

AN ASSESSMENT OF NARCOTIC DRUGS CONTRABAND TRADE BETWEEN INDIA AND SRI LANKA*

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Narcotic drugs contraband trade between India and Sri Lanka appears as a one-way traffic, that is, from India to Sri Lanka. The most prominent narcotic drug that is smuggled from India to Sri Lanka is heroin. Smuggling of narcotic drugs is different from smuggling of other commodities because there is a world wide prohibition on production, consumption as well as distribution. The internal trade as well as the international trade in narcotic drugs is banned. Therefore, domestic taxes or international tariffs have no bearing at all on the manufacture and trade (internal as well as external) of these commodities. There is in fact a non-tariff barrier to trade. While narcotic drugs are 'bads' (as opposed to 'goods') for Bhagwati (1974: 2) they are 'noxious' items for Tobias (1982: 384). To us both these categorisations are inadequate because not only narcotic drugs but even alcohol and tobacco can be harmful and therefore bad (personally as well as socially). Therefore, to categorise narcotic drugs as 'bads' or 'noxious' does not serve our purpose. Accordingly the distinction between narcotic drugs and other commodities rests on the illegality of the former and the legality of the latter. The exchange/distribution of narcotic drugs is called 'trafficking' rather than 'trading' because of the illegal nature of the commodity. Thus, the smuggling of narcotic drugs is different from the smuggling of other commodities because the production as well as consumption and not just the illicit trafficking of narcotic drugs is illegal (for a detailed account of the economics of narcotic drugs trafficking, see Pandey, 1994).

The smuggling of some other prohibited goods such as arms and ammunition, fauna and flora, endangered species, antiques, etc. is also different from narcotic drugs smuggling, because they are legal goods. For example, arms and ammunition are not themselves illegal, but the production and trading of them are usually restricted

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to states or state-sanctioned enterprises. Likewise, international trading of some fauna and flora, endangered species and antiques is also restricted to state or state authorised traders. Some of the narcotic drugs (heroin, for example) are derivatives of plants (opium) that are legal, and used in the manufacture of pharmaceuticals. However, the cultivation of these plants are tightly regulated and supervised by the state. The United Nations has restricted the legal growing of opium plants to just seven countries, India being one of them (NDDCB, 1995: 42; Ghosh, 1987: 1).

This study is based on information primarily obtained from the Police Narcotics Bureau (PNB), Sri Lanka Customs, National Dangerous Drugs Control Board (NDDCB) and Sri Lanka Anti Narcotics Association (SLANA) in Sri Lanka, and the Narcotics Control Bureau (NCB) of India in Chennai (formerly Madras). However, the NCB's contribution was lackadaisical. All these are state institutions barring SLANA, which is a Non Governmental Organisation. The field work was carried out during early-1996. Our experience has been that the contraband traders are more forthcoming to talk about contraband trade in 'goods' than in narcotic drugs.

Type

Sri Lanka is both a narcotic drugs consuming country as well as a trans-shipment country, mainly to Europe and the Middle East. Historically, betel, arecanut and tobacco are mild stimulants used in Sri Lanka and are legal. Traditionally, cannabis (also called '*Ganja*' in South Asia) is an illegal narcotic drug consumed in Sri Lanka primarily for traditional medicinal purposes in rural areas. However, since the early-1980s heroin has also entered the consumer market. The brown sugar (No.3) type of heroin is the most sought after by Sri Lankan consumers and white sugar (No.4) is hardly in demand. *Ganja* is grown in Sri Lanka (in the south-eastern arid zone, particularly in Badulla, Hambantota and Moneragala districts), but heroin is entirely smuggled from/via India and Pakistan, originating perhaps in Afghanistan.

Heroin is the most prominent narcotic drug smuggled from/ via India, and to a much lesser extent '*Kerala Ganja*'. Opium used to be a prominent narcotic contraband (until the late-1970s) but has almost ceased now. However, in March 1997 twenty two kilograms of opium was detected in Chilaw, and subsequently opium processing utensils, containers and a recipe book were recovered in Kantana (south of Chilaw)¹. According to the PNB, the same person was detected by the Customs in 1991 trying to smuggle in 69 kg of opium from India. These detections indicate that opium may occasionally be smuggled into Sri Lanka and processed into heroin locally. Apart from heroin, soft and synthetic drugs such as mandrax are also smuggled from India². In December 1996, about 10,500 kg of hashish valued at SL Rs.420 million was detected along the coast in Chilaw. This was the first ever large detection of hashish in Sri Lanka³. The previous substantial detections were in 1986 and 1990 when 22 kg and 53 kg of hashish were detected respectively (NDDCB, 1990: 2&1995: 5). Hashish is not known to be widely consumed by the narcotic drug addicts in Sri Lanka. Therefore, the presumption is that this was on transit to Europe where there is a huge demand.

According to NDDCB (1994), heroin was originally introduced in Sri Lanka by the tourists in the late-1970s with the onset of economic liberalisation. At the early stage, the tourists brought their heroin supply with them for personal consumption. Later, the Sri Lankans began to supply to the tourists. This led to the introduction of heroin consumption among the native *Ganja* users, particularly in the Galle district, a popular tourist destination. Studies suggest, however, that only 2% of heroin users have been directly influenced by tourists for the first time whilst 41% were initiated by curiosity (peer influence) and 31% by a need for relief from mental/physical exhaustion (NDDCB, 1994: 66). This contradicts the popular myth that tourism is the cause of the heroin epidemic in Sri Lanka. There were only two reported heroin users in 1982, which figure shot up to 4,400 in 1984 and 37,000 in 1986 (NDDCB, 1992: 2). According to an empirical study, 1983 was a threshold in heroin consumption in

Sri Lanka, particularly in Colombo (NDDCB, 1990: VIII,10). The ethnic riots in July 1983 greatly contributed to the introduction of heroin among narcotic drug addicts in Colombo due to the suspension of the supply of *Ganja* from the interior. Again, 1987 has seen the greatest increase in the number of first time users of heroin, a politically turbulent year in the aftermath of the signing of the Indo-Sri Lanka Peace Accord (NDDCB, 1994: 65). *Ganja* is widely used in rural and urban areas whilst heroin consumption is concentrated in the urban areas (NDDCB, 1990).

There is a growing abuse of prescriptive medicinal drugs in Sri Lanka by narcotic drug addicts. For example, a pain killer used by cancer patients is known to be abused by narcotic drug addicts. SLANA has discovered that prescriptions for this pain killer are sold to narcotic drug addicts by certain doctors in Colombo for a price. Some other medicinal drugs used in lieu of heroin are obtainable over the counter (without a prescription) at certain chemists in breach of the law (SLANA, 1996a: 6). Highly potent pain killers are used as cheaper alternatives to heroin by narcotic drug addicts⁴. Pharmaceutical imports into Sri Lanka are regulated by the State Pharmaceuticals Corporation (SPC) by issuing licences to legitimate importers, but they are by and large (import) duty free. The SPC is the largest importer of medicinal drugs into Sri Lanka. This non-tariff barrier to trade has resulted in a flourishing contraband trade in pharmaceuticals from India, which is the largest source of pharmaceutical imports into Sri Lanka.

Source

Between 1989 and January 1997, a total of 383 kg of heroin contraband was detected in Sri Lanka, but the source of heroin is available only from 1992 to 1995. Accordingly, during these four years a total of 146 kg was detected, out of which 61 kg or 42% was from India (Table 1). However, it is very difficult to identify the source country, because although India may be the immediate source country, the bulk of heroin contraband originates in Afghanistan and Pakistan. According to the United Nations Drug

Control Programme (UNDCP), Afghanistan is the source of 80% and 50% of the supply of heroin to Europe and the World respectively⁵. Usually, Pakistani merchants (and their Indian and Sri Lankan accomplices) smuggle heroin to northern/western India mostly by land upto southern India (mainly Tamilnadu and Kerala) *en route* to Sri Lanka by air and sea. For example, during the detection of 18 kg of heroin in January 1997 in Katuneriya, (near Negombo) a Pakistani merchant was arrested along with his Sri Lankan accomplices. Therefore, though India might have been the immediate source country, the heroin contraband may have originated from Pakistan or even beyond. Between 1989 and 1993 a total of 68 foreign nationals were arrested in Sri Lanka for narcotic drug offences out of which 26 (38%) were Indian nationals and 13 (19%) were Pakistani nationals (Table 2). However, during 1995 a total of 30 foreign nationals were arrested on drug offences in Sri Lanka out of which only five (17%) were Indian nationals and eight (27%) Pakistani nationals. Seven were nationals of Germany (the largest single source of tourists to Sri Lanka), presumably tourists who were arrested for possession for consumption purpose (PNB, 1995). These figures may indicate a change of source country over time. On a request from the Sri Lankan Government the Anti-Narcotics Force (ANF) of Pakistan busted a syndicate smuggling narcotic drugs to Sri Lanka in Faislabad (Punjab province) in mid-1997⁶. Hence, the data in Table 1 should be treated cautiously as regards determining the original source of heroin into Sri Lanka, because although India might have been the immediate source country the origin could have been Afghanistan, Myanmar or Pakistan.

In 1995, for example, apart from the 40 kg detected in Sri Lanka, almost five kilograms of heroin was detected in South India *en route* to Sri Lanka by the NCB in Chennai (PNB, 1995). Similarly, seven kilograms of heroin was confiscated from a Sri Lankan at a lodge near Trivandrum airport *en route* to Sri Lanka in 1996 by the NCB in Chennai and Trivandrum⁷.

Table 1: Detection of Heroin in Sri Lanka

Year	Total Quantity (kilograms)	From India (kilograms)	Proportion from India (percentage)
1989	73	not available	
1990	82	not available	
1991	25	not available	
1992	36	16.20	45%
1993	43	19.35	45%
1994	27	9.45	35%
1995	40	16.00	40%
1996	39	not available	
1997(January only)	18	not available	
Total	383		

Source : National Dangerous Drugs Control Board, Colombo, 1995:5 (for 1989 to 1991)
 Police Narcotics Bureau, Colombo, 1996 (for 1992 to 1995)
 Ceylon Daily News, 09-11-97: 4 and 04-01-97:17
 (for 1996 and January 1997 respectively)

Table 2: Foreign Nationals Arrested in Sri Lanka for Narcotic Drug Offences

Year	Indians	Pakistanis	Others	Total
1989	2	3	1	6
1990	4	1	9	14
1991	1	0	9	10
1992	9	4	3	16
1993	10	5	7	22
Total	26(38%)	13(19%)	29(43%)	68(100%)

Source : National Dangerous Drugs Control Board, Colombo, 1995:11

India is not a major producer of heroin, but mainly a transit country to Sri Lanka. Opium poppy plants, from which heroin is made, are grown in Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh states in India for the manufacture of pharmaceuticals. The Indian Government purchases opium from farmers at a price of Indian Rs.250 a kilogram to be used in the pharmaceutical industry. But opium sells for around Indian Rs.7,500 in the illicit market for the manufacture of heroin (SLANA, 1996b). Thus, the very low price paid to opium poppy growers by the pharmaceutical industry is an incentive to sell to the illicit market. Hence, a part of it may be used in the production of heroin as well (for a detailed account of opium cultivation in India and the laws governing it, see Ghosh, 1987).

Mode of Trafficking

Narcotic drug smuggling into Sri Lanka takes place by air and sea. The contraband is sea-borne in large quantities and air-borne in smaller quantities. The air-borne narcotic drug smuggling takes place from Karachi, Mumbai (formerly Bombay), Chennai, Trichy and Trivandrum to Colombo. The sea-borne narcotic drug smuggling takes place from southern coasts of India to north-western, western and south-western coasts of Sri Lanka. The coastal towns in India mainly used for sea-borne smuggling are Cape Comorin, Devipattinam, Kanniyakumari, Rameswaram, Tondi, and Tuticorin, and the coastal towns in Sri Lanka mainly used are Kalpitiya, Udappuwa, Negombo, Wattala, Colombo and Beruwala. Even Pakistani merchants who smuggle in large quantities transport their contraband by land up to Tamilnadu or Kerala and then by mechanised fishing boats to Sri Lanka. The bulk of the detections are sea-borne contraband. For example, during 1995 (the only year for which such a breakdown was provided) out of a total detection of 16 kg of heroin from India, little more than 14 kg were sea-borne, and little less than two kg were air-borne (PNB, 1996). However, as far as the detection of narcotic drugs by Sri Lanka Customs is concerned the number of air-borne detections are greater than sea-borne detections, though the detected quantities are not reported (Table 3).

Table 3: Narcotic Drugs Detection by Sri Lanka Customs

Year	Total Detections (no.)	Airborne (no.)	Seaborne (no.)
1989	15	not available	not available
1990	18	17	1
1991	10	10	0
1992	6	6	0
1993	7	6	1
Total	56	39(70%)	2(4%)

Source: National Dangerous Drugs Control Board, Colombo, 1995:10

Note: The Totals do not add up because breakdown is unavailable for 1989.

Sea-borne heroin detections are not made in the mid-sea because Sri Lanka has no coastguard. The PNB usually apprehends the contraband along the coast on tip offs from estranged business partners or from the locals. The Sri Lankan Navy (the only authority policing the maritime boundary) is engaged in confronting the Sea Tigers rather than narcotic drug traffickers.

The PNB (1995) claims that narcotic drugs are also concealed among legitimate imports like pulses and onions from Tuticorin to Colombo. The Ceylon Textile Manufacturers' Association (CTMA) claims that narcotic drugs are concealed among bulk textile imports from India⁸. Yet, there has never been any detection of narcotic drugs among legitimate imports from India. Therefore, it is impossible to verify such hearsay. According to the Indo-Sri Lanka contraband trading community, a few jewellers and pharmaceutical importers are suspected of drug smuggling from India. For example, gold is smuggled into India and the proceeds used to purchase heroin and smuggled back to Sri Lanka. Further, since most of the pharmaceutical imports are duty free, the Customs checks are lax, and this is used as a cover to import Mandrax, amphetamines and other soft drugs (SLANA, 1996).

According to the Colombo Detective Bureau (CDB), a courier smuggling heroin from India is paid Rs.100,000 per kilogram. According to their estimation, 3-5 kg are smuggled on a single run⁹.

Point of Detection

Between 1989 and 1993 a total of 259 kg of heroin were detected in Sri Lanka out of which 140 kg (54%) were detected at the point of entry (air-borne and sea-borne) into the country at the Colombo airport and along the western coast. The rest was detected in the process of wholesale and retail distribution. The detection of heroin at the point of entry had declined dramatically from 71% in 1989 to 32% in 1991 and since then has increased to 47% in 1993 (Table 4).

Table 4: Detection of Heroin Smuggling at Point of Entry

Year	Total Detections (kilograms)	At Point of Entry	
		(kilograms)	(percentage)
1989	73	52	71%
1990	82	45	55%
1991	25	8	32%
1992	36	15	42%
1993	43	20	47%
Total	259	140	54%

Source: National Dangerous Drugs Control Board, Colombo, 1995:13

Note: Includes both Air-borne and Sea-borne.

Detecting Authority

There are two sides in the narcotic drug trade; the demand and supply sides. For any effective drug law enforcement strategy, both

the demand and supply reduction is a *sine quo non*. The institutions involved in demand reduction are the NDDCB, SLANA and various other NGOs. The institutions involved in supply reduction are the PNB, Customs (narcotics unit) and the Department of Excise (narcotics division). We are here concerned mainly with the supply side. The role of the Excise Department in the heroin supply reduction is negligible (NDDCB, 1995: 9).

The PNB is in the forefront of heroin detection in Sri Lanka accounting for two-thirds of the total detections during 1989 to 1993. Out of the total detection of 259 kg of heroin the PNB detected 160 kg (62%) and the Customs, 99 kg (38%). The PNB was responsible for the bulk of the detections in the latter three years (over 84%) (Table 5). This is an indication of the pivotal role played by the PNB in combating Heroin smuggling. Yet, the total detection of heroin is only a minuscule of the total supply of this illegal contraband (see below).

Table 5: Detection of Heroin by Authority in Sri Lanka

Year	Total Quantity (kilograms)	Customs (kilograms)	PNB (kilograms)
1989	73	33 (45%)	40 (55%)
1990	82	52 (63%)	30 (37%)
1991	25	4 (16%)	21 (84%)
1992	36	3 (8%)	33 (92%)
1993	43	7 (16%)	36 (84%)
Total	259	99 (38%)	160 (62%)

Source: National Dangerous Drugs Control Board, Colombo, 1995: 5,10

Note: PNB figures include detections by the Excise Department as well. These detections are negligible (less than 100 grams barring 1990 when 569 grams were detected) (NDDCB, 1995: 9)

Trans-shipment

Sri Lanka has emerged as one of the transit countries of narcotic drugs from the Golden Crescent (Afghanistan, Iran and Pakistan) and the Golden Triangle (Burma, Laos and Thailand) mainly to Europe and to a lesser extent West Asia, according to the founder of PNB who is now a consultant to the Interpol¹⁰. This is facilitated by being an island as well as the lack of a coastguard. The Soviet occupation of Afghanistan virtually closed the land routes to Europe for heroin traffickers through northern Afghanistan during the 1980s. Hence, the Afghan heroin traffickers started using the land route to Pakistan and from there to the neighbouring countries as well as to Europe, by land, air and sea. Thus, there seems to be an entrepot trade in Heroin via Sri Lanka with no value addition (in contrast to most other entrepot trade). *Ganja* is also reported to be smuggled from Sri Lanka to Europe along with legitimate exports concealed in coconut oil drums, with fresh coconut and ribbed sheet rubber (NDDCB, 1990: 2).

Price and Market

Heroin is a low volume high value contraband to Sri Lanka. The unit cost of heroin, for example, is very high. According to some Contraband traders and SLANA (1996a), a kilogram of heroin would cost around Indian Rs.5,000 in Afghanistan (production base), Indian Rs.15,000 in Pakistan, Indian Rs.25,000 in Gujarat, Indian Rs.200,000 in Chennai and SL Rs.1,000,000 (1 million) in Colombo. This does not necessarily mean that the demand is greater in Chennai or Colombo. It only signifies the greater risk involved in overland and air-borne/sea-borne transportation of heroin as the distance becomes longer from the production base. It is important to note that these prices fluctuate wildly as the price in Sri Lanka quoted above and the prices given in Table 6 reveal.

The bulk of the profits earned in heroin trafficking is in the distribution and retail stage as the foregoing figures indicate. Since the majority of the traffickers who bring heroin into Sri Lanka

are Sri Lankan nationals, the amount of proceeds from the heroin trade repatriated abroad is far less than the total heroin market in Sri Lanka, contrary to the popular perception. Besides, since Sri Lanka is a transit country in heroin trade to West Asia and Europe a considerable amount of profits accrue to Sri Lanka by this entrepot trade albeit in the complementary market. Therefore, the net financial drain due to heroin smuggling into Sri Lanka may be far less than the total heroin market in Sri Lanka. This is a complex web that requires close scrutiny.

Table 6: Retail Price of Heroin (Brown Sugar) in Sri Lanka

Year	To Locals		To Foreigners	
	(SL Rs. per kg)		(SL Rs. per kg)	
	Low	High	Low	High
1989	275,000	700,000	500,000	800,000
1990	375,000	1,700,000	550,000	1,900,000
1991	450,000	2,000,000	1,200,000	3,000,000
1992	1,000,000	2,000,000	1,500,000	2,100,000
1993	1,050,000	2,800,000	1,300,000	3,000,000
1994	not available		not available	
1995	1,100,000	1,400,000	1,150,000	1,600,000

Source: National Dangerous Drugs Control Board, Colombo, 1995:15
Police Narcotics Bureau, Colombo, 1995 (for 1995 figures).

In Sri Lanka, between 1989 and 1995, the retail price of heroin (per kilogram) to locals has fluctuated between Rs.275,000 in 1989 (the lowest) and Rs.2.8 million in 1993 (the highest). During the same period, the retail price to foreigners has fluctuated between Rs.500,000 in 1989 (the lowest) and Rs.3 million in 1993 (the highest) (Table 6). The lowest retail price for locals has increased since 1989 but at varying degrees. This increased by 36%, 20%, 122%, 5% and 5% during 1990, 1991, 1992, 1993 and 1995

respectively. The highest retail price for locals has widely fluctuated since 1989. It increased by 143% and 18% during 1990 and 1991 respectively. There was no change in price during 1992, but it increased by 40% during 1993 and decreased by 50% during 1995 (Table 6, columns 1 & 2). The lowest retail price for foreigners has also fluctuated widely between 1989 and 1995. It increased by 10%, 118% and 25% in 1990, 1991 and 1992 respectively. Then it declined by 13% and 12% in 1993 and 1995 respectively. The highest retail price for foreigners has also fluctuated widely. It increased by 138% and 58% in 1990 and 1991 respectively. Then it decreased by 30% in 1992 and increased by 43% in 1993 and again decreased by 47% in 1995 (Table 6, columns 3 & 4). The wholesale price of heroin in Colombo during 1995 was between Rs.0.90 million to Rs.1.20 million per kilogram and Rs.1.05 million to Rs.1.40 million per kilogram for locals and foreigners respectively (PNB, 1995).

The foregoing figures indicate that, though the overall price of heroin has increased since 1989 it has fluctuated quite widely, even considerably decreasing at times. This indicates an unstable market, perhaps reflecting the increase/decrease in supply vis-a-vis demand for this illegal contraband. For example, 1995 has seen a considerable drop in the retail price of heroin compared to 1993. This may be an indication of increasing supply, because there is no apparent evidence of declining demand. Markets in illicit goods are never fully cleared and thus, operate in perpetual disequilibrium, that is, buyers and sellers are always in search of each other (Pandey, 1994).

According to SLANA (1996a: 4,5), the narcotic drug market in Sri Lanka in 1992 was worth between Rs.7 and 8 billion, out of which, heroin commanded Rs.5 billion¹¹. The total detection of Heroin in 1992 was 36 kg which is roughly valued at Rs.72 million (at Rs.2 million a kg, the highest price during 1992 - Table 6). Even if we assume that detected heroin is only a tenth of the total supply, the actual value of the Heroin market in 1992 would have been only Rs.720 million. It is very difficult to reconcile these two

figures, one estimated by SLANA and the other derived from detection data. According to NDDCB (1990: 15&1994: 74), the heroin market in Sri Lanka was about Rs.1 billion in 1988 and Rs.2.7 billion in 1992¹². The estimation by NDDCB may be more reliable than the estimation by SLANA because NDDCB's estimation of the number of heroin users is based on a sample survey whereas SLANA extrapolated from the number of convictions for narcotic offences (using the "Iceberg Principle", accordingly only 10% of the users are ever likely to be convicted). If the NDDCB's estimation of the heroin market is taken to be quite reliable then the total detection was only about 2.7% of the total supply in 1992 which is very disappointing.

Narcotic Offences

Narcotic drug offences are the single largest crime in Sri Lanka. Between 1989 and 1993 a total of 78,056 persons were admitted to the prisons out of which 29,958 (38%) were for narcotic offences. Among the latter, the majority (26,878 or 90%) was for heroin offences which has been rising steadily since 1989 (Table 7). Further, according to the PNB, 40% of the prison population in Sri Lanka was related to narcotic drug offences in 1996¹³. Narcotic drug offences are the single largest crime committed by males and the third largest by females (NDDCB, 1995: 16). Despite the high proportion of prison population, narcotic drug detection at the retail level has declined due to the civil war as a large part of the police force is dedicated to confronting the LTTE. According to a candid confession by a former Deputy Inspector General of Police (DIG) in-charge of the PNB, in the context of Tiger-phobia narcotic drug law enforcement is a "low priority" area eliciting only "cursory attention" (Jeyanathan, 1994: 38).

Narcotic drug smuggling entails the death penalty in both India and Sri Lanka. Yet a large number of persons are involved in drug smuggling and trafficking due to the enormous profit realisable. In Sri Lanka, for example, possession of a minimum of two grams of Heroin is punishable by death sentence. However, in

practice, all death penalties are almost automatically commuted to life sentences by the chief executive of the country.

Table 7: Prison Admission for Narcotic Drugs Offences

Year	Total Prison Admissions	Narcotic Drug Offences	Heroin
1989	8,014	3,091 (38.6%)	2,515 (81.3%)
1990	14,128	6,654 (47.1%)	5,903 (88.7%)
1991	19,019	7,642 (40.2%)	6,609 (86.4%)
1992	18,251	5,915 (32.4%)	5,563 (94.0%)
1993	18,644	6,656 (35.7%)	6,288 (94.4%)
Total	78,056	29,958 (38.4%)	26,878 (89.7%)

Source: National Dangerous Drugs Control Board, Colombo, 1995: 17&18

Note: Column 2 pertains to all narcotic drugs while Column 3 pertains to heroin only. Percentages under Column 2 refer to a percentage of Column 1 and percentages under Column 3 refer to a proportion of Column 2.

Ethno-narcotism

The ethnic division of narcotic smuggling and consumption is quite striking in Sri Lanka. Among Sri Lankans, whilst the Tamils and Muslims are the largest groups of heroin smugglers from India and Pakistan respectively, the Sinhalese community is the largest group of consumers (74%) followed by the Muslims (15%), Tamils (8%), Burghers (3%) and Malays (0.7%) (NDDCB, 1994: 35). The proportion of the Muslim, Burgher and Malay heroin consumers among the total heroin consumers is significantly greater than their respective proportions in the total population of Sri Lanka while the proportion of Tamils is significantly less and the proportion of Sinhalese is balanced (NDDCB, 1994: 35)¹⁴. However, this data should be treated cautiously because of the limitations of this sample study by the NDDCB. Nevertheless, we have referred to it as the only source of data available at present. There is also a regional variation in the ethnic division of heroin consumers. In

the Kandy district, for example, Muslims is the largest group of heroin consumers followed by the Tamils (these are hill country Tamils working in the tea and rubber plantations, a considerable number of them are impoverished) whereas in the Galle district all the users are Sinhalese (NDDCB, 1994: 35). However, this NDDCB sample survey study is constrained by the fact that the empirical research was undertaken only in Colombo, Gampaha, Galle and Kandy districts while the northern and eastern provinces, where the Tamils and Muslims predominate, were left out due to the civil war.

The ethnic division of arrests for heroin offences in Sri Lanka roughly corroborates with the ethno-consumer pattern noted above. During 1989, 1992 and 1993 (for which years data is available) the majority Sinhala community accounted for about 72%, Tamils for about 10%, Muslims for about 15%, Malays for about 1% and Burghers for about 0.3% of the total heroin-related arrests. Relative to their composition in the total population, the share of the Sinhalese is slightly less, Tamils is about half, Muslims is about double, Malays is about treble and the Burghers is just about right (Table 8). These arrests include consumers as well as traffickers (who may not be consumers).

Table 8: Ethnic Breakdown of Arrests for Heroin Offences (Percentages)

Year	Sinhala	Tamil	Muslim	Malay	Burgher	Other	Total
1989	71.70	10.99	16.74	NA	0.23	0.34	100
1992	71.90	8.40	14.50	0.60	0.40	4.20	100
1993	71.10	9.00	13.40	2.20	0.40	3.90	100
Population share	74.00	18.10	7.10	0.30	0.30	0.20	100

Source: National Dangerous Drugs Control Board, Colombo, 1995: 14,30

Note: Data for 1990 and 1991 are unavailable.

The above two sets of data reveal that, as far as the consumption and internal trafficking of heroin is concerned, the Tamil community has a significantly lower share. However, as far as the smuggling of heroin from India is concerned, they are the predominant community involved according to both the NCB (1996) and the PNB (1996). Nevertheless, there are little hard facts to establish this assertion. The only data we could unearth is that during 1995 twelve Sri Lankans were arrested in India on narcotic drug offences and out of these 8 were Tamils, 2 Sinhalese and 2 Muslims (PNB, 1995).

The Government, media and the law enforcement agencies (particularly the PNB) in Sri Lanka have tried to establish a nexus between the Tamil rebel movement (particularly the LTTE) and heroin smuggling into Sri Lanka. Yet there is hardly any evidence for this. The fact that the majority of persons involved in heroin smuggling from India are Tamils is automatically construed as evidence of 'narco-terrorism'. According to the NCB of Chennai and a former DIG of PNB there is at best only "circumstantial evidence" linking the LTTE with heroin smuggling into Sri Lanka.

Conclusion

The introduction and initiation of heroin use in Sri Lanka is organically linked to the island's political turbulence. The sample surveys conducted by the NDDCB in 1988 and 1992 identified that the largest increases in the first time users of heroin took place during 1983 and 1987. These also are the two years that can be claimed as politically the most critical years in post-independent Sri Lanka and which saw the virtual paralysis of the State. The ethnic pogrom of July 1983, and the signing of the Indo-Sri Lanka Peace Accord in August 1987 led to anti-Tamil and anti-India hysteria and violence that paralysed the entire State apparatus (the Government, law enforcement agencies, etc.) and the markets. A large part of the island became ungovernable and non-governed. According to NDDCB (1990&1994), *Ganja* which is cultivated in the interior could not reach the urban markets, and hence the

narcotic drug users turned to heroin as their narcotic drug of choice, which was smuggled from/via India and reached the urban areas first. Thus, the heroin contraband from/via India reached Colombo, Gampaha, Kandy and Galle quicker than *Ganja* from remote jungles in the south-eastern dry zone of the island.

When the Government was faced with the gravest threat to its survival in 1983 and 1987 the entire law enforcement efforts were concentrated on safeguarding the Government. This diversion of law enforcement activities facilitated the smuggling of heroin from/via India with a lesser risk premium. It is important to note, however, that both the LTTE and JVP rebels practised a stringent anti-narcotic policy during their heyday in the north and south respectively.

Heroin smuggling from/via India to Sri Lanka is a big business. According to NDDCB the heroin market was worth nearly Rs.3 billion in the early 1990s. This was almost entirely smuggled into the country. However, the supply reduction strategies through narcotic drug law enforcement are totally inadequate. Only 2.7% of the total supply of heroin is detected. Besides only about 54% of the heroin detections are at the point of entry and the rest in the course of domestic distribution and/or consumption. Being an island state it should have been relatively easier to cut off supplies at the point of entry itself. But the lack of a coastguard service has hampered detection of sea-borne heroin smuggling. The Sri Lanka Navy, the only law enforcement authority responsible for policing the maritime boundary is busy confronting the Sea Tigers. Even the internal detections are declining due to the diversion of Police resources (material and human) to counter the Tiger-phobia. The bulk of the detections at the point of entry are due to tip-offs from rival contraband syndicates rather than any serious effort by the PNB or the Customs. This is evident from their own press releases.

The anti-narcotic strategy of the PNB (particularly) is ethnically selective. Whenever a Tamil is apprehended with the possession of heroin that person is automatically suspected of having links with the LTTE. This can be observed in the press releases of the PNB. To my knowledge, no person arrested on narcotic offences has ever been proved to have links with the LTTE in a court of law in Sri Lanka. This kind of stereotypical view of narcotic crimes has greatly hampered narcotic drug law enforcement efforts. Usually, the Tamils arrested with possession of heroin are detained under the Prevention of Terrorism Act (PTA) and the Emergency regulations (which provide for unlimited detention without production in a law court) rather than under the Poisons, Opium and Dangerous Drugs Ordinance, whereas persons from other communities are detained under the latter¹⁶. This is clear evidence of discrimination in law enforcement in general, and in drug law enforcement in particular in Sri Lanka. This ethnically selective approach to narcotic drug law enforcement is politically motivated and shapes the institutional environment.

It is true that the available evidence suggests that the majority of heroin smugglers from India and Pakistan are ethnically Tamils and Muslims respectively. This is because Tamil and Muslim narcotic drug smugglers exploit their ethnic/religious affinities with South India and Pakistan respectively to carry out their illegal activities. This does not necessarily mean that all those Tamils are in some way or the other connected to the LTTE. This approach has resulted in the employment of Muslims and Sinhalese as narcotic drug couriers by Tamil narcotic drug smuggling syndicates to dupe the law enforcement authorities.

There also seems to be an India-phobia among the anti-narcotic lobby in Sri Lanka. For example, SLANA (1996b) maintained that "almost 100% of heroin supply is from India, because Afghanistan and Pakistan are too far". This is manifestly false according to the available official data. There is a considerable amount of heroin smuggled directly from Pakistan via air as well as via sea. The bulk of the heroin smuggled from

India originates in Pakistan, Afghanistan or Myanmar. There are increasing numbers of arrests of Pakistani merchants for narcotic offences in Sri Lanka. There are also increasing heroin detections among air passengers from Karachi.

The aversion of law enforcers to the LTTE and India has restricted/influenced heroin smugglers to use different departure points and employ non-Tamil couriers to undertake their activities. The civil war atmosphere has permeated every section of Sri Lankan political life and almost everything is approached from a communal angle by the law enforcement agencies that are overwhelmingly composed of the majority community (far greater than their proportion in the national population). This is counter-productive for narcotic control.

It is true that heroin smuggling into Sri Lanka is inextricably linked to the on-going ethnic conflict but more so on the demand side than on the supply side. It is crucial to understand this fundamental difference. The threshold years in heroin consumption in Sri Lanka coincides with the politically turbulent years. We have known that production of narcotic drugs (for example, cocaine and heroin) is greatest in politically turbulent countries (see Mansfield and Whetton, 1996 for a literature review on narcotic drugs in developing countries). The classic examples are Afghanistan and Myanmar, two largest producers of heroin in the world. In these two countries the state does not exist in a large part of their respective territories hence facilitating illegal cultivation and processing of opium. Thus, the supply of narcotic drugs is negatively correlated to the political and social stability of the producer/processor country. Now, from the experience of Sri Lanka we learn that the demand for narcotic drugs (heroin in this case) may also be negatively correlated to the political and social stability of the consumer country. Therefore, it is imperative to concentrate anti-narcotic strategies on the demand-side as well. The demand reduction strategies of the NDDCB, SLANA and other NGOs have had only a limited impact. The intravenous heroin use is still uncommon (only 13% of the total heroin users in 1992) in

Sri Lanka, which is quite positive given the implications for the spread of HIV.

According to the Crime Detective Bureau (CDB), the narcotic drug dealers in Colombo are well armed¹⁶. It is also widely believed that some of the narcotic drug syndicates have strong political connections. A former DIG of PNB confided that even an ex-chief executive of the country once attempted to interfere with a particular detection of heroin. Corruption within the law enforcement agencies (Police, Customs, etc.) is also a contributory factor to narcotic drug smuggling. Several newspaper reports have highlighted law enforcers' connivance with narcotic drug smugglers and identified police and security force personnel arrested on narcotic drug offences.

It is usually argued that some of the effects of the production, trafficking and consumption of narcotic drugs are to "undermine national institutions, weaken government authorities, encourage corruption and contribute to political instability" (quoted by Mansfield and Whetton, 1996: 75). While accepting this view, we would argue that the Sri Lankan experience shows that the reverse can also be true. That is, corruption, political instability and weakened state can be a cause of production, trafficking and consumption of narcotic drugs as well. Even the experiences of Afghanistan and Myanmar would support this view. Thus, it is a vicious circle.

To recapitulate, according to available evidence, only 2.7% of the total heroin smuggling into Sri Lanka is detected and only half of it at the point of entry. This is far from satisfactory. The supply reduction strategies of the law enforcement authorities (PNB and the Customs) are hampered by the civil war (for example at security check points, the search is for arms, ammunition and LTTE cadres more than narcotic drugs), lack of coastguard, the ethno-centric approach, political interference and corruption within the law enforcement agencies.

Notes

- ¹ Ceylon Daily News (CDN), 04-03-97: 21 and 14-03-97: 15.
- ² CDN, 16-01-96: 1; SLANA, 1996: 5.
- ³ CDN, 24-12-96: 1 and 30-12-96: 17.
- ⁴ Sunday Observer, 17-08-97: 1.
- ⁵ CDN, 27-10-97.
- ⁶ CDN, 03-06-97: 1.
- ⁷ The Hindu, 10-04-96: 6.
- ⁸ Textiles Today, 1995: 3.
- ⁹ CDN, 08-09-97: 1.
- ¹⁰ Sunday Observer, 24-08-97; see also Ghosh, 1987.
- ¹¹ The Heroin market is estimated by SLANA (1996a: 5) on the basis of 90,000 users spending Rs.150 a day.
- ¹² The Heroin market was estimated by NDDCB (1990: 15 and 1994: 10) on the basis of 30,000 users spending Rs.100 a day during the late-1980s and 50,000 users spending Rs.150 a day during the early-1990s.
- ¹³ CDN, 09-11-97: 4.
- ¹⁴ The Portuguese, Dutch and British settlers in Sri Lanka are referred to as 'Burghers'.
- ¹⁵ A similar ethnic-bias can be observed in the detection of potential illegal immigrants to western countries. It is well

known that several Sri Lankans are fleeing the country directly or indirectly as a consequence of the civil war. Although the majority of illegal emigrants are the persecuted Tamils there is a considerable amount of Sinhalese and Muslims as well among the emigrants. When Tamils are detected at the airport with forged travel documents (passport/visa) they are mostly detained under the Emergency regulations, whereas Sinhalese and Muslims are held under the Immigration and Emigration Act. Tamil illegal emigrants are automatically construed as LTTE sympathisers and potential fund-raisers in western countries.

¹⁶ CDN, 08-09-97: 1.

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