

# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.7/1988/2 (Part I)  
15 December 1987

ORIGINAL: ENGLISH

COMMISSION ON NARCOTIC DRUGS  
Tenth special session  
Vienna, Austria, 8-19 February 1988  
Item 3 of the provisional agenda

## PREPARATION OF THE NEW CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Note by the Secretary-General

### CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 4	2
II. ACTION BY THE ECONOMIC AND SOCIAL COUNCIL	5 - 8	2
III. ACTION BY THE SECRETARY-GENERAL	9 - 13	3
IV. ACTION BY THE GENERAL ASSEMBLY	14 - 15	4
V. ACTION PROPOSED FOR THE COMMISSION ON NARCOTIC DRUGS AT ITS TENTH SPECIAL SESSION	16 - 17	4

## I. INTRODUCTION

1. Pursuant to the request contained in General Assembly resolution 39/141 of 14 December 1984, the Commission on Narcotic Drugs initiated at its thirty-first session (11-20 February 1985) the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances. At its ninth special session (10-14 February 1986), the Commission, in resolution 1(S-IX) of 14 February 1986, identified 14 elements as meriting inclusion in an initial draft convention. It requested the Secretary-General to circulate a preliminary draft to members of the Commission and other interested Governments, and to present a compilation of their comments and/or proposed textual changes for consideration by the Commission at its thirty-second session (2-11 February 1987).

2. Accordingly, the Division of Narcotic Drugs prepared a draft convention against illicit traffic in narcotic drugs and psychotropic substances (E/CN.7/1987/2 and Corr.1) and circulated it to all Governments under cover of note NAR/CL.8/1986 of 8 August 1986. The Division later submitted to the thirty-second session of the Commission a compilation of the comments and/or proposed textual changes received from Governments (E/CN.7/1987/2/Add.1 and Corr.1 (A/C/E/F/R) only and Corr.2 and 3 and Add.2 and Corr.1).

3. In its resolution 41/126 of 5 December 1986, the General Assembly requested the Commission on Narcotic Drugs, through the Economic and Social Council, to continue at its thirty-second regular session its work on the draft convention against illicit traffic in narcotic drugs and psychotropic substances in the most expeditious manner, so that it might be effective, widely acceptable, and enter into force at the earliest possible time. It also requested that a progress report be submitted to the International Conference on Drug Abuse and Illicit Trafficking.

4. Following examination at its thirty-second session of the preliminary draft of the convention and the comments and/or proposed textual changes submitted by Governments, the Commission on Narcotic Drugs approved draft resolution I, entitled "Preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances", for submission to the Economic and Social Council at its first regular session of 1987.

## II. ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

5. On 27 May 1987 the Economic and Social Council adopted Commission on Narcotic Drugs draft resolution I of its thirty-second session as Council resolution 1987/27.

6. In paragraph 3 of that resolution, the Secretary-General was requested "to prepare a working document that would consolidate the draft prepared by the Secretary-General, the comments made by Governments (embodied in document E/CN.7/1987/2 and its addenda) as well as those made by the States participating in the thirty-second session of the Commission, as reflected in chapter II of its report, and its results, including the results of the working group, and to circulate it to States by 1 May 1987". The document was also to include "a draft preambular part, a section on the implementation mechanism, as well as draft final provisions".

7. In paragraph 4, the Economic and Social Council decided to establish "an open-ended intergovernmental expert group to meet if necessary twice in 1987 (perhaps in July and October), each session lasting one to two weeks, according to available resources, to review the working document, to reach agreement on the articles of the convention, wherever possible, and to prepare a revised working document". In paragraph 7, the Secretary-General was requested to distribute, by 1 November 1987, the Expert Group's revised draft to States for review. In paragraph 8, the Secretary-General was further requested to report to the next session of the Commission on the results of the open-ended intergovernmental expert group and to provide any comments from Governments on the Expert Group's revised draft.

8. In paragraph 6, the Council re-iterated the request to the Secretary-General contained in paragraph 4 of General Assembly resolution 41/126, to report to the International Conference on Drug Abuse and Illicit Trafficking on the progress made in preparing the draft convention.

### III. ACTION BY THE SECRETARY-GENERAL

9. In implementation of paragraph 3 of Economic and Social Council resolution 1987/27, the Secretary-General prepared the working document requested in that paragraph (DND/DCIT/WP.1 and Add.1) and circulated it to all Governments under cover of note NAR/CL.5/1987 dated 29 April 1987.

10. In June 1987, pursuant to the request contained in paragraph 4 of General Assembly resolution 41/126 and paragraph 6 of Council resolution 1987/27, the Secretary-General presented to the International Conference on Drug Abuse and Illicit Trafficking a report (A/CONF.133/5) on the progress achieved in the preparation of the new draft convention against illicit traffic in narcotic drugs and psychotropic substances.

11. Also pursuant to paragraph 4, the Secretary-General organized two sessions of the open-ended intergovernmental expert group, which met at the Vienna International Centre from 29 June to 10 July and 5 to 16 October 1987.

12. In compliance with paragraph 7 of resolution 1987/27, the Secretary-General distributed the Expert Group's report to States for review, under cover of note NAR/CL.17/1987 dated 30 October 1987. That report contained the revised text of draft articles 2, 6, 7, 8, 9, 10, 11, 12, 13 and 14, as amended by consensus, or with variants indicated in square brackets when no agreement could be reached, together with the text of two new draft articles (2 bis and 11 bis). The report of the Expert Group also reflected the general debate on articles 3 and 4 and the preliminary exchange of views on the preamble, the implementation measures and the final clauses of the draft convention.

13. As the time available did not permit examination of articles 1 and 5, as well as thorough consideration of articles 3 and 4, the preamble, the implementation measures and the final clauses, it was the consensus of the Expert Group that a third session would be desirable in order to complete its work.

#### IV. ACTION BY THE GENERAL ASSEMBLY

14. At its forty-second session, the General Assembly adopted, on 7 December 1987, resolution 42/111 entitled "Preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances". In paragraph 4 the Secretary-General was requested "to consider convening the intergovernmental expert group for a period of two weeks immediately prior to the tenth special session of the Commission on Narcotic Drugs in order to continue revision of the working paper on the draft Convention against illicit traffic in narcotic drugs and psychotropic substances and, if possible, to reach agreement on the Convention". 1/

15. In paragraph 5, the Commission, through the Economic and Social Council, was requested "to study and, if possible, approve, at its tenth special session, the draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and to prepare recommendations on the next measures to be taken with a view to concluding the preparation of the convention, including the possibility of convening a Plenipotentiary Conference in 1988 for its adoption".

#### V. ACTION PROPOSED FOR THE COMMISSION ON NARCOTIC DRUGS AT ITS TENTH SPECIAL SESSION

16. In view of the request contained in paragraph 5 of General Assembly resolution 42/111, the Commission on Narcotic Drugs should try to reach agreement, at its tenth special session, on the complete revised text of the draft convention and recommend what steps should next be taken to conclude its preparation.

17. To assist it in fulfilling this mandate, the Commission on Narcotic Drugs will have before it, at its tenth special session, the report of the Secretary-General, as requested in paragraph 8 of Council resolution 1987/27. That report is contained in the four parts of document E/CN.7/1988/2 (Parts I-IV). Part I is the present document, which contains background information on the preparation of the new convention; Part II is the report of the Expert Group on its first and second sessions and also contains the revised draft text of those articles which it completed at those sessions (see paragraph 11 above); Part III, when issued, will contain a summary of comments received from Governments concerning the revised draft texts reproduced in Part II (see paragraph 11 above); Part IV, when issued, will contain the report on the third session of the Expert Group (see paragraphs 12 and 14 above) and the revised draft texts of the additional articles which the Expert Group will have completed or reviewed in part.

#### Notes

1/ The Secretary-General has accordingly made provisions to convene a third session of the Expert Group, which is scheduled to be held from 25 January to 5 February 1988.