

wherever appropriate, and urges him to pursue those efforts in co-operation with interested Governments, as well as with the World Bank, the United Nations Development Programme and other developmental organizations, including non-governmental organizations;

8. *Commends* all States that facilitate the attainment of durable solutions and contribute generously to the High Commissioner's programmes;

9. *Notes with appreciation* the support consistently given to the High Commissioner by agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, in carrying out his humanitarian task and requests the High Commissioner to continue to co-ordinate his efforts with those agencies and organizations;

10. *Calls upon* all States to promote durable solutions and to contribute generously to the High Commissioner's humanitarian programmes in order to assist persons of concern to the High Commissioner in a spirit of international solidarity and burden-sharing.

101st plenary meeting  
14 December 1984

### 39/141. Draft Convention against Traffic in Narcotic Drugs and Psychotropic Substances and Related Activities

*The General Assembly,*

*Recalling* its resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980, 36/132 of 14 December 1981, 36/168 of 16 December 1981, 37/168 of 17 December 1982, 37/198 of 18 December 1982, 38/93 and 38/122 of 16 December 1983 and other relevant provisions,

*Aware* of the dangers posed by the illegal production of drugs, illicit demand, illicit drug traffic and drug abuse and of the need to pay renewed attention to these problems and to their pernicious effects,

*Concerned* at the increasing damage which the illicit drug traffic causes to public health, the economic and social development of peoples, and young people in particular,

*Bearing in mind* the Quito Declaration against Traffic in Narcotic Drugs of 11 August 1984<sup>205</sup> and the New York Declaration against Drug Trafficking and the Illicit Use of Drugs of 1 October 1984,<sup>206</sup> in which profound alarm was expressed at the seriousness of the problem,

*Recognizing* the valuable contribution made by existing international legal instruments in their specialized areas, including the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961,<sup>207</sup> and the Convention on Psychotropic Substances of 1971,<sup>208</sup>

*Convinced* that the wide scope of the illicit traffic in narcotic drugs and its consequences make it necessary to prepare a convention which considers the various aspects of the problem as a whole and, in particular, those not envisaged in existing international instruments,

*Commending* the important work of the Commission on Narcotic Drugs, the United Nations Fund for Drug Abuse Control and the International Narcotics Control Board,

1. *Reiterates* that the struggle against the illegal production and demand and the illicit use and traffic in drugs deserves urgent treatment of the highest priority;

2. *Requests* the Economic and Social Council, taking into consideration Article 62, paragraph 3, and Article 66, paragraph 1, of the Charter of the United Nations and Council resolution 9 (I) of 16 February 1946, to request the Commission on Narcotic Drugs to initiate at its thirty-first session, to be held in February 1985, as a matter of priority, the preparation of a draft convention against illicit traffic in narcotic drugs which considers the various aspects of the problem as a whole and, in particular, those not envisaged in existing international instruments, and, to that end, to transmit to it the draft Convention annexed to the present resolution as a working paper;

3. *Requests* the Secretary-General to propose to the Commission on Narcotic Drugs that it adjust the agenda of its thirty-first session, as approved by the Economic and Social Council in its decision 1983/115 of 24 May 1983, to enable the Commission to initiate the preparation of the draft convention referred to in paragraph 2 above;

4. *Requests* the Commission on Narcotic Drugs to report to the Economic and Social Council, if possible at its first regular session of 1985, on the results achieved in this respect;

5. *Requests* the Secretary-General to report to the General Assembly at its fortieth session on the implementation of the present resolution.

101st plenary meeting  
14 December 1984

#### ANNEX

#### Draft Convention against Traffic in Narcotic Drugs and Psychotropic Substances and Related Activities

##### Preamble

*The States Parties to the present Convention,*

*Concerned* that illicit traffic in and use of narcotic drugs and psychotropic substances transcend the sphere of the physical and moral well-being of mankind and are detrimental to the identity and integration of peoples, since they constitute a factor of dependence and corruption which undermines their spiritual, cultural, social and economic values, and *aware* that such problems must be dealt with within the framework of international co-operation and global geopolitics, since drugs are goods used to weaken the legitimate economies of the countries and to undermine their sovereignty, and that such practices are impeding development, especially in the countries of the Andean region, *agree* to declare illicit traffic in narcotic drugs and psychotropic substances, the fundamental means of promoting illicit use of such substances, which use is inflicting serious harm on the youth of the world, to be a grave crime against humanity under international law, having regard to the following considerations:

1. Whereas illicit traffic in and use of such substances are detrimental to the integrity and identity of our peoples since they undermine their spiritual, historical and social values, and, as a result of technical advances in the communications media, unprecedented expansion in untoward cross-cultural influences, increase in organized crime and other factors, have reached proportions too great to be dealt with through the isolated demands and actions of States,

2. Whereas there is clear evidence that illicit trafficking is closely linked to the designs and actions of some aimed at subverting the legal order and social peace in our countries in pursuit of their despicable commercial aims, and that it constitutes a factor of dependence for developing peoples and impedes economic integration in keeping with their common interests,

3. Whereas it is clearly established that illicit trafficking operates by corrupting the political and administrative structures of producing and consuming countries and undermines the security and defence of peoples by sapping their military strength and affecting their sovereignty,

4. Whereas there is a need for international legislation that would provide a basis for effective action to combat illicit trafficking in and use of narcotic drugs and psychotropic substances beyond national boundaries, and for punishing those responsible wherever they may be.

<sup>205</sup> A/39/407, annex.

<sup>206</sup> A/39/551 and Corr.1 and 2, annex.

<sup>207</sup> United Nations publication, Sales No. E.77.XI.3, p. 13.

<sup>208</sup> United Nations publication, Sales No. E.78.XI.3, p. 7.

5. Whereas the volume, magnitude and extent of illicit trafficking and use represent a challenge to society as a whole and constitute activities threatening the very existence and future development of human beings and especially affect youth, a key factor for the development of the peoples of the world,

6. Whereas drug addiction is detrimental to health, one of the basic assets and inalienable rights of every human being, and whereas without individual health there is no public health, a fact which in turn bears upon and determines the economic development of peoples,

7. Bearing in mind that the repeated use of narcotic drugs and psychotropic substances affects the individual and that, through its biological, psychological and social effects, damages the personality and creates problems for the family, society and the State,

8. Whereas the illicit use of narcotic drugs and psychotropic substances is taking a very serious and often irreversible toll on youth, which is the noblest part of the human resources of the world's peoples, and weakens their capacity for cultural and material progress,

Have agreed as follows:

#### Article 1

#### DEFINITIONS

For the purposes of the present Convention:

(a) Trafficking shall mean the preparation, production, extraction, cultivation, preservation, acquisition, distribution, financing, organization and management, transport, supply and/or storing of any of the substances, or their raw materials, referred to in the present Convention, except those enumerated for medical or scientific use in the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961,<sup>207</sup> and in the Convention on Psychotropic Substances of 1971;<sup>208</sup>

(b) Narcotic drugs and psychotropic substances shall mean the substances, preparations and proprietary drugs listed in the schedules to the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971, and such others as may, as determined by the World Health Organization, produce a state of dependence, stimulation or depression of the central nervous system, result in hallucinations or disturbances in motor function or thinking, behaviour, perception or mood, or the use of which may produce effects similar to those produced by any of the substances referred to above.

#### Article 2

#### NATURE OF THE CRIME

Trafficking in narcotic drugs or psychotropic substances is a grave international crime against humanity. The States Parties to the present Convention undertake to prevent and suppress it.

#### Article 3

#### ILLICIT ACTIVITIES

The following shall be deemed illicit activities: trafficking, distribution, supply, manufacture, elaboration, refining, processing, extraction, preparation, production, cultivation, preservation, transport and storage and the management, organization, financing or facilitating of the traffic in any of the substances or their raw materials referred to in the present Convention.

#### Article 4

#### AGGRAVATING CIRCUMSTANCE

It shall be deemed an aggravating circumstance if an individual responsible for such activities performs a public function of any kind.

#### Article 5

#### CHARACTER OF THE CRIME

The illicit activities enumerated in the present Convention shall not be considered as political crimes for the purpose of extradition.

#### Article 6

#### IMPRESCRIPTIBILITY OF THE CRIMES

1. The crimes enumerated in the present Convention shall be imprescriptible. Irrespective of the date on which they were committed, they shall be investigated, and individuals against whom there exists sufficient evidence of having committed such crimes shall be sought, arrested, charged and, if found guilty, punished.

2. The States Parties undertake to adopt, in accordance with their respective laws, any legislative or other measures as may be necessary to ensure that statutory or other limitations shall not apply to the prosecution

or punishment, as determined by law or otherwise, of the crimes referred to in article 3 and part A, paragraph 2, of article 10 of the present Convention, and that, where they exist, such statutory limitations shall be abolished.

#### Article 7

#### DUTIES OF THE STATES PARTIES

The States Parties undertake to adopt the legislative measures necessary to ensure implementation of the provisions of the present Convention and, in particular, to provide for stringent criminal penalties against individuals responsible for the activities referred to herein.

#### Article 8

#### DUTIES OF INTERNATIONAL ORGANIZATIONS

Any State Party or competent international organization may seek to have the relevant bodies of the United Nations or of other regional organizations take such action as they deem appropriate, in accordance with the international instruments governing them, to prevent and suppress the illicit activities enumerated in the present Convention.

#### Article 9

#### INTERNATIONAL CO-OPERATION

1. The States Parties shall co-operate on a bilateral and multilateral basis to prevent and suppress the illicit activities enumerated in the present Convention and shall take all necessary measures towards that end.

2. Accordingly, they shall:

(a) Ensure that, at the national level, there is co-ordination of preventive and repressive action against illicit trafficking in narcotic drugs and psychotropic substances. They may assign responsibility for such co-ordination to an appropriate agency;

(b) Provide mutual assistance in combating illicit trafficking and co-operate with each other in identifying, arresting and taking legal action against those suspected of engaging in such illicit activities and their accomplices or abettors and also in seizing and destroying such substances;

(c) Co-operate closely with each other and with competent international organizations of which they are members in a co-ordinated effort to combat illicit trafficking, particularly by collecting information and documents relevant to investigation with the aim of facilitating the prosecution of the persons referred to in the preceding paragraph, and exchange such information;

(d) See to it that international co-operation between the relevant agencies is expeditiously carried out;

(e) Ensure that writs for judicial action are transmitted between countries directly and expeditiously to the organs designated by the States Parties. This provision shall not prevent any State Party from exercising its right to require that such writs be transmitted to it through the diplomatic channel or from Government to Government;

(f) Provide information on illicit activities within their territories that involve narcotic drugs and psychotropic substances, including information on the cultivation, production and manufacture of, trafficking in and use of such substances;

(g) Refrain from enacting legislative provisions or taking measures of any other kind which might be prejudicial to the international obligations which they have assumed with respect to the identification, arrest, extradition and punishment of individuals guilty of the crimes enumerated in the present Convention.

#### Article 10

#### PENAL PROVISIONS

##### A

1. Each of the crimes enumerated in the present Convention, whether committed by one individual or by several acting in collusion in different countries, shall be considered a distinct offence.

2. Participation or association in the commission of any such crime, conspiracy, instigation or the attempt to commit any such crime, and preparatory actions for such crimes, shall be considered offences.

3. Convictions obtained abroad in respect of such crimes shall be taken into account in determining whether the accused is a habitual offender.

4. Crimes committed by both nationals and aliens shall be tried by the State Party in whose territory the crime was committed, or by the State Party in whose territory the offender is present if extradition is not authorized under the law of the State Party to which a request for extradition is made and if the offender has not yet been tried and sentenced for one of the crimes enumerated in the present Convention.

## B

1. Each of the crimes enumerated in article 3 and part A, paragraph 2, of the present article shall be deemed to be included among the extraditable offences covered by any extradition treaty which has been or may hereafter be concluded between the States Parties.

2. If a State Party which makes extradition contingent on the existence of a treaty receives a request for extradition from another State Party with which it has no treaty, it may, should it so choose, consider the present Convention as the necessary legal basis for extradition in respect of the crimes enumerated in article 3 and in part A, paragraph 2, of the present article. Extradition shall be subject to any other conditions laid down by the law of the State Party to which the application is made.

3. States Parties which do not make extradition contingent on the existence of a treaty shall recognize the crimes enumerated in article 3 and in part A, paragraph 2, of the present article as extraditable offences as between them, subject to any conditions laid down by the law of the State Party to which the application for extradition is made.

4. The provisions of the present article shall not affect the principle that the crimes in question must be prosecuted and punished in accordance with the national law of each State Party.

*Article 11*

## COURTS HAVING JURISDICTION IN SUCH CASES

Anyone involved in any of the activities enumerated in the present Convention may be tried by a competent tribunal in any of the States in whose territory an act or acts to which the present Convention applies was or were committed, or by such international criminal tribunal as may have jurisdiction under the applicable legal rules.

*Article 12*

## ASSISTANCE FUND

A fund shall be established to assist developing countries affected by the illicit traffic in narcotic drugs and psychotropic substances with a view to combating and overcoming the causes of those phenomena and providing them with adequate means of combating such illicit activities. The fund shall be constituted by contributions from States which are Parties to the present Convention on the basis of the method of assessment used by the United Nations and by voluntary contributions.

*Article 13*

## GOVERNING BOARD

The fund shall be administered by a Governing Board composed of an equal number of representatives from each of the States Parties.

*Article 14*

## CONTROL

The States Parties agree to entrust the task of overseeing the activities and obligations set out in the present Convention to the Commission on Narcotic Drugs and the International Narcotics Control Board of the Economic and Social Council of the United Nations.

*Article 15*

## SETTLEMENT OF DISPUTES

Disputes relating to the interpretation, application or fulfilment of the present Convention shall be submitted to the International Court of Justice at the request of one of the States Parties to the dispute.

*Article 16*

## SIGNATURE OR ACCESSION

The present Convention shall be open for signature or accession by all States, whether they are Members or non-members of the United Nations, without limitation as to time; it shall be subject to ratification and the respective instruments shall be deposited with the Secretary-General of the United Nations.

*Article 17*

## ENTRY INTO FORCE

The present Convention shall enter into force on the tenth day following the date on which the twentieth instrument of ratification or accession is deposited.

<sup>209</sup> Resolution 217 A (III).

*Article 18*

## DURATION

The present Convention shall remain in effect for a period of fifty years following its entry into force.

**39/142. Declaration on the Control of Drug Trafficking and Drug Abuse***The General Assembly.*

*Recalling* its resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980, 36/132 of 14 December 1981, 36/168 of 16 December 1981, 37/168 of 17 December 1982, 37/198 of 18 December 1982, 38/93, 38/98 and 38/122 of 16 December 1983 and other relevant provisions,

*Recognizing* the concern that prevails in the international community about the problem of the illegal production of, illicit trafficking in and abuse of drugs,

*Adopts* the Declaration set forth in the annex to the present resolution.

*101st plenary meeting  
14 December 1984*

## ANNEX

**Declaration on the Control of Drug Trafficking and Drug Abuse***The General Assembly.*

*Bearing in mind* that the purposes and principles of the Charter of the United Nations reaffirm faith in the dignity and worth of the human person and promote social progress and better standards of life in larger freedom and international co-operation in solving problems of an economic, social, cultural or humanitarian character,

*Considering* that Member States have undertaken in the Universal Declaration of Human Rights<sup>209</sup> to promote social progress and better standards of life for the peoples of the world,

*Considering* that the international community has expressed grave concern at the fact that trafficking in narcotics and drug abuse constitute an obstacle to the physical and moral well-being of peoples and of youth in particular,

*Desiring* to heighten the awareness of the international community of the urgency of preventing and punishing the illicit demand for, abuse of and illicit production of and traffic in drugs,

*Considering* that the Quito Declaration against Traffic in Narcotic Drugs of 11 August 1984<sup>205</sup> and the New York Declaration against Drug Trafficking and the Illicit Use of Drugs of 1 October 1984<sup>206</sup> recognize the international nature of this problem and emphasize that it should be solved with the firm support of the entire international community,

*Considering* that the Commission on Narcotic Drugs, the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control have made valuable contributions to the control and elimination of drug trafficking and drug abuse,

*Recognizing* that existing international instruments, including the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961,<sup>207</sup> and the Convention on Psychotropic Substances of 1971,<sup>208</sup> have created a legal framework for combating trafficking in narcotic drugs and drug abuse in their specialized fields,

*Declares* that:

1. Drug trafficking and drug abuse are extremely serious problems which, owing to their magnitude, scope and widespread pernicious effects, have become an international criminal activity demanding urgent attention and maximum priority.

2. The illegal production of, illicit demand for, abuse of and illicit trafficking in drugs impede economic and social progress, constitute a grave threat to the security and development of many countries and peoples and should be combated by all moral, legal and institutional means, at the national, regional and international levels.