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UNITED NATIONS CONFERENCE FOR THE ADOPTION
OF A CONVENTION AGAINST ILLICIT TRAFFIC IN
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
Vienna, Austria, 25 November-20 December 1988

FINAL ACT OF THE UNITED NATIONS CONFERENCE
FOR THE ADOPTION OF A CONVENTION AGAINST ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Rapporteur-General: Mrs. Mervat Tallawy (Egypt)

1. The General Assembly of the United Nations, by its resolution 39/141 of 14 December 1984, requested the Economic and Social Council of the United Nations, "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 ...".

2. In furtherance of the foregoing request, and the follow-up action by the Commission on Narcotic Drugs and the Economic and Social Council, the Secretary-General of the United Nations prepared the initial text of a draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. On the basis of the comments made thereon by Governments and the deliberations of the Commission on Narcotic Drugs on that draft at its thirty-second session in 1987, the Secretary-General prepared a consolidated working document, which was circulated to all Governments in April 1987 and was considered at two sessions of an open-ended intergovernmental expert group. On 7 December 1987, the General Assembly adopted resolution 42/111, which gave further instructions for advancing the preparation of the draft Convention. As the time available to the expert group had not permitted thorough consideration of all the articles, the General Assembly requested the

Secretary-General to consider convening a further intergovernmental expert group, meeting for two weeks immediately prior to the tenth special session of the Commission on Narcotic Drugs in February 1988, to continue revision of the working document on the draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and, if possible, to reach agreement on the Convention. At its tenth special session, held at Vienna from 8 to 19 February 1988, the Commission on Narcotic Drugs reviewed the text of the draft Convention and decided that certain articles thereof should be referred to the Conference to be convened to adopt a Convention. The Commission also recommended certain means to the Economic and Social Council to further the preparation of the draft Convention.

3. The Economic and Social Council, by its resolution 1988/8 of 25 May 1988, having recalled the preparatory work undertaken pursuant to General Assembly resolution 39/141 by the competent United Nations organs, decided "to convene, in accordance with Article 62, paragraph 4, of the Charter of the United Nations and within the provisions of General Assembly resolution 366 (IV) of 3 December 1949, 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.

4. By its resolution 1988/8, the Economic and Social Council also decided to convene a review group for the Conference to review the draft texts of certain articles and the draft Convention as a whole to achieve overall consistency in the text to be submitted to the Conference. The Review Group on the draft Convention met at the United Nations Office at Vienna from 27 June to 8 July 1988 and adopted a report to the Conference (E/CONF.82/3).

5. The United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances met at the Neue Hofburg at Vienna from 25 November to 20 December 1988.

6. Pursuant to Economic and Social Council resolution 1988/8 of 25 May 1988 and its decision 1988/120 of the same date, the Secretary-General invited to the Conference:

(a) All States;

(b) Namibia, represented by the United Nations Council for Namibia;

(c) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices in the capacity of observers to participate in the Conference in that capacity, in accordance with Assembly resolutions 3237 (XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

(d) Representatives of the national liberation movements recognized in its region by the Organization of African Unity to participate in the Conference in the capacity of observers, in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

(e) The specialized agencies and the International Atomic Energy Agency, as well as interested organs of the United Nations, to be represented at the Conference;

(f) Other interested intergovernmental organizations to be represented by observers at the Conference;

(g) Interested non-governmental organizations in consultative status with the Economic and Social Council and other interested non-governmental organizations that may have a specific contribution to make to the work of the Conference to be represented by observers at the Conference.

7. The delegations of the following 106 States participated in the Conference: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Saudi Arabia, Senegal, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia and Zaïre.

8. The representatives of the following national liberation movements, invited to the Conference by the Secretary-General, attended and participated as provided for in the rules of procedure of the Conference (E/CONF.82/7): Pan Africanist Congress of Azania and South West Africa People's Organization.

9. The representatives of the following specialized agencies, invited to the Conference by the Secretary-General, attended and participated as provided for in the rules of procedure of the Conference: International Civil Aviation Organization, International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization and World Health Organization.

10. The representatives of the following other intergovernmental organizations, invited to the Conference by the Secretary-General, attended and participated as provided for in the rules of procedure of the Conference: Arab Security Studies and Training Center, Colombo Plan Bureau, Council of Europe, Customs Co-operation Council, European Economic Community, International Criminal Police Organization, League of Arab States and South American Agreement on Narcotic Drugs and Psychotropic Substances.

11. The representatives of the following interested United Nations organs and related bodies, invited to the Conference by the Secretary-General, attended and participated as provided for in the rules of procedure of the Conference: Centre for Social Development and Humanitarian Affairs, International Narcotics Control Board, United Nations Asia and Far East Institute for the

Prevention of Crime and the Treatment of Offenders and United Nations Fund for Drug Abuse Control.

12. Observers from the following non-governmental organizations, invited to the Conference by the Secretary-General, attended and participated as provided for in the rules of procedure of the Conference: Baha'i International Community, Caritas Internationalis, Centro Italiano de Solidarietà, Colombia Therapeutic Communities, Co-ordinating Board of Jewish Organizations, Cruz Blanca Panama, Drug Abuse Prevention Programme, European Union of Women, Integrative Drogenhilfe a.d. Fachhochschule Ffm. e.v., International Abolitionist Federation, International Advertising Association, International Air Transport Association, International Association of Democratic Jurists, International Association of Lions Clubs, International Catholic Child Bureau, International Chamber of Commerce, International Confederation of Free Trade Unions, International Council on Women, International Council on Alcohol and Addictions, International Federation of Business and Professional Women, International Federation of Social Workers, International Pharmaceutical Federation, International Schools Association, Islamic African Relief Agency, Opium De-addiction Treatment, Training and Research Trust, Pace United Kingdom International Affairs, Pax Romana, Soroptimist International, World Association of Girl Guides and Girl Scouts, World Union of Catholic Women's Organizations and Zonta International Committee.

13. The Conference elected Mr. Guillermo Bedregal Gutiérrez (Bolivia) as President.

14. The Conference elected as Vice-Presidents the representatives of the following States: Algeria, Argentina, Bahamas, China, Côte d'Ivoire, France, Iran (Islamic Republic of), Japan, Kenya, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Philippines, Senegal, Sudan, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

15. The Conference elected Mrs. Mervat Tallawy (Egypt) as Rapporteur-General.

16. The following Committees were set up by the Conference:

General Committee

Chairman: The President of the Conference

Members: The President and Vice-Presidents of the Conference, the Rapporteur-General of the Conference, the Chairmen of the Committees of the Whole and the Chairman of the Drafting Committee.

Committees of the Whole

Committee I

Chairman: Mr. Gioacchino Polimeni (Italy)

Vice-Chairman: Mr. M.A. Hena (Bangladesh)

Rapporteur: Mr. Oskar Hugler (German Democratic Republic)

Committee II

Chairman: Mr. István Bayer (Hungary)

Vice-Chairman: Mr. L.H.J.B. van Gorkom (Netherlands)

Rapporteur: Mrs. Yolanda Fernández Ochoa (Costa Rica)

Drafting Committee

Chairman: Mr. M.V.N. Rao (India)

Vice-Chairman: Mr. Hashem M. Kuraa (Egypt)

Members: The Chairman of the Drafting Committee and the representatives of the following States: Australia, Botswana, Canada, China, Colombia, Czechoslovakia, Egypt, France, Ghana, Iraq, Peru, Senegal, Spain and Union of Soviet Socialist Republics.

The Rapporteurs of the Committees of the Whole participated ex officio in the work of the Drafting Committee in accordance with rule 49 of the rules of procedure of the Conference.

Credentials Committee

Chairman: Mr. Edouard Molitor (Luxembourg)

Members: The representatives of the following States: Bolivia, Botswana, China, Côte d'Ivoire, Jamaica, Luxembourg, Thailand, Union of Soviet Socialist Republics and United States of America.

17. The Secretary-General of the United Nations was represented by Miss Margaret J. Anstee, Under-Secretary-General, Director-General of the United Nations Office at Vienna. Mr. Francisco Ramos-Galino, Director of the Division of Narcotic Drugs, was appointed by the Secretary-General as Executive Secretary.

18. The Conference had before it the report of the Review Group convened pursuant to Economic and Social Council resolution 1988/8 of 25 May 1988 (E/CONF.82/3). In addition to an account of the work of the Review Group, the report contained proposals submitted to the Review Group relating to the draft Convention for consideration by the Conference, and the text of the draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (annex II). This draft Convention constituted the basic proposal for consideration by the Conference.

19. The Conference in the course of its work divided the articles contained in the draft Convention between the two Committees of the Whole (Committee I and Committee II). Articles 1 to 5 and the preamble were referred to Committee I and the remaining articles to Committee II. The Committees of the Whole, after agreeing upon the text of a particular article, referred it to the Drafting Committee. The Committees of the Whole reported to the Conference on the outcome of their work and the Drafting Committee submitted to the Conference a complete text of the draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (E/CONF.82/13).

20. On the basis of the deliberations set forth in the records of the Conference (E/CONF.82/SR.1 to 8) and of the Committees of the Whole (E/CONF.82/C.1/SR.1 to 33 and E/CONF.82/C.2/SR.1 to 34) and the reports of the Committees of the Whole (E/CONF.82/11 and E/CONF.82/12) and the Drafting Committee (E/CONF.82/13), the Conference drew up the following Convention:

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

21. The foregoing Convention, which is subject to ratification, acceptance, approval or act of formal confirmation, and which shall remain open for accession, was adopted by the Conference on 19 December 1988 and opened for signature on 20 December 1988, in accordance with its provisions, until 28 February 1989 at the United Nations Office at Vienna and, subsequently, until 20 December 1989, at the Headquarters of the United Nations at New York, the Secretary-General of the United Nations being the depositary.

22. The Conference also adopted the following resolutions, which are annexed to this Final Act:

1. Exchange of information
2. Provisional application of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
3. Provision of necessary resources to the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board to enable them to discharge the tasks entrusted to them under the International Drug Control Treaties

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE AT VIENNA this twentieth day of December one thousand nine hundred and eighty-eight, in a single copy, which will be deposited with the Secretary-General of the United Nations, in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

ANNEX

RESOLUTIONS ADOPTED BY THE UNITED NATIONS CONFERENCE FOR THE
ADOPTION OF A CONVENTION AGAINST ILLICIT TRAFFIC
AND PSYCHOTROPIC SUBSTANCES

1. Exchange of information

2. Provisional application of the United Nations Convention against
Illicit Traffic in Narcotic Drugs and Psychotropic Substances

3. Provision of necessary resources to the Division of Narcotic Drugs and
the secretariat of the International Narcotics Control Board to enable
them to discharge the tasks entrusted to them under the International Drug
Control Treaties

RESOLUTION 1

Exchange of information

The United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,

Calling attention to resolution III adopted by the 1961 United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, in which attention was drawn to the importance of the technical records on international drug traffickers of the International Criminal Police Organization and their use by that organization for the circulation of descriptions of such traffickers,

Considering the machinery developed by the International Criminal Police Organization for the timely and efficient exchange of crime investigation information between police authorities on a world-wide basis,

Recommends that the widest possible use should be made by police authorities of the records and communications system of the International Criminal Police Organization in achieving the goals of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

RESOLUTION 2

Provisional application of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

The United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

1. Urges States, to the extent that they are able to do so, to accelerate steps to ratify the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances so that it enters into force as quickly as possible;
2. Invites States, to the extent that they are able to do so, to apply provisionally the measures provided in the Convention pending its entry into force for each of them;
3. Requests the Secretary-General to transmit the present resolution to the Economic and Social Council and the General Assembly.