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Chairman: Mr. TUERK (Austria)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 152: INTERNATIONAL CRIMINAL RESPONSIBILITY OF INDIVIDUALS AND ENTITIES ENGAGED IN ILLICIT TRAFFICKING IN NARCOTIC DRUGS ACROSS NATIONAL FRONTIERS AND OTHER TRANSNATIONAL CRIMINAL ACTIVITIES: ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT WITH JURISDICTION OVER SUCH CRIMES (continued) (A/44/195, A/44/694)

1. **Mr. HURST** (Antigua and Barbuda) said that his Government and 10 other Governments from the Caribbean region anticipated a continuous advancement of international law should the resolution proposed by Trinidad and Tobago be adopted by consensus. The creation of an international criminal court of justice had been under United Nations consideration for more than 40 years, and the newly independent countries of the Caribbean, drawing upon their own history and their past experience, were desirous of bringing new life into the proposal. His Government supported the draft resolution proposed by Trinidad and Tobago for two major reasons.
2. First, dire consequences resulted when large and powerful nations sought to extend the jurisdiction of their domestic courts beyond their own borders without the benefit of a treaty or other constitutional guidelines. That ran counter to the accepted norm of the sovereign equality of States. With the establishment of an international criminal court, large and small nations would be held to identical principles of law. Submission to the jurisdiction of that international criminal court would be required before it could hear any matter.
3. A second reason was that the traffic in drugs posed a serious problem for the Caribbean States and was a threat to international peace and security. A mechanism must thus be found whereby criminal defendants apprehended for trafficking in illegal drugs across national borders could be brought to trial and convicted in an international setting. In order to avoid sacrificing legal norms for the advancement of international law, the rules of procedure to be agreed upon should guarantee fairness. Most particularly, the guidelines should allow Member States to decide which defendants would or would not be tried by the international criminal court. It would be a court to which large and small nations could have recourse to ensure fairness and protect themselves from narco-terrorism.
4. On the threshold of the last decade of the century, solutions must be devised which would assure generations to come of a more secure world. It was in that spirit that his delegation called upon the international community to lend its full support to the draft resolution proposed by Trinidad and Tobago.
5. **Mr. ROBINSON** (Jamaica) said that the proposal of Trinidad and Tobago should be considered in the light of the following points: (i) there were acts which had been characterized as international crimes on the basis of either customary or conventional law. Some of those acts might also warrant being qualified as crimes against the peace and security of mankind. In respect of those acts, there was a general feeling that the trial of offenders should not be confined to any single domestic jurisdiction, but that trial should be open either to any one of several

(Mr. Robinson, Jamaica)

domestic jurisdictions or to an international criminal tribunal; (ii) the military tribunals established in 1945 offered a very useful precedent for the trial of international crimes and crimes against the peace and security of mankind; (iii) there appeared to be an emerging view that the system established by the several conventions adopted since 1963 for the suppression of specific offences - such as hijackings - whereby any State Party had the right and duty to assume jurisdiction over offenders, was not the most effective. States would have greater confidence in the impartiality and objectivity of an international criminal tribunal rather than in a domestic court; (iv) there was a need to let the International Law Commission know whether it should draft the statute of an international criminal tribunal that would be competent to try crimes under the Code.

6. The item under consideration was not confined to illicit trafficking in drugs across national frontiers. Drug trafficking did, however, merit special mention, because it posed a serious threat to the stability and economic development of many States, particularly developing countries. In the Third Committee his delegation had already made a statement reflecting the Prime Minister's proposal for the adoption of certain measures to combat illicit trafficking in drugs; that proposal illustrated the depth of his country's commitment to the struggle against drug trafficking.

7. Although not every act relating to drug trafficking should qualify as a crime against the peace and security of mankind, it was certain that some such acts did deserve such a characterization. In that regard, his delegation noted with satisfaction that the International Law Commission's Special Rapporteur on the draft Code of crimes against the peace and security of mankind had indicated a willingness to deal with the subject both in the context of crimes against peace and of crimes against humanity (A/44/10, para. 209).

8. It was also interesting to note that, although no international criminal tribunal had been established since the military tribunals of 1945, article VI of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III), Annex) and article V of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XVIII), Annex) provided for trials of persons accused of the crimes covered in those conventions either by a national court or by a competent international criminal tribunal. In the absence of such a tribunal, the latter alternative would be only of academic interest, but it did show that a significant section of the international community was willing to contemplate trial of certain offences by an international criminal court.

9. The best way to advance work on an item would be to request the Secretary-General to submit, at the forty-fifth session of the General Assembly, a comprehensive report on the question of the establishment of an international criminal court with jurisdiction over certain international crimes against the peace and security of mankind, including drug trafficking. With regard to drug trafficking, the report should take account of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and seek to

(Mr. Robinson, Jamaica)

identify those acts in respect of which the offenders warranted being tried by an international criminal tribunal. The Secretary-General's report should leave aside the more controversial issues, and confine itself to the identification of those offences in respect of which there existed a general consensus as to their status as international crimes or crimes against the peace and security of mankind. The report should also deal with the relationship between national courts and the proposed international criminal court.

10. The proposal of Trinidad and Tobago complemented the International Law Commission's work on the draft Code of crimes against the peace and security of mankind and should give it new impetus: it was a response to an urgent need to take immediate action with regard to certain offences. In preparing his report, the Secretary-General would have at his disposal all the work on the question that had been done by various bodies, including the International Law Commission.

11. In conclusion, he reiterated the advantages of an international criminal court as distinct from national courts: impartiality and objectivity was more likely to be achieved in an international court; the possibility of politicization was less likely in such a court; a single international court would ensure greater consistency in decisions than trial in domestic courts of several States; finally, there would generally be greater confidence in the decisions of an international criminal court than in those of national courts.

12. Mr. TANG (China) welcomed the proposal of Trinidad and Tobago concerning the establishment of a competent international criminal tribunal with jurisdiction over crimes involving drugs. That was another demonstration of the international community's desire to combat illicit trafficking in drugs and to punish the perpetrators.

13. The establishment of an international criminal court to exercise jurisdiction over individuals and entities involved in activities universally recognized as international crimes was already a subject of discussion and study in the international community, in particular among scholars in international law. The Nürnberg Tribunal and the International Military Tribunal for the Far East, set up after the Second World War were examples of those efforts. The subject was still being examined, both within and outside the United Nations, but more particularly in the Sixth Committee and the International Law Commission. Thus far, the establishment of such a judicial body was still an unsettled issue in the discussion of the draft Code of crimes against the peace and security of mankind.

14. Faced with such international criminal activities as hijacking, hostage-taking and illicit trafficking in drugs, the international community relied mainly on the judicial authority of national courts to try and punish criminals, and on international co-operation in criminal justice, including extradition, a system commonly referred to as "prosecute or extradite". Experience had shown that that system worked reasonably well so long as the countries concerned honoured their obligations under international treaties and enhanced international co-operation in criminal justice. In principle, if it was possible to set up an international

(Mr. Tang, China)

judicial organ to exercise jurisdiction over illicit drug trafficking and other international criminal activities, the efficiency of the current international system would no doubt be increased.

15. Nevertheless, as shown in the discussion of the International Law Commission on the draft Code of crimes against the peace and security of mankind, the establishment of a judicial organ involved a series of complex issues, such as its composition, applicable laws and procedures, evidence and investigation, rules governing sentencing, and the execution of sentences. In view of those factors and difficulties, the International Law Commission had decided to continue drafting the Code and to postpone until an appropriate time the topic of the institution of implementation.

16. The proposal of Trinidad and Tobago had the merit of highlighting the practical significance of the issue, a positive aspect which his delegation appreciated. As to the best method of expediting the work on that issue, his delegation remained open to any suggestion that might be forthcoming in the Committee.

17. Mr. PATEL (Pakistan) noted, in the report of the Secretary-General to the General Assembly at its current session, that the value of the drug traffic had surpassed that of trade in oil and was second only to the arms trade. That was clearly the main obstacle to combating the scourge. It must also be noted that cocaine and heroin were made from plants which grew in some of the poorest regions of the world where millions of people lived below the poverty line. Poppies and marijuana had been grown for centuries in the arid mountains of north-western Pakistan but no drug problem had ever existed there until the early 1980s. That was due not only to the increase of the price of heroin in world markets but also, strangely enough, to the success achieved by another Asian country in stamping out the scourge, and to the measures taken in 1979 to put an end to the cultivation of poppies in some countries; that had made the drug barons transfer their interests to Pakistan.

18. The cultivation of poppies for the production of heroin had increased rapidly after 1979. The only legislation existing at the time for fighting the drug threat had been the Drugs Act of 1930, which had provided for a maximum penalty of two years' imprisonment and a fine. After 1979, that legislation had proved to be totally inadequate, but no action had been taken for several years. As the drug traffic brought prosperity to an area where the majority of the population lived below the poverty line, the military Government then in power had taken no action. That was also why, unfortunately, drug addiction had appeared in his country. In 1983, the maximum penalty had been increased from two years' imprisonment to life imprisonment and, in 1987, the courts had been authorized to confiscate the assets of persons convicted of drug trafficking. Those measures had not been enforced energetically and Pakistan had become an exporter of heroin, while drug addiction continued to spread in the country. Lastly, after 11 years of dictatorship, an elected Government had come into power in December 1988 and taken energetic steps to fight the drug traffic. Heroin production had then fallen from 205 tons in 1987-1988 to about 100 tons.

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(Mr. Patel, Pakistan)

19. It would not be possible to stamp out the drug traffic without strengthening international co-operation or providing a comprehensive and detailed definition of that crime. In September 1989, his Government had promulgated an act containing an excellent definition of drug traffic: it covered the cultivation of the plants from which the drugs were made, the production, manufacture, possession, sale, purchase, transport, warehousing, export and import of drugs, any dealing in drugs, the leasing of warehouses, the financing of all activities connected with the drug traffic and the harbouring of traffickers. All those activities had been declared illegal and their abetment was also punishable.

20. The fight against drugs would be long and hard and there was no hope of success without the co-operation of all countries. His delegation therefore shared the view expressed by the President of Colombia in his address to the General Assembly on 29 September 1989. He had stressed in particular the need to reduce demand, the only way of reducing profits from that traffic. The consumer countries must take steps to eliminate demand and the poor countries should adopt measures to root out that evil even if it meant depriving thousands of persons of their livelihood. It was to be feared that the efforts of the third world would fail unless Western Governments took far more energetic measures to put an end to drug consumption.

21. Mr. MOULTRIE (Bahamas) said that developments in the criminal activities of international drug cartels had underscored the vulnerability of the global system in instances where one offence was composed of acts committed in several jurisdictions. It was therefore in the collective interest of the international community to re-examine the existing international legal system with a view to making it relevant to contemporary realities. From that standpoint, the proposal of Trinidad and Tobago was timely. Indeed, while the establishment of an international criminal court had been discussed for more than 30 years, it had never come to fruition.

22. There appeared to be no insurmountable obstacles to the establishment of such a court. For example, it might have jurisdiction over an agreed list of international crimes and therefore not compete with national jurisdictions. Furthermore, its jurisdiction would require the consent of States, and only signatories to the instrument would be bound. It would therefore in no way infringe upon the principle of sovereignty. The court would make it possible to standardize the treatment of transnational crimes and those the international community regarded as universal crimes.

23. Deliberations had reached the stage where rapid progress on and early completion of the work on the establishment of the international criminal court became possible. His country therefore encouraged the Secretary-General, when he prepared his report on the proposal, to build on advances made throughout the United Nations system, and particularly the International Law Commission.

(Mr. Moultrie, Bahamas)

24. At their June 1989 meeting, the heads of Government of the Caribbean Community (CARICOM) had considered the proposal of Trinidad and Tobago, and concluded that it was viable and necessary, and deserved international action. Specific measures must be taken to prosecute and punish crimes recognized as international, whatever the nationality of the offender, the place where the crime was committed or the nature of the crime itself. That was an essential task in which all States must take part. Accordingly, without prejudice to those issues which must be negotiated and resolved, he hoped that a decision would be adopted by consensus before the end of the session.

25. Mr. HANAFI (Egypt) recalled that, as stated in the explanatory memorandum accompanying the request for the inclusion of a supplementary item in the agenda that was submitted by Trinidad and Tobago (A/44/195), the 1988 United Nations Convention did not provide the means for bringing to justice and punishing international criminals. They could escape punishment under national jurisdictions, and the penalties did not always have a deterrent effect. His own country had adopted a series of measures to combat the scourge of drug abuse and illicit trafficking.

26. He reviewed the main features of those measures: the Ministry of the Interior had strengthened border controls; new legislation, Act No. 122, had been adopted in 1989 to amend penal legislation and adapt it to the developing situation; punishments had been made more severe and now even included the death penalty. Egypt had also participated in the 1987 Vienna Conference, collaborated in the preparation of the 1988 Convention, and taken the follow-up measures required. The President had decided to set up a national co-ordination council to work out a global strategy.

27. Internal measures were not enough, however. It was through international co-operation and reliance on the expertise of non-governmental organizations and intergovernmental agencies at the regional and international levels that the problem could be tackled. Egypt was convinced of that and would join in any effort undertaken in that connection. It had signed all the anti-drug-abuse conventions, and already had contacts with certain countries with which it exchanged information and specialists. All those measures had borne fruit, but much remained to be done.

28. Referring more specifically to the proposal of Trinidad and Tobago, he recalled that all studies of the problem under consideration had come up against the difficulty States had in accepting the notion of a court whose jurisdiction would take precedence over theirs. He referred in that connection to the deliberations of the International Law Commission on the proposal to establish an international criminal court under the draft Code of Crimes against the Peace and Security of Mankind. There seemed little chance that the positions would change soon. In Egypt's view, the 1988 convention must be given a chance to demonstrate its virtues and its effectiveness. It was only a year old and had not yet come into force.

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(Mr. Hanafi, Egypt)

29. If the final decision was to ask the Secretary-General to prepare a study, Egypt would not oppose the general view, but it felt that the request should be formulated so as not to prejudge the conclusions or take for granted the establishment of the proposed court. If the Secretary-General undertook such a study, he should take all aspects of the enterprise into account, even the negative ones

30. Dame Nita BARROW (Barbados) said that her delegation fully supported the proposals of Trinidad and Tobago. The problem of international trade in narcotic drugs affected most particularly the countries of the Caribbean, which were the un illing victims of circumstances. They were midway between the centres of production and the centres of consumption of narcotic drugs. As island countries, their frontiers were particularly vulnerable and they lacked the resources to protect them. Lastly, because of the importance of tourism to their economies, the countries had to be accessible to everyone.

31. While it must be recognized that the growing of narcotic plants did not always have criminal, or even immoral, motives, and that for certain communities in Asia and Latin America that was the only source of viable income, the industrialization of illegal drugs was another matter altogether. It could threaten the very foundations of society before the end of the twentieth century, and was already imposing a heavy burden on some countries, which had to divert from their national development effort a considerable portion of their human and other resources to combat the evil effects of drugs, which threatened all young people. As shown by recent events in Colombia, where the warning signs of the emergence of parallel Governments were in evidence, the drug traffickers were imposing a régime of terror. Nothing demonstrated more strikingly the threat they posed to society than their calculated assault on the judiciary and the legal machinery. The Colombian Government's determination to face up to those who were trying to usurp its authority must therefore be welcomed, but neither Colombia nor any other State could now defend itself alone.

32. As early as 1948, the United Nations General Assembly had shown an awareness of the need for an international judicial organ to try certain crimes under international law. Trafficking in narcotic drugs had become a crime against the peace and security of mankind. The adoption in December 1988 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as well as national and bilateral initiatives, showed that the international community was fully aware of the need for urgent and concerted action against that common threat.

33. Mr. MENON (India), after briefly recounting the dangers of drug abuse and illicit trafficking, noted that the war against those scourges was a collective responsibility and could be waged only within the framework of international, regional and bilateral co-operation. India itself had supported all the initiatives of the international community, and had taken tangible steps at the domestic level: it had signed and ratified the 1961 and 1971 Conventions, had observed the International Day against Drug Abuse and Illicit Trafficking, and was

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(Mr. Menon, India)

seriously considering signing the 1988 Vienna Convention. It had also enacted a new law based on the provisions of the latter convention, which seemed to mark progress in the control and regulation of trafficking.

34. Geographically placed between the two regions known as the "Golden Crescent" and the "Golden Triangle", India was a transit country for drug trafficking. The member countries of the South Asian Association for Regional Co-operation faced the same problems as India, and had decided to set up an SAARC Study Group to examine ways of combating that menace.

35. His country was also a major producer of opium, which it exported for use in the pharmaceutical industry. Opium production, amounting to 700 tonnes annually, was controlled and supervised by methods which had often been praised by the international community and which had been adopted as a model for the 1961 Convention. The quantities of opium diverted for illicit use represented less than one per cent of annual production.

36. It was the illicit trafficking in other drugs smuggled into India that was causing concern to his Government. Control measures had been successful, however, as attested to by the statistics for seizures of opium, heroin, cannabis, hashish and cocaine. Cocaine, a relatively new product, was being kept under close watch by the country's enforcement agencies, with encouraging results.

37. His Government had also enacted comprehensive legislation, of which an example was the 1985 Narcotic Drugs and Psychotropic Substances Act, as amended in 1989. The Act addressed in particular the problem of treatment and social reintegration of drug addicts, provided for stringent punishment of drug-trafficking offences, with imprisonment for a minimum of 10 years, or 15 to 30 years for habitual offenders, and set fines of substantial proportions in the Indian context, the courts being empowered to impose even heavier fines. It had also made consumption an offence punishable by imprisonment for six months to one year. His country had, in addition, established a Narcotics Control Bureau to deal with drug-related offences. India's solution was thus a combination of deterrence and treatment.

38. However, the problem of drug trafficking, which affected many parts of the world, could not be tackled effectively by one country alone, however stringent the measures it adopted. Illicit trafficking in recent years had taken on a transnational dimension: often more than two countries were involved; the drugs could originate in one country but have their destination in a second and might be passing through yet another country. The solution to the problem, therefore, was to co-ordinate measures taken in the source countries, the transit countries and the countries of destination.

39. At their ninth Conference held in Belgrade in September 1989, the heads of State or Government of the non-aligned countries had expressed their concern over the problem of drug abuse. They had emphasized that the struggle against drug trafficking was a shared responsibility, that the eradication of that scourge demanded effective and constructive international co-operation and juridical

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(Mr. Menon, India)

measures against the individuals and organisations concerned, and that international agreement must be reached to permit the seizure of money and property derived from drug trafficking and to prevent the laundering of drug money. They had also welcomed the signing of the 1988 Vienna Convention.

40. His country was studying the proposal by Trinidad and Tobago, bearing in mind the following considerations. First, all countries should make concerted efforts to reduce the supply of and demand for illicit drugs and establish infrastructures for the treatment and rehabilitation of addicts. Second, countries should agree, at the bilateral, regional and international levels, to exchange information on the development of drug-control laws, procedures for drug interdiction, and measures to prevent trafficking (exchanges of statistical bulletins listing details of persons arrested, periodical meetings between the enforcement authorities of the countries concerned, etc.). Third, existing legislation must be harmonized for it to achieve maximum effectiveness by providing for minimum punishment and for tracing and seizure of the proceeds of illicit trade in drugs as priority measures.

41. Whatever means were adopted to deal with the scourge of illicit drug trafficking, there was an urgent need for a suitable mechanism to bring to justice those who gambled with the destiny of mankind, particularly the young, and who profited from the destruction of other human beings. In that context, the special session of the General Assembly to be devoted to international co-operation against drug abuse was of great importance. His country was pleased to support the proposal and assured the international community that it would participate in any endeavour aimed at combating and eradicating the drug menace from today's world.

42. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the scale of drug abuse and illicit drug/trafficking, which undermined economic and social progress and threatened democratic national institutions, called for co-operation at the bilateral and multilateral levels and within the international organizations. In that regard, his country wished to pay a tribute to the Latin American countries in their struggle against that scourge. It favoured the establishment of real co-operation in that area, and had signed treaties on mutual judicial assistance with a number of countries, making it possible to seize vast quantities of narcotics and to bring the traffickers to justice. His country considered that approach to be an effective means of combating the problem.

43. However, it was for the United Nations to take the lead in such efforts. To that end, it would be necessary to strengthen the Organization's system for monitoring the implementation of existing international instruments, in particular the recent United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. His country resolutely supported all lawful means of combating drug abuse and illicit trafficking. As to the powers of an international criminal court, his country would reserve judgement until specific proposals had been made.

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44. Mr. BERRY (Australia) said that the question of establishing an international criminal court remained controversial, but that was not true of the proposal made by Trinidad and Tobago since its aim was the preparation of a comprehensive report on the possibility of establishing a criminal court with powers to consider not all international criminal activities, but primarily those relating to drug offences across national frontiers and some other designated crimes.

45. Unlike many others, his delegation was of the view that some factors warranted at least that the Sixth Committee should give serious consideration to the proposal before it. First, the world had in recent years been faced with an upsurge of crimes which, because of their new aspects and increasing international organisation, seriously threatened the political and social stability of many countries, and hence also jeopardized international peace and security. Second, some States were increasingly unable to deal on their own with such crimes, especially international drug trafficking. That was the core of the proposal before the Sixth Committee. The international drug cartels operating in some regions had access to funds far larger than those of the countries directly affected by their activities.

46. Many countries were not keen to see the establishment of an international criminal tribunal, especially because of the derogation it would imply from national sovereignty over criminal matter. The proposal of Trinidad and Tobago maintained that such a tribunal would be seen not as the only body with jurisdiction over such crimes, but merely as a third alternative to trial in a national court or extradition. That had the merit of granting States which were jealous of their national sovereignty the right to maintain their jurisdiction, if they felt they could exercise it effectively, while offering another path to States which had come to the conclusion that their judicial systems might not be able to cope with cases such as those contemplated in the proposal.

47. His delegation nevertheless had reservations concerning the proposal of Trinidad and Tobago, particularly with respect to crimes which could be initial subjects for the jurisdiction of an international court, namely, genocide, torture and crimes against diplomats. The Genocide Convention contained a reference to a possible future international criminal court; and crimes against diplomats, when practised by increasingly powerful gangs of international terrorists, might in some circumstances also come under the jurisdiction of an international tribunal.

48. Secondly, the report that would be requested from the Secretary-General would not really make it possible to assess the need for such a tribunal in current circumstances and to ascertain whether it stood any chance of actually being set up in the foreseeable future. His delegation supported the suggestion that it might be more appropriate to ask an expert legal body, such as the International Law Commission, to submit an advisory opinion, which would not need to be overly detailed, but could be aimed more at the practicalities of setting up an international criminal court. That advisory opinion, which could perhaps be drafted within a year or two, would put the Sixth Committee in a better position to know how to proceed with the proposal before it.

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49. Mr. SZEKELY (Mexico) said that in order to combat drug trafficking and drug addiction, the international community should be guided by the fundamental principles decided on at the Conference of Plenipotentiaries for the Adoption of the 1988 United Nations Convention: firstly, in order to be effective, the international struggle against drug trafficking and drug addiction should be a joint undertaking of all States, and address the problem in all its aspects; secondly, that struggle should be waged by legal means and within the framework of a system of co-responsibility, it being understood that it was the business of each State to address the problem on its own territory, with its own powers, on the basis of its own laws and regulations, and that collaboration with other States could neither replace nor undermine its own exclusive jurisdiction.

50. Furthermore, and in accordance with the general principle of criminal law, nulla pena sine lege, illicit traffic in narcotic drugs would first have to be made an international crime before individuals and groups engaged in illicit traffic in narcotic drugs could be held internationally criminally responsible for such activities. That proposition, moreover, came within the scope of the draft Code of Crimes of the International Law Commission.

51. Given the other principle of criminal law, nulla lex sine pena, illicit traffic in narcotic drugs would first have to be made an international crime; there would have to be an exact definition of criminal behaviour, of the active and passive authors of the crime and of its consequences; and a penalty would have to be imposed for international criminal responsibility for illicit traffic in narcotic drugs. An international tribunal should also be established and recognized, with jurisdiction to give verdicts and pass sentences, having first established in which cases it would have prior, exclusive or additional jurisdiction with respect to the competent national tribunals.

52. Finally, recalling the serious problems raised at the Vienna Conference by the question of making illicit traffic in narcotic drugs an international crime and setting up a universal court with jurisdiction in that matter, his delegation stressed that the proposal to establish international criminal responsibility for illicit traffic in narcotic drugs should be considered in accordance with the fundamental principles decided on by consensus in article 2 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

53. U KYAW TINT SWE (Myanmar) said that his country was a prime victim of the destabilizing effects of drug trafficking, since the proceeds from such trafficking constituted the life-blood of the armed insurgency against Myanmar. It regarded the war against drugs as a national task and had established a Draconian and effective legal framework to that end. The 1974 Narcotic and Dangerous Drug Law had been progressively reinforced in 1983 and 1988. Moreover, for nearly two decades his country had been carrying out large-scale military operations to destroy poppy cultivations and to dismantle the camps of drug traffickers situated in the frontier areas. His country had made great sacrifices in that war, in which over 100 members of the Myanmar security forces had lost their lives and nearly 550 had been wounded.

(U Kyaw Tint Swe, Myanmar)

54. His delegation had stressed to the Third Committee the exclusivity of the sovereignty of the States concerned in their fight against drugs on their territory. At the same time, it recognized the need for concerted international action and co-operation among the States Members of the United Nations in areas where such co-operation was of mutual benefit. Since 1976, Myanmar had co-operated effectively with the United Nations Fund for Drug Abuse Control, which, in recognition of the efforts of the Myanmar authorities in combating the drug menace, had recently allocated additional funds totalling \$US 10.5 million.

55. There was no doubt that the Myanmar Government was deeply committed to combating the drug menace, and would favour all initiatives that would effectively contribute towards that end. Having said that, at that juncture, his delegation had serious reservations regarding the proposed establishment of an international criminal court with jurisdiction over drug-related crimes. In that connection, it shared the doubt expressed by the representative of Brazil (A/C.6/44/SR.38). The reasons which had prompted the General Assembly in 1954 in resolution 898 (IX) to decide to postpone consideration of the question of an international jurisdiction were still in part valid since the draft Code of Crimes against the Peace and Security of Mankind was yet to be adopted. Furthermore, in the light of the deliberations that had been taking place in the International Law Commission with regard to the international traffic in narcotic drugs and the emphasis placed by the Special Rapporteur on the implementation of the draft Code, there did not seem to be any urgency for taking new initiatives at the current stage. In that regard, his delegation, like the representative of Brazil, doubted the wisdom of adding a new item on the already cluttered agenda of the General Assembly, especially one that would probably become perennial.

The meeting rose at 5 p.m.