

THESIS TITLE	PROBLEMS OF TRAFFICKING CONTROL MEASURES RELATING TO A PRECURSOR USED IN THE PRODUCTION OF METHAMPHETAMINE: CASE STUDY OF PSEUDOEPHEDRINE
KEYWORDS	DRUG TRAFFICKING/PRECURSOR/PSEUDOEPHEDRINE
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ABSTRACT

During the past 40 years, Thailand has faced the problem of severe drug spread especially the Amphetamine-type stimulants (ATS). It can be seen that the past solution on solving drug problem of Thailand was influenced by the idea of zero tolerance, which focuses on using strict suppressive measure with severe penalty to both drug trafficker and consumer. However, such strict legal measure that controls the trafficking of ATS has severe effect toward application of ATS and Pseudoephedrine, a precursor for production of such drug, for medical purpose.

This research has revealed that, firstly, the objectives of Convention on Psychotropic Substances of 1971 were to control application of misuse of psychotropic substance, as well as to guarantee that ‘there will not be unnecessary limitations which impede the application of psychotropic substance’. This is because psychotropic substance is required for medical use. However, after several amendments of its narcotic law, Thailand has escalated the strictness of its control over trafficking of ATS and in order to prevent the leakage of Pseudoephedrine from pharmaceutical market to illegal drug market, where it can be used as precursor for Methamphetamine production, the country has elevated its control over Pseudoephedrine usage for medical purpose altogether. As a result, Pseudoephedrine usage for medical application has now become difficult as well. Secondly, international convention on narcotic focuses on suppression of drug trafficking-related offence,

where the member countries are required to implement domestic law that make drug trafficking a penalty offence which is punishable by imprisonment. In Thailand, once such focus was accompanied by the concept of zero tolerance, imprisonment has been used on preventive measure on any and every case of drug-related offence. Moreover, as a result of the spread of ATS in the past, several amendments had been made to the law, in order to elevate the strictness of the control over trafficking of ATS and Pseudoephedrine. However, enforcing such unnecessary strict law could not solve the problem of prevalent spread of ATS and Pseudoephedrine. And moreover, the side effect of such strict law was the problem of overflow inmates of drug-related offence. Thirdly, it was found that Thailand's enforcement of its law to control the trafficking of ATS and Pseudoephedrine is unreasonably severe and inefficient as the law is inappropriate and does not conform to the International Convention on Drugs, 2016 Special Session of the General Assembly (UNGASS, 2016), and Article 26 of the Constitution of the Kingdom of Thailand 2560BE. Therefore, it is unreasonable to limit the application of Pseudoephedrine for medical usage, as the current circumstance is.

It is concluded from this research that the country's current control over the drug and precursor for production of ATS is inefficient, and ineffective to solve the problem of prevalent spreading of ATS. Therefore, it is unreasonable to keep limit the Pseudoephedrine usage for medical purpose. The author hence proposed an amendment of Narcotic Law and readjustment of the control over ATS and Pseudoephedrine, in compliance with the objectives of the international convention on narcotic, and 2016 Special Session of the General Assembly.