

LEGAL IMPLICATIONS ON NARCOTICS; A THREAT TO NATIONAL SECURITY

C L C M Patabendige

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ABSTRACT

In the past national security only revolved around military security. However, security concerns have now departed and welcomed security aspects including political security, economic security and health security. One of the pernicious security threats is narcotics; it affects political security by creating unrest in public, politicization and threatening judicial independence. It affects the economy by means such as tax evasion and money laundering. Hence, it is detrimental to health security due to substance abuse on psychotropic drugs. Finally, it also affects human security by terrorism. The research looks into the impact of narcotics on national security and assesses the laws relating to drugs. The research seeks to answer the questions on what is the impact of narcotics on the national security of Sri Lanka, what are the laws and policies relating to combat narcotics in Sri Lanka, what are the lacunae in the law relating to narcotics in Sri Lanka and what are the recommendations to minimize and combat narcotics in Sri Lanka. With that, research objectives are to identify the impact of narcotics on Sri Lanka's national security, to identify laws relating to narcotics in Sri Lanka, to identify the lacunas in the law relating to narcotics in Sri Lanka and to recommend the steps that can be taken to minimize and combat Narcotics in Sri Lanka. Research is doctrinal and library-based research, which has relied on existing sources. Research has constructively criticized selected laws relating to drugs and it has provided recommendations to counter the threats posed on national security by drug use.

KEYWORDS: *Crimes, Penalties, Narcotics, National Security.*

INTRODUCTION

The traditional concept of National Security has always revolved around armed forces. However, with the change in society, the concept of National Security is no longer the same. It has evolved into a wider scope embracing different aspects such as economic security, political security, and consistency security and so on. As per Heritage Organization; "there are all kinds of "national securities, they include economic security; energy security; environmental security; and even health, women's, and food security". The threat posed by Narcotics to national security has alarmingly increased. Even though Narcotics is regarded as a soft threat, their impact is horrendous and need to be countered. Starting from Arecanut and Betel, society has now shifted to fatal drugs. As per section 6 of the Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008 'narcotic drug' means any drug included in Schedules, I, II and IV of the United Nations

Convention on Narcotic drugs 1961 and which are specified in the Third Schedule to the Act. Psychotropic substances also become imperative when discussing on Narcotics, accordingly; As per Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008 'psychotropic substance' means any substance natural or synthetic or any natural material included in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971 and which are specified in the Fourth Schedule to the Act.

Sri Lanka is renowned as the 'pearl of the Indian ocean', regardless of the size of her territory, owing to her strategic location; she has become a transshipment hub for Narcotics. Sri Lanka report on United Nations Drug and Crimes, South Asia Regional Profile 15 September 2005 states, "Over the past decade, Sri Lanka has been used as a transshipment point for heroin from South-West Asia and India to other destinations outside of the subcontinent." Shanthilal (n.d.) states that 'The most significant drug problem is the trafficking of heroin from India for local consumption. In this regard, Sri Lanka serves as a transshipment hub for heroin trafficked into the country mainly from Indian locations. The reason being for this is the long-standing violence (Civil War) and political tension has diminished the ability of law enforcement to address drug trafficking concerns adequately. It was debated whether some powerful politicians are behind and involved in drug trafficking which handicaps the combating of drugs".

The dynamic notion is the fact that Sri Lanka not only becomes a point of transit but it has also become a final destination. Therefore, it is imperative to prevent the threats by Narcotics as a nation. The gravity of the matter is, Narcotics gives birth to a plethora of crimes such as human smuggling, terrorism, illegal trade, money laundering, fraud, theft, assault, homicide, murder, prostitution and sexual offences. These offences can be committed owing to varied reasons catalyzed through narcotics such as poverty, rivalry, abusive family history, alcohol, peer pressure and more. Most importantly, it adversely affects national security in different ways. It hinders economic development by way of illicit trade, pave way for tax evasion, increases government expenditure on drug rehabilitation. It is also detrimental to the justice system due to erosion of the rule of law by discrimination amidst perpetrators and politicization of the judiciary. Furthermore, it disrupts political stability by way of drug lords affiliated with politics. According to the National Institute on drug abuse, it adversely affects health security due to drug-related diseases. They are mental health diseases, stroke, heart-related diseases, cancers, gastrointestinal issues. Further, it is a burden on the government to invest in rehabilitation centres treating drug users. Narcotics also lead to an imperative threat to military security. Military deserters such as Army Sampath are highly weapon trained and know how to manipulate the system. Drugs and terrorism go hand in hand and directly affects national security. Money can be earned by way of drugs, and weapons are purchased in return. It has been recorded, instances of a revolutionary movement in countries due to drugs, battles against underworld leaders, corrupt political and governmental officials adversely affecting national security.

To mitigate and prevent the aforementioned security threats government has ratified treaties. Further, authoritative judicial precedents have become an avenue of justice. Sri Lanka is a signatory to all three international treaties; Convention on Narcotic Drugs of 1961, Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988. Moreover, Sri Lanka has a range of domestic legislations including, Penal Code, Code of Criminal Procedure Act, Tobacco Tax Act, Customs Ordinance, Poisons, Opium, And Dangerous Drugs Act No 26 of 1936 subject to

amendments. In addition, Prevention of money laundering act No . 5 OF 2006, National Authority of Tobacco and Alcohol Act No 27 of 2006 and Drug Dependent Persons (Treatment and Rehabilitation) Act. Even though there are many legislations, due to the flaws in the law and changing nature of Narcotics in the world countering threats becomes a strenuous task. The institutes serving to prevent and mitigate crimes due to narcotics are the Police Department of Sri Lanka, which consists of the Police Narcotics Bureau, National Dangerous Drugs Control Board. Moreover, the Excise Department of Sri Lanka Customs and Navy conduct drug law enforcement operations. Additionally, media attempts to minimize the menace of Narcotics by creating public awareness. Each president during their tenure had introduced policies to combat narcotics such as 'Mathata Thitha' by former president Mahinda Rajapaksa, former president Maithripala Sirisena proposed to bring capital punishment for perpetrators of drug crimes. Even though there are multiple policies and recommendations presented, the escalation of drug users and drug-related crimes are evidential of flaws existing in the legal framework.

The layer of drug perpetrators can be regarded as a pyramid. The law is only able to capture the grass-root level criminals such as street vendors. Law also reaches underworld leaders and drug kingpins such as "Makandure Madush, SF Lokka, Podi Lassi". However, the pyramid protracts to several layers which are well equipped and impenetrable consisting of political representatives, government officials, foreign-affiliated personnel, terrorists who are untraceable for the justice system.

The government is known to be the trustees of the public who are expected to act in the interests of the public and to preserve peace and security. When the government, which is elected by the people, turns out to be the drug perpetrators, people lose faith in the government. Moreover, as government officials become the defendants of crimes related to narcotics, this eventually leads to the failure of the criminal justice system as it fails to reach the apex of the pyramid. Hence, achieving a drugfree state becomes an uphill task. Therefore, it is pivotal to overhaul the fallibilities in existing laws and policies to better grapple with the narcotic threat and shield national security.

The research problem focuses on the impact of narcotics on national security and the laws relating to drugs. With that, research objectives are to identify the impact of narcotics on the national security of Sri Lanka, to identify laws relating to Narcotics in Sri Lanka, to identify the lacunae in the law relating to Narcotics in Sri Lanka and to recommend the steps that can be taken to minimize and combat Narcotics in Sri Lanka.

LITERATURE REVIEW

Research displays the common objectives behind the legislation. Furthermore, research has gone beyond the legislation and has applied it to a national security perspective.

When dealing with security concepts, the research has illustrated how security is multidimensional. According to Chaudhuri, national security has "shifted the focus away from military power, as the core determinant of international order and security, to several non-traditional sectors, with a much-enhanced role of economic, political, and societal forces. Ever since advocates of an alternative approach to security studies have questioned the position that security can only be about the military dimension". Therefore, the research proves how political security, economic security and health

security are equally important and the departure from traditional security concerns. There is an existing research gap on effects to national security by narcotics as it is seldom addressed.

As per National Security Council, 2010, "Transnational organized crime (TOC) poses a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. Not only criminal networks are expanding, but they also are diversifying their activities, resulting in the convergence of threats that were once distinct and today have explosive and destabilizing effects.". Therefore, it is of utmost importance to view drug trafficking as a transnational crime. The gravity of the issue drug trafficking cannot be taken separately as stated by National Security Council, 2010 without borders. Thus, the research has discussed the national security threats posed by narcotics. As Cantrell, (1922) claims, there is a "growing problem, called narcoterrorism, which threatens U.S. national security. This threat causes corruption at every level of government and society. In 1989, President Bush declared that drug abuse was the gravest domestic problem faced by our nation and was a national security threat. The social impact of the widespread drug abuse in the United States has the staggering effect on the economy, and the Third World instability all have substantial national security implications. Narcoterrorism links the drug problem with the terrorist problem, and it is an international and domestic security threat." However, this stance on the impact of narcotics on national security is not addressed in the Sri Lankan context precisely. The void suggests that there is an urgent need to address the gap.

Jayasuriya (1995) states that "The absence of a comprehensive national policy on drug abuse has been a major constraint on law enforcement and the development of interventions for education, treatment, rehabilitation and crop substitution". The research proves that even though there are various laws lack of implementation, as well as ambiguities of law have led to mishaps. Therefore, the research looks into the need to strictly abide by the law.

RESEARCH METHODOLOGY

The research is doctrinal research, which is a library-based research. In legal academia, it is also known as 'knowledge building research'. According to Salter and Mason, "doctrinal research is a detailed and highly technical commentary upon, and systematic exposition of the context of legal doctrine". Here, the research will be conducted by using existing legislations, which are mentioned in the introduction. The rationale of applying the doctrinal method is to analyse the existing laws, identify their loopholes and arrive at conclusions critically. The research uses quantitative data on the usage of narcotics to display its unfavourable influence on national security by using a few statistics published by National Dangerous Drug Control Board in Sri Lanka.

Research has used a qualitative method. According to Banister, Burman & Parker (1997), qualitative research is, "the interpretative study of a specified issue or problem in which the researcher is central to the sense that is made". For that reason, the research has used a plethora of secondary sources including the below-mentioned sources.

1. Drug and narcotic dependence in Sri Lanka by Nandasēna Ratnapāla. (1986).
2. Narcotics and drugs in Sri Lanka: socio-legal dimensions by Jayasuriya, & Mario, (1986).

3. Drug Abuse in Asia by Suwanwela, Poshyachinda (1986, January 1).
4. Drugs in South Asia: from the opium trade to the present day by Emdad-Ul Haq. (2000).
5. National Security and International Relations (Routledge Revivals) by Mangold, (2013).
6. Narcotics and Crime: A Study of Narcotic Involvement in an Offender Population by Kozel, Dupont, & Brown, (1972).

Moreover, the research will be abetted by primary sources which are mentioned in the introduction.

RESULTS AND DISCUSSION Sri Lankan Situation

The most known type of drugs in Sri Lanka are heroin, opium, hashish, cannabis and cocaine. Adding weight to the prevailing drug menace, substance abuse is highly visible. The community due to their mood alleviation properties and the ability to relieve pains often misuses psychotropic drugs. Suwanwela & Poshyachinda (1986) state that "heroin abuse has spread further in Asia, both socially and geographically, involving such countries as India and Sri Lanka, which had no previous experience with the problem. Studies have also shown that the abuse of manufactured psychotropic substances has been increasing and that heroin addicts resort to these substances when heroin is difficult to find."

According to the statistical report on drug dependents reported from treatment agencies. Vol:116, 1st quarter 2021 Research Division National Dangerous Drugs Control Board Ministry of Defence stated that; "40% (322) of them smoked the drug, 16% (128) eat or drink, 66% (534) used the Chinese method, 1.1% (09) used the drug-sniffing method and 0.8% (07) injected the drug'. Compared to the third quarter of last year all other methods have decreased and some of the significant details follow, smoking (65%), eat or drink (77%) Chinese method (42%)."

Laws Relating to Narcotics

To combat drug abuse there are various laws Sri Lanka has adhered to. Sri Lanka is a signatory for three key international conventions dealing with narcotics as follows,

1. Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol
2. United Nations Convention on Psychotropic Substances of 1971
3. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

Further, Sri Lanka is a party to South Asian Association for Regional Cooperation and has ratified SAARC Convention on Narcotic Drugs and Psychotropic Substances. In addition, Sri Lanka is a party to the previously mentioned Conventions it has obliged and made legal provisions to give effect to the law. The research shed light on key legal instruments relating to Narcotics in Sri Lanka and critically analyses the existing laws.

National Medicinal Regulatory Authority Act no 5 of 2015 (NMRAA)

The preamble of the Act states the objective of the Act as to “provide for the establishment of a regulatory authority with the objective of regulation and control of, registration, licensing, manufacture, importation and all other aspects about medicines, medical devices, borderline products and for the conducting of clinical trials in a manner compatible with the national medicines policy; to provide for the establishment of divisions of the national medicines regulatory authority including the medicines regulatory division, medical devices regulatory division, borderline products regulatory division and clinical trials regulatory division; to establish a national advisory body; to repeal the cosmetics, devices and drugs act, no. 27 of 1980; and for matters connected therewith or incidental there to.”

Further, the act has established two committees to address the issue. They are the Legislation subcommittee, which assists as well as advises the government of Sri Lanka regarding the amendments of the existing laws. Besides, it advises and assists in incorporating new laws on the global trends and to counter existing loopholes. The second committee, which is known as the Law Enforcement subcommittee, is bestowed with the power to coordinate with all the Drug Law Enforcement agencies for effective enforcement of the law for the steps taken by the National Dangerous Drug Control Board (NDDCB). When combating the drug menace NDDCB has taken impressive steps such as establishment of a research unit on drugs, the national laboratory board, Precursor Control Authority, Treatment and Rehabilitation Unit, Preventive Education and Training Unit, Designated and private treatment centres Unit, Outreach Unit and Information Centre 1984 Hotline. Main legislation according to NMRA are Poisons, Opium and Dangerous Drugs Acts (No. 13 of 1984) with Amendments Convention against Illicit Traffic in Narcotic Drugs, Psychotropic substances Act No. 1 of 2008 Drug Dependent Persons (Treatment and Rehabilitation) Act, No. 54 of 2007.

Poisons, Opium and Dangerous Drugs Act (No. 13 of 1984) with Amendments

The Act specifies the parties who are directly dealing with dangerous drugs, poisons and opium. Namely, medical practitioners, dentists, and pharmacists, veterinary surgeons and wholesale druggists. As per section 53 of the Act, “No person shall manufacture or carry on any process in the manufacture of any Dangerous drug. Section 54 restricts the sale and supply of drugs. Section 54 extensively obliges any person not to “administer, sell, supply, or procure or offer to sell, supply, or procure any dangerous drug to or for any person”. The scope of the Act displays the majority of the instances where a drug can be misused from possessing a drug to selling it.

The Act is extraterritorial; it can convict any person outside Sri Lanka on advertising any such drug for sale. However, the Act grants an exception to the afore acts if permitted by, or otherwise than following, the provisions of this Ordinance and a license on that behalf from the Director. Section 56(1) states a medical practitioner may administer, prescribe or supply any dangerous drug for the treatment of his patients, but shall not supply to any patient more than the amount to be taken by him during three days.

This section in practice is inoperable under certain circumstances. Especially in a situation of a cancer patient who is in a critical state the medical practitioner prescribes drugs such as Morphine. Prescription is valid only for three days so the terminally ill patient needs to revisit the medical practitioner. This is a matter, which is argumentative because prescribing a drug to a terminally ill person cannot be regarded as substance abuse. However, if a person who is given a severe painkiller

for a fracture becomes addicted for its calming properties, the risk is evident. In such a situation, the period becomes an ideal hurdle to prevent substance abuse. By way of clinical experience, the practitioners know how to and when to prescribe the drug and how to tail off it accordingly. In desperate situations such as COVID- 19, we are currently undergoing revisiting to the medical practitioner is a strenuous task especially for a terminally ill person. The truth is that abuse of drugs is often a matter of availability, personality, and environment and due to pharmacological factors. The objective of the Act is to restrict the availability to the public. Even though the drug compounds can be abused if the Act is implemented. Accordingly, the threat can be mitigated as well as prevented gradually.

The Act further states that a dentist may administer, prescribe, or supply any dangerous drug for the dental treatment of his patients by local application, but shall not supply to any patient more than the amount to be used by him during three days. This section too raises the question of the three days and the efficacy behind it. Furthermore, as per the Act dentist may, administer a dangerous drug by hypodermic injection for dental treatment. The act in its section 65 states that "No person not being a medical practitioner, dentist, veterinary surgeon, or pharmacist, or wholesale druggist shall make, import, or possess any hypodermic syringe or other apparatus for injecting any dangerous drug"; discouraging the drug abuse, Section 56A states that a veterinary surgeon may administer, prescribe, or supply any dangerous drug for the treatment of animals, but shall not supply to any person more than the amount to be taken by the animal during three days. Nonetheless, the Act states that any person may administer any dangerous drug by and following the orders of a medical practitioner, dentist, or veterinary surgeon. There is a clear risk because a person with a vulnerable personality can misuse the drugs to its mood alleviating qualities. The nature of psychotropic drugs will be discussed later.

Section 57 states that a pharmacist may on premises licensed for the purpose by the Director supply a dangerous drug to any person on the prescription of a medical practitioner, dentist, or veterinary surgeon. Moreover, a "Person dispensing the prescription (d) the drug shall not be supplied more than once on the same prescription: Provided that, if the prescription so directs, the drug may be supplied on more than one but not more than three occasions, as directed in the prescription, at intervals to be specified on the prescription; (e) the prescription shall be marked with the date or each date on which it is dispensed, and shall be retained by the person by whom the prescription is dispensed, and shall be kept on the premises where it is dispensed and shall be available for inspection. This section is often contravened, misused, superseded.

One of the main lacuna defeatings is the zero drug policy that majority of the pharmacies are operated without a licensed pharmacist. However, one of the undeniable good factors in the health sector is only allows dangerous drugs such as Morphine, Pethidine to state pharmacies which are under the supervision and function of a registered, licensed pharmacist. Imposing an additional burden private pharmacies tend to provide drugs over the counter without a proper prescription. There are instances where pharmacists provide medicine after listening to the symptoms thrive in their pockets. Even though the drugs do not fall under the category, there are a plethora of drugs, which consists of addictive substances such as Gabapentin and Pregabalin. As per Addiction Center "Gabapentin abuse tends to occur in people who already have an addiction to opioids or other drugs. The effects of Gabapentin intoxication have been described as a sense of calm, euphoria, and a high similar to Marijuana." Despite, the majority of the pharmacists in private pharmacies hesitate to

provide addictive drugs over the counter, it is hard to deny the possibility due to the detected cases by the government. This threatens health security as misuse of dangerous drugs can aggravate mental health diseases and cause mental health diseases. An additional burden is on the government to treat the drug victims due to drug overdose, suicidal attempts, lunacy, stroke, heart-related diseases, cancers, gastrointestinal issues emanated from drugs.

Amendment to the Act by Section

54 A and 54 B are controversial. Section 54A states “except as permitted by or otherwise than following the provisions of this Chapter or a license of the Director. Any person who manufactures any of the following dangerous drugs, namely heroin or cocaine or morphine or opium shall be guilty of an offence against this Ordinance and shall on conviction by the High Court without a jury be liable to a sentence of death or life imprisonment. Section 54 B states, “Any person who abets the commission of or who attempts to commit or does any act preparatory to or in furtherance of the commission of any offence under section 54A shall be guilty of such offence and shall be liable on conviction to the punishment provided for such offence. Section 54 A and 54 B contravenes the Supreme Law of the Country.

As per Article 11 of the Democratic Socialist Republic of Sri Lanka, “No person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”.

This Article affirms the right to life by way of expansive interpretation. Moreover, Article 12 (1) of the constitution states, all persons are equal before the law and are entitled to the equal protection of the law. Therefore, the difference in treatment breaches the law. In addition, Section 54 A and 54 B contravenes United Nations Human Rights Declaration; Which Sri Lanka is a party to and has recognized the right to life impliedly.

The former president (2015) declared the resume of capital punishment (section 52 of the penal code) death by hanging especially for drug lords; during the last days of his tenure. He went on to the extent of hiring a hangman. The conflicting situation is further generated when Article 33 is applied, where the constitution states that, 33. (1) It shall be the duty of the President to - (a) ensure that the Constitution is respected and upheld; (b) promote national reconciliation and integration. Therefore, resuming and implementing capital punishment contravenes the highest law in the country, which is against the justice system.

The current debate on granting a presidential pardon to former parliament ministers knowing to be drug dealers has created outrage in public. It can be seen that drugs are used as a political weapon irrespective of the president in power. Almost all the presidents and people in power has used antidrug slogans to attract the public. Loss of faith by the public is adverse to the smooth function of the government. This infects threatens political security by creating unrest in the power structure.

[Convention against Illicit Traffic in Narcotic Drugs, Psychotropic substances Act No. 1 of 2008](#)

The convention includes an array of drugs with the tendency of being misused. Drug maintenance is a strenuous task. Patients get addicted to drugs such as morphine, heroin, codeine, and synthetic analgesics such as pethidine. To prevent the substance abuse of the aforementioned serious and dangerous drugs and depending on the gravity of the addiction, some clinicians take the path of prescribing drugs that are less addictive and then tail off the amount accordingly. A known drug is Methadone, which is not severe compared to the abusive and addictive run. However, there are

seldom cases of drug addicts who attempt to depend on the less addictive in the end. Therefore, even though the law seems to be rigid and imperative to have effective implementation. Especially, in a situation like therapy, the doctors must invigilate whether the patient is starting to get addicted to the second introduced drugs. Drug victims abusing psychotic substances which are given to prevent their addiction is a worst-case scenario. The reason is that the victim is re-victimized. It also affects the health security of the country due to low self-esteem, low quality of life. Drug dependents are a burden to the economy, as the government needs to maintain rehabilitation centres and invest in them.

Drug Dependent Persons (Treatment and Rehabilitation) Act, No. 54 of 2007

The Act provides voluntary as well as rehabilitation by court referral. Section 10(4) states that 'Where a person is convicted and sentenced for any offence under the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 214) and the Court convicting such person is satisfied by evidence on oath led before such Court that a such person is a drugdependent person, the Court may commit the person so convicted to a Treatment Centre for such time as may be determined by Court taking into consideration the degree of dependence of such person. Such period may be extended on an application made by the Director of the Treatment Centre to which such person is committed. The circumstances on which the extension is requested should be sufficient in the opinion of the Court to necessitate such extension'.

By way of the court, a person is referred to a psychiatrist and then accordingly sent to a rehabilitation centre. The problem lies aftermath of the rehabilitation process where the person highlights the difficulty to adjust to the new environment. Moreover, before sending for rehabilitation the drug addicts are kept in jail for a term. Due to lack of a classification of drug perpetrators small scale as well as a major scale weapon, trained drug dealers enjoy a common platform sharing their expertise, which is in fact detriment to society.

RECOMMENDATIONS

The problem of drugs run back to time immemorial. In the aftermath of the threedecade war, Sri Lanka attracted tourists due to its peace, tropical breeze and hospitality. The concealed threat was the Sri Lanka became a hot spot where narcotics were brought to. Contrastingly, the discovery is that Sri Lanka is shaping to be a final destination more than a point of transit. Due to illicit trafficking, it is high time to pay attention to combat the drug menace. The legal framework about Narcotics as mentioned in the research showcase strengths as well as weaknesses. The research has pointed out the loopholes in the laws to combat narcotics. Further, the research has displayed the security threats that resulted in due legal failures. Finally, it has arrived at the below recommendations to be taken.

As discussed in the research, it can be seen that there is a thin line between Narcotics and Psychotropic Drugs. The distinction lies in the compound, dosage and density. The Convention against Illicit Traffic in Narcotic Drugs, Psychotropic substances Act No. 1 of 2008 has a comprehensive list of Drugs. An important factor that can be ascertained is the need to properly implement the law relating to dangerous drugs and psychotropic substances. The duty lies in medical practitioners when prescribing psychotropic drugs to monitor the status of addiction and make sure the second introduced drug is not used as an additive.

As per the Poisons, Opium and Dangerous Drugs Act (No. 13 of 1984) the state should ensure that pharmaceuticals are not diverted to nonmedical use. Pharmacies must be invigilated properly by ensuring the presence of a licensed pharmacist and place is a licensed pharmacy. Medical Practitioners, Dentists, Veterinary as well as Pharmacists must make sure to adhere to the prescription guidelines.

Rehabilitation of Drug Dependents

It is important to monitor the rehabilitation process; the aftermath of the rehabilitation programme, the drug addict appears before the court for an order of acquittal. To achieve the fruits of rehabilitation, the one year period of rehabilitation should function properly including therapy. **Drug-free Prison System**

The objective of sentencing a person for a jail term is to ensure he is harmless to society. Therefore, it is imperative to ensure that drug dealers are not enhancing their skills and monitoring transaction within the prison. Categorization of drug offenders is necessary to prevent major scale drug abusers from meddling with minor drug offenders. If not the prisoners will be experts by sharing their tactics with one another and upon release, they may continue drug trafficking and other related crimes threatening national security.

Inter-Agency Operational Platform

The data gathered by Police, Customs office, Air force, Army, Navy, Coast Guard, National Dangerous Drug Control Board and all other stakeholders must share a common platform of knowledge and act together to achieve a drug-free state. There should be a Centralized database for seizures of drugs accessible to the authorities. The seized drugs need to be sealed uniquely to prevent drug-related offences, which threaten national security.

International Joint Operation

As the issue of drugs is not only focal to Sri Lanka, to combat drugs, steps should be taken in collaboration with other states. Sharing expertise and knowledge will aid to counter the drug threat. Training the authorities, holding seminars, updating with the current global trends is imperative to have a skilled resource pool. Harmony with international standards increases regional cooperation by strengthening ties with nations. This will also ensure regional security and preclude the emerging threats posed by narcotics and related crimes. **The Laws that Need to be Amended**

The controversial section 54 A and 54 B of the Poisons, Opium and Dangerous Drugs Act (No. 13 of 1984) needs to be amended or abolished accordingly in harmony with the international standards. It is important to ensure constitutionalism. Therefore, any law cannot be inconsistent with the supreme law of the land. Right to life as well as the right to be free from different treatment needs to be fostered.

Sentencing Policy

Capital punishment contravenes the supreme law of the country of the right to life, which is impliedly recognized in Article 11 of the constitution. The same constitution bestows the president with the discretion to grant presidential pardon as per article 34 of the constitution. Therefore, overruling a judgement of the supreme judiciary and acquitting criminals erodes the rule of law. This was seen during the recent acquittal of drug lords.

Health-based Approach

The Issue relating to Narcotics should also be seen as an issue of mental health due to the vast number of drug addicts who are mentally ill people. Therefore, following a health-based approach together with the criminal based approach will be fruitful to counter the drug menace. The reason to view drug issues from a health perspective is mainly that it threatens health security.

Author Biography

Charani Patabendige is an Honorary Associate Research Fellow at the Institute of National Security Studies, the premier think tank for the Ministry of Defence Sri Lanka. She holds a Bachelor of Laws degree with a second-class Lower division and an Advanced Diploma in Transitional Justice from Bandaranaike Centre for International Studies with a Distinction Pass. Currently, she is reading for the final year of the Attorney at Law examination. She represented Sri Lanka at the 'International Scientific-Practical Conference on Regional Security in Asia in the context of preventing new challenges and threats' conducted by the Conference on Interaction and Confidence Building Measures in Asia (CICA). Her research interests are on counter-terrorism, religious extremism, drug menace, human rights and national security.

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