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INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS

United Nations Convention against Illicit Traffic in
Narcotic Drugs and Psychotropic Substances

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, in its resolution 39/141 of 14 December 1984, requested the Commission on Narcotic Drugs, through the Economic and Social Council, to prepare, as a matter of priority, a draft convention against illicit traffic in narcotic drugs and psychotropic substances. The Commission began this work at its thirty-first session in February 1985.
2. The Secretary-General prepared the initial text of a draft convention against illicit traffic in narcotic drugs and psychotropic substances on the basis of 14 elements identified by the Commission on Narcotic Drugs. The Secretary-General later prepared a consolidated working document, which included the initial draft convention; the comments made thereon by Governments; the deliberations of the Commission at its thirty-second session in 1987 on the draft convention; a draft preambular part; a section on the implementation mechanism; and draft final clauses. The working document was circulated to all Governments in April 1987 and was considered at three sessions of an open-ended intergovernmental expert group, which revised it and, where possible, reached an agreement on the text of the Convention.
3. The reports of the expert group were distributed to all States and were considered by the Commission on Narcotic Drugs, at its tenth special session in February 1988. Following its review of the text of the draft convention, the Commission decided that certain articles should be referred to the conference to be convened to adopt it. The Commission made certain recommendations to the Economic and Social Council to further the preparation of the convention.
4. The Economic and Social Council, in paragraph 8 of its resolution 1988/8 of 25 May 1988, decided to convene a group to review the draft texts of certain articles and the draft convention as a whole, in order to achieve overall consistency in the text to be submitted to the conference.
5. The Review Group met at the United Nations Office at Vienna from 27 June to 8 July 1988 and adopted a report to be submitted to the conference.
6. The Economic and Social Council, in paragraph 7 of its resolution 1988/8, decided to convene a conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances. By its decision 1988/120, also adopted on 25 May 1988, the Council decided that the conference should be held at Vienna from 25 November to 20 December 1988 and that the Secretary-General should send invitations to participate in the conference to those who had been invited to participate in the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna from 17 to 26 June 1987.
7. The United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was duly held at Vienna from 25 November to 20 December 1988.

8. The General Assembly, in paragraph 1 of its resolution 43/120 of 8 December 1988, requested the Secretary-General to report to the Assembly at its forty-fourth session on the implementation of that resolution, particularly on the conclusions of the Conference of plenipotentiaries. The present report responds to that request.

II. ORGANIZATION AND CONCLUSIONS OF THE CONFERENCE

A. Participation

9. In its resolution 43/120, the General Assembly requested all States to assign the highest priority to the Conference of plenipotentiaries for the adoption of the Convention and participate actively in it, at the highest possible level. The United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was attended by 106 States, many of them were represented either by ministers or by persons of cabinet rank and accredited with full powers. The Conference was also attended by a number of national liberation movements, specialized agencies, intergovernmental organizations, United Nations organs and related bodies and non-governmental organizations.

B. Proceedings of the Conference

10. The Conference set up a General Committee, two Committees of the Whole, a Drafting Committee and a Credentials Committee.

11. The Conference was presided over by Mr. Guillermo Bedregal Gutierrez, the then Foreign Minister of Bolivia. The Secretary-General was represented by Miss Margaret J. Anstee, Under-Secretary-General, Director-General of the United Nations Office at Vienna and Co-ordinator of all United Nations Drug-Control Related Activities. Mr. Francisco Ramos-Galino, Director of the Division of Narcotic Drugs, was appointed by the Secretary-General as Executive Secretary of the Conference.

12. The Conference had before it the report of the Review Group. In addition to an account of its work, the report contained proposals submitted to the Group relating to the draft convention, chapter II of the report of the Commission on Narcotic Drugs on its tenth special session, and the text of the draft convention which constituted the basic proposal for consideration by the Conference.

13. The Conference assigned the articles contained in the draft convention to the two committees of the whole (Committee I and Committee II) for their detailed consideration. Each article was then referred to the Drafting Committee to ensure linguistic concordance between all articles of the Convention. This revised text was then endorsed by the Chairmen of Committees I and II and submitted to the plenary for adoption.

C. Conclusions of the Conference

14. The Conference adopted without a vote, and by acclamation, the text of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, submitted by the Drafting Committee; it also adopted by consensus, the Final Act of the Conference 1/ containing three resolutions, likewise adopted without a vote.

15. The Convention, which is subject to ratification, acceptance, approval or act of formal confirmation, and which shall remain open for accession, was adopted on 19 December 1988 and became open for signature on 20 December 1988. It remained open for signature at Vienna until 28 February 1989; thereafter at the Headquarters of the United Nations in New York until 20 December 1989, the Secretary-General being the depositary.

16. On 20 December 1988, the Convention was signed by 43 States. As at 30 August 1989, it had been signed by 71 States and one regional economic integration organization and has been ratified by one State. A total of 20 ratifications are required prior to the entry into force of the Convention.

17. Three resolutions, adopted by the Conference and annexed to the Final Act, 1/ related to the exchange of information, provisional application of the Convention and provision of necessary resources to the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board, in order to enable them to discharge the tasks entrusted to them under the international drug control treaties.

18. The Convention contains a preamble, 19 substantive articles and 15 procedural articles on the implementation mechanisms and final clauses.

19. The substantive articles of the Convention are as follows: article 1, definitions; article 2, scope of the Convention; article 3, offences and sanctions; article 4, jurisdiction; article 5, identification, tracing, freezing and confiscation of proceeds and property of drug traffickers; article 6, extradition; article 7, concerning the provision of the widest measure of mutual legal assistance in the investigation and prosecution of drug trafficking offences; article 8, for the transfer of proceedings for criminal offences; article 9, dealing with other forms of co-operation, particularly among law enforcement agencies and related training; article 10, which addresses international co-operation and assistance for transit States; article 11, on the drug law enforcement technique of controlled delivery; article 12, concerning substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances; article 13, concerning the prevention of trade in and diversion of materials and equipment for illicit production and manufacture of narcotic drugs and psychotropic substances; article 14, concerning measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances; article 15, on commercial carriers; article 16, regarding commercial documents and labelling of exports of narcotic drugs and psychotropic substances; article 17, concerning the suppression of illicit traffic

by sea; article 18, on the suppression of illicit traffic in free-trade zones and free ports; and article 19, regarding the interdiction of the use of the mails for illicit traffic.

III. ACTION BY THE ECONOMIC AND SOCIAL COUNCIL AND THE COMMISSION ON NARCOTIC DRUGS

20. In paragraph 3 of its resolution 43/120, the General Assembly requested the Commission on Narcotic Drugs, as the principal United Nations policy-making body on drug abuse control, "to identify suitable measures to be taken prior to the entry into force of the convention".

21. At its thirty-third session, from 6 to 17 February 1989, the Commission on Narcotic Drugs had before it: (a) the text of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; (b) the Final Act of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; and (c) a note by the Secretary-General regarding action required to promote the entry into force and ensure the implementation of the Convention. The Commission approved draft resolution I, which recommended measures for the provisional application and implementation of the Convention, for submission to the Economic and Social Council, at its first regular session of 1989.

22. On 22 May 1989, the Economic and Social Council adopted the draft resolution of the Commission as Council resolution 1989/13, entitled "Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances".

23. In paragraphs 3 and 5 of that resolution, the Economic and Social Council incorporated the provisions of paragraphs 1 and 2 of resolution 2 of the Conference, urging States, to proceed with the rapid signature and ratification of the Convention, so that it enters into force as early as possible, and inviting them, to the extent that they are able to do so, to apply provisionally the measures set out in the Convention, pending its entry into force for each of them. In paragraph 4 of the resolution, the Council further urged States to take the requisite legal and administrative measures and to devote the necessary resources to achieve the effective implementation of the Convention.

24. In paragraph 6 of the same resolution, the Council requested the Secretary-General "to modify the section of the annual reports' questionnaire regarding the implementation of international treaties so that the Commission, at its regular and special sessions, may review the steps that States have taken to ratify, accept, approve or formally confirm the Convention".

25. The Council further requested the Secretary-General, in paragraph 7 of its resolution, "to provide assistance to States, at their request, to enable them to establish the legislative and administrative measures necessary for the application of the Convention".

26. The Council invited the Secretary-General, in paragraph 9 of its resolution, to identify the financial, technical and human resources required by the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board "to carry out their additional responsibilities in relation to the new Convention and, within existing resources, to make every effort to assign the necessary resources to the drug control units for the biennium 1990-1991".

27. Through its resolution 1989/9 of 22 May 1989, the Economic and Social Council, taking into account the urgency for States to employ all legal means available to them in the effort to curb drug trafficking, including the measures defined in the new Convention, reiterated the provisions of paragraphs 1 and 2 of resolution 2 of the Conference and requested the Secretary-General to transmit the text of the resolution of the Council to all Governments.

IV. ACTION BY THE SECRETARY-GENERAL

28. As requested in paragraph 6 of Economic and Social Council resolution 1989/13, part A of the annual reports' questionnaire regarding the implementation of international drug control treaties has been modified so that the Commission might review, at its regular and special sessions, the legislative or administrative measures that States have taken to ratify, accept, approve or formally confirm the Convention.

29. As requested in paragraph 3 of Economic and Social Council resolution 1989/19, the text of that resolution was transmitted to all Governments by a note verbale dated 31 July 1989.

30. In response to the request contained in paragraph 7, of Economic and Social Council resolution 1989/13, the Secretary-General has, upon request, provided assistance to States in establishing the legislative and administrative measures necessary for the application of the Convention. This is an ongoing activity, as most, if not all, States wishing to become Parties to the Convention, may have to adjust some of their laws to comply with its provisions. The Division of Narcotic Drugs, on behalf of the Secretary-General, has identified modalities for assisting States to become Parties to the Convention and the provisional application of its provisions prior to its entry into force. The Division has also included in its proposed programme of work for the biennium 1990-1991 the provision of legal and technical assistance to States for the ratification of the Convention. This includes, in particular, assistance in drafting or amending national legislation to comply with the provisions of the Convention.

31. In accordance with paragraph 9 of Economic and Social Council resolution 1989/13, calculations were made of the resources required by the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board to carry out their additional responsibilities entrusted to them under the 1988 Convention. It was estimated that the cost would amount to \$3.8 million for the biennium 1990-1991. Owing to budgetary constraints, it was only possible to include \$730,000 in the 1990-1991 programme budget. Extrabudgetary resources are therefore being sought to cover the gap.

32. The Convention constitutes a very important and timely instrument for increasing international co-operation in the suppression of illicit drug trafficking, and aims particularly at hitting the drug traffickers where it hurts them most, in their pockets and in liberty of movement and organization. It is therefore essential that it should enter into force as a matter of urgency, especially in view of the rapidly deteriorating situation everywhere, notably, but not exclusively, in Latin America. The Secretary-General accordingly addresses an urgent appeal to States that have not already done so to sign and ratify the Convention at the earliest possible date and, in accordance with resolution 2 of the Conference, to implement immediately as many of its provisions as possible.

Notes

1/ For the text of the Convention and of the Final Act of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, see E/CONF.82/15.
