1. Background

All precursors required by various industries, pharmaceutical companies, laboratories and other establishments are imported to Sri Lanka. The main precursors imported into the country in the past two years are Sulphuric Acid, Potassium Permanganate, Hydrochloric Acid, Acetic Anhydride, Acetone, Ethyl Ether, Methyl Ethyl Ketone, and Toluene. None of these precursors are produced in the country.


Sri Lanka had established a regime, limited though it may be, for the regulation of precursors as far back as 1984. The Poisons, Opium and Dangerous drugs amendment Act, No. 13 of 1984 introduced a new section 79A, which makes it an offence for any person to have in his possession an acetylating substance, unless he proves that he is licensed or authorized to possess such substance or that such acetylated substance is in his possession for a lawful purpose. “Acetylation substance” is said to be a substance which can introduce one or more acetyl groups into another substance by a chemical process. Thus it may be pertinent to note that though the 1988 Convention was not in place, acetic anhydride, a substance which being a precursor was controlled under the law of Sri Lanka. Thus acetic anhydride which is a commonly misused substance was to some measure regulated in Sri Lanka from 1984.

2. Compliance with Article 12 of the 1988 Convention

The 1988 Convention in Article 12, requires that all national authorities empowered to control, regulate or enforce precursors and chemicals be listed. Sri Lanka has complied with this requirement and nominated the Director-General of Health Services as the Competent Authority for the purposes of such Article. Thus there is an authority which in addition to the Customs Department and the Department of Imports and Export Control Department is aware of the import of such substances into the country. However, the authority so nominated is not empowered by law to monitor, or in any way control, the use of such substances.

The 1988 Convention lays down more specific controls in respect of international trade, by requiring parties to:

- establish and maintain systems to monitor international trade in precursors;
- provide for the seizure of precursors if there is evidence that they are destined for illicit use;
require the importers to use proper labeling, documentation and record keeping for imported and exported goods;
inform the relevant authorities of suspicious circumstances relating to any activity in relation to such substances.
establish a system of licensing or registration of traders and users of precursors;
to issue export permits authorizing the export of any product manufactured, using precursors; and
to maintain records.

The Legislation Sub-Committee of the NDDCB which was mandated to look into the laws available in Sri Lanka on the use of precursors was of the opinion that the Law which was being introduced to implement the 1988 Convention was very clear on its position on the use of precursors. It made the use of any of the substances set out in Table I or Table II of the Convention an offence only if it was used for the manufacture of a narcotic drug or psychotropic substance. Therefore the legal position was that any licit use of the precursors was permitted. The Legislation Sub-Committee however is considering the need for legislation to regularize and monitor the procedure regarding imports of precursors and their use within the country.

3. Control Measures

In pursuance of the obligation cast of State parties to the Convention, each country is required to enact domestic legislation giving effect to these obligations. Sri Lanka is now in the process of enacting legislation to give effect to these obligations. The Draft Law states that the use of the substances listed in Table I and Table II (precursors) of the Convention, for the manufacture of any narcotic drug or psychotropic substance will be illegal, and it would constitute an offence under Sri Lankan law. The draft law in section 2 provides for punishment for the commission of the offences specified in the Convention and which are set out in the Schedule to the Draft Act, a term of imprisonment for a minimum period of ten years and to a maximum of fifteen years.

As Sri Lanka does not manufacture any precursor whatever precursor is needed for use in the pharmaceutical sector or industrial sector has to be imported. This make the task of the regulating authorities somewhat easy, in that maintaining a record of imports is a fairly straightforward task. Anyone who intends to import any precursor into the country for a licit use, has to do so by applying for an import permit under the Import and Exports Act No. 1 of 1969. The Ministry of Industries and the Ministry of Health are authorized to issue permits in respect of precursors required by them for manufacture of their respective products. Thus a record of precursors imported by them with the relevant quantities will be available with them.

4. Collection of Data

It must be noted that the Sri Lanka Customs has started collecting all data which is available
regarding the import of all precursors into the country and that this information is available with them in a database.

**Table 1: Quantities of Table I Precursor Chemicals Imported and Exported from Sri Lanka in 2003**

<table>
<thead>
<tr>
<th>Precursor chemical</th>
<th>Imports (kg)</th>
<th>Exports (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetic anhydride</td>
<td>6.44</td>
<td>0</td>
</tr>
<tr>
<td>Ephedrine</td>
<td>557</td>
<td>0</td>
</tr>
<tr>
<td>Isosafrole</td>
<td>56</td>
<td>0</td>
</tr>
<tr>
<td>Piperonal</td>
<td>75</td>
<td>0</td>
</tr>
<tr>
<td>Potassium permanganate</td>
<td>25,339</td>
<td>0</td>
</tr>
<tr>
<td>Pseudoephedrine</td>
<td>187</td>
<td>0</td>
</tr>
</tbody>
</table>

**Table 2: Quantities of Table II Precursor Chemicals Imported and Exported from Sri Lanka in 2003**

<table>
<thead>
<tr>
<th>Precursor chemical</th>
<th>Imports (kg)</th>
<th>Exports (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetone</td>
<td>1,523,517</td>
<td>2,012</td>
</tr>
<tr>
<td>Ethyl ether</td>
<td>19,726</td>
<td>0</td>
</tr>
<tr>
<td>Hydrochloric acid</td>
<td>1,392,362</td>
<td>4,554</td>
</tr>
<tr>
<td>Sulphuric acid</td>
<td>2,656,199</td>
<td>9,215</td>
</tr>
<tr>
<td>Methyl ethyl ketone</td>
<td>726,447</td>
<td>0</td>
</tr>
<tr>
<td>Toluene</td>
<td>4,226,112</td>
<td>0</td>
</tr>
<tr>
<td>Piperidine</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

5. **Cooperation with Chemical Trade and Industry**

The recent initiatives on precursor control in the country were begun in early 1997 with the commencement of National Precursor Control Policy Formulation Workshop held in Colombo in collaboration with the Regional Precursor Control Project of the UNDCP/ROSA and chemical trade and industry in Sri Lanka. Subsequent to this workshop number of training programmes were conducted and a large number of officials of both government and private sector were trained. A set of guiding principles was developed and adopted (Please see Annex). A Precursor Control Coordinating Committee consisting of representatives of main government agencies concerned and private sector was appointed by the NDDCB. The involved agencies are as follows:

_ Police Narcotics Bureau_
6. Sharing of Information

The information received through pre-export notifications are shared with relevant agencies such as Sri Lanka Customs, Competent Authorities and Department of Police. The International Narcotics Control Board requests for information on specific chemical imports of special significance from the National Dangerous Drugs Control Board. The mostly requested information are on the authentic and end user, actual enduses, and information on re-exporting. On such requests the NDDCB would liaise with relevant authorities and provide a feedback to INCB, who in turn would advice the exporting countries. These activities had facilitated the international tracking programmes of the INCB.

7. Preventing the Diversion

It must also be noted that there have been no prosecutions for misuse of precursors within the country as at this date. The Government of Sri Lanka is mindful of the problems that can arise with regard to the import, use and misuse of precursors and that it is making every endeavour to correct the present situation.


Background


At a precursor control awareness seminar for the Sri Lankan chemical industry organized by the National Dangerous Drugs Control Board of Sri Lanka, representatives of selected industrial establishments and the UNDCP Regional Project on Precursor Control for the SAARC Region, it was decided to develop a text of guiding principles for the chemical industry of Sri Lanka in the context of the 1988 convention.
This text is open to be subscribed to by all operators of the chemical industry in Sri Lanka. all such operators who wish to subscribe to this text should do so in writing by a communication addressed to the

Executive Director
National Dangerous Drugs Control Board
383, Kotte Road, Rajagiriya
Tel: 2868794, 2868795/6 Fax: 2868792/1

Objectives

The objectives of this text of guiding principles are:

to express the commitment of chemical industry operators who manufacture, import, export, distribute or use precursors placed on table i or table ii to the 1988 convention and to promote the objectives of the said convention and to cooperate fully with the concerned regulatory and law enforcement agencies in achieving the objectives; and

to promote the adopting of uniform practices aimed at improved procedures to prevent the diversion of precursors in to the illicit manufacture of drugs.

Guiding Principles

Chemical industry operators must ensure that international and domestic trade in table I and table II precursors comply with applicable laws, regulations and codes of conduct, if any.

Chemical industry operators must take reasonable measures such as by obtaining “end-user declarations” to be satisfied that precursors are not intended to be used in the illicit manufacture of drugs.

With regard to suspicious orders, enquiries or transactions, chemical industry operators must seek the assistance, where necessary, of the competent authority under the 1988 convention or the national dangerous drugs control board or other relevant authority, to verify the legitimacy of the transaction and cooperate fully with such authority or the board, as the case may be.

Chemical industry operators must periodically review and improve where necessary, in-house procedures, practices and documentation relating to the manufacture, import, export, purchase, storage, sale, supply, use, recycling and disposal of precursors and ensure that all relevant records are properly maintained for such period of time as is prescribed by law or for at least two years as is required by the 1988 convention.

Chemical industry operators must provide adequate training and guidance to relevant staff to ensure due compliance with the applicable laws and these guiding principles.