of precursor control mechanism in his country and also use the already provided for instrumentalities of cooperation in precursor control matters.

**POINTS TO BE COVERED:**

**A. NEED FOR COOPERATION AT INTERNATIONAL, REGIONAL AND BILATERAL LEVELS**

1. Precursor control mechanism as envisaged in 1988 UN Convention consists of basically two components namely (i) domestic control over precursors and (ii) monitoring of international trade in precursors.
2. Monitoring of international trade in precursor calls for international, regional and bilateral cooperation.
3. Trafficking in precursors is very often a trans-national organised crime, which can be dealt with effectively only through international, regional and bilateral cooperation.

**B. INTERNATIONAL COOPERATION**

**Framework for international cooperation under 1988 UN Convention**

1. 1988 UN Convention lays down a framework for international cooperation in various facets of precursor control mechanism such as (i) cooperation in monitoring the international trade in precursors (Article 12), (ii) cooperation during investigations (Article 7 and Article 9), (iii) cooperation in judicial

- proceedings (Article 7 and 8), (iv) cooperation in training the enforcement personnel.
2. 1988 UN Convention also suggests certain instrumentalities through which international cooperation can be made more effective.

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

1. Article 12 of the 1988 UN Convention urges that competent authorities of the Parties concerned be notified if there is reason to believe that the import, export or transit of a substance in Table I or Table II is destined for illicit manufacture of narcotic drugs or psychotropic substances, including, in particular, information about the means of payment and any other essential elements which led to the belief.
2. Provision of PEN i.e. notifying the competent authority 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.

#### **COOPERATION DURING INVESTIGATIONS**

1. Article 12 of the convention urges Parties to cooperate with each other with a view to enhancing effectiveness of law enforcement actions to prevent diversion of precursors.
2. The article calls upon the Parties to enter into bilateral or multilateral agreements or arrangements in order to cooperate with one another in conducting enquiries with respect to offences relating to precursors having an international character.
3. Article 7 of the 1988 UN Convention provides for mutual legal assistance which is expected to be provided during investigations, prosecutions, and judicial proceedings concerning offences among others those relating to precursor chemicals. Mutual legal assistance is to be requested and afforded for any of the following purposes -
  - taking evidence or statements from persons;
  - effecting service of judicial documents;
  - executing searches and seizures;
  - examining objects and sites;
  - providing information and evidentiary items;
  - providing originals or certified copies of the relevant documents and records including bank, financial, corporate, and business records;
  - identifying or tracing proceeds, property, instrumentalities or other things for evidentiary purposes.
4. Article 8 of the UN Convention calls upon Parties to give consideration to the possibility of transferring to one another proceedings for criminal prosecution of offences among others those relating to precursor chemicals in cases where such transfer is considered to be in the interest of proper administration of justice.

### **CONTROLLED DELIVERY - AN INVESTIGATIVE TOOL REQUIRING INTERNATIONAL COOPERATION**

1. Article 11 of the 1988 UN Convention recommends that the parties should allow appropriate use of controlled delivery at international level on the basis of agreements or arrangements mutually consented to with a view to identifying persons involved in offences, among others, relating to precursor chemicals.
2. In SAARC region, India, Pakistan, Nepal and Bangladesh have already incorporated concept of controlled delivery in their irrelevant laws.

### **VOLUNTARY INITIATIVES OF INTERNATIONAL COOPERATION IN THE FIELD OF PRECURSOR CONTROL**

1. A purely voluntary international law enforcement initiative named as 'Operation Purple' which aims at preventing diversion of potassium permanganate has already been taken in which 22 countries and 3 international organisations are participating. This operation is a fine example of international cooperation and has produced excellent results. The operation is still continuing.
2. Another similar international initiative called 'Operation Topaz' has commenced on 1 March, 2001 in which 36 countries and 3 international organisations are participating. This operation is focussing on international tracking of shipment of acetic anhydride. The operation has already produced very satisfactory results in preventing diversion of potassium permanganate in a number of cases where attempts were made to channel the same out of the normal trade, for manufacture of drugs.

### **COOPERATION IN TRAINING**

1. Article 9 of 1988 UN Convention calls upon the Parties to cooperate with one another in the field of training.
2. The Convention expects that the Parties shall initiate, develop or improve specific training programmes for their law enforcement and other personnel, including customs, charged with the suppression of offences including those relating to precursor chemicals.
3. Such training programmes, it is expected, should deal, in particular with the following:
  - a. Methods used in detection and suppression of offences relating to precursor chemicals.
  - b. Routes and techniques used by persons suspected of being involved in offences relating to precursor chemicals, particularly in transit states, and appropriate counter measures.
  - c. Monitoring of import and export of substances in Table I and II.
  - d. Detection and monitoring of movement of proceeds and property derived from illegal activities relating to substances in Table I and II.
  - e. Methods used for transfer, concealment or disguise of such

- proceeds property etc.
  - f. Collection of evidence.
  - g. Control techniques in free and trade zones and free ports.
  - h. Modern law enforcement techniques.
- 3. The Convention expects that the Parties shall assist one another to plan and implement research and training programmes designed to share expertise in the areas mentioned in preceding paragraph and to this end, shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

### **C. REGIONAL COOPERATION**

A number of initiatives have been taken at regional level also in the field of precursor control in different areas of the world.

#### **EUROPEAN UNION REGULATIONS**

As an example of regional cooperation can be quoted the cooperative regulatory mechanism adopted in Europe. The EU regulations regulate 23 substances (divided into category 1, 2 and 3) through the instrumentality of -

- a. maintenance of proper documentation, records and labelling;
- b. licensing of operators trading in category 1 substances;
- c. notification by operators of suspicious transaction in precursors;
- d. issue of export authorisation for Category 1 substances
- e. request for PEN from third countries to the community;
- f. issue of open authorisation (covering several transactions) for Category 2 substances;
- g. specific means to control Category 3 substances;
- h. concept of competent authorities and
- i. stronger controls over precursors in free trade zones/free ports.

#### **REGIONAL INTELLIGENCE LIAISON OFFICE**

1. The concept of Regional Intelligence Liaison Offices (RILO), which have been established under the aegis of World Customs Organisation are another example of regional cooperation. The RILO Office for the SAARC region is called RILO Asia and Pacific and is located in Tokyo.
2. The principal objective of the RILO is to enhance communication and the exchange of information and intelligence between RILO members of the region, with regard to illegal activities, among others, relating to precursor chemicals.

## **REGIONAL COOPERATION IN SAARC REGION**

1. In SAARC Region, there already exists the SAARC Convention on Narcotic Drugs and Psychotropic Substances, which came into force on 16 September, 1993. It emphasises the importance of strengthening and enhancing effective legal means for regional cooperation for suppressing among other criminal activities, the activities pertaining to precursor chemicals.
2. The SAARC convention provides for mutual legal assistance between the member states in the matters of investigation, prosecution and judicial proceeding in respect of offences relating to precursor control also.
3. The SAARC Convention adopts almost same approach to cooperation at the regional level as advocated by 1988 UN Convention at the international level.

## **D. BILATERAL COOPERATION**

1. As mentioned earlier, 1988 UN Convention has laid equal stress on bilateral cooperation between countries.
2. Bilateral cooperation can be formalised through bilateral agreements between the countries.
3. Even without bilateral agreement, bilateral cooperation can be practised through other instrumentalities such as bilateral talks between the enforcement authorities of two countries. Such arrangements, in fact, already exist between some of the SAARC countries.
4. Bilateral cooperation can succeed if channels of communication are kept open between competent authorities of two countries and information is furnished to each other promptly.

## **CONCLUSION**

1. Diversion of precursor chemicals is an activity, which can be performed with much greater ease when compared to other forms of trafficking. In absence of international, regional and bilateral cooperation, it would be extremely difficult to detect such attempts.
2. There is indeed need for bilateral agreements of cooperation between SAARC Countries (where they do not exist) in the field of precursor control.
3. But agreements remain only pious intentions unless they are put into practice. Law Enforcement Authorities can play a very important role in enhancing cooperation at various levels.