Resolution 8 (XXXV)

Implementation of the articles of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 relating to illicit traffic by sea

The Commission on Narcotic Drugs,

Concerned about the magnitude and pervasiveness of the illicit traffic by sea in narcotic drugs and psychotropic substances and in precursors and essential chemicals,

Bearing in mind the special nature of the problem of illicit traffic by sea, in view of the unique marine environment and the many international dimensions involved,

Having regard to the clear need for international cooperation in suppressing illicit traffic by sea, which is recognized in the Single Convention on Narcotic Drugs of 1961, 1/ that Convention as amended by the 1972 Protocol, 2/ the Convention on Psychotropic Substances of 1971 3/ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 4/

Desiring in particular to promote full implementation of the provisions of article 17 of the 1988 Convention, entitled "Illicit traffic by sea",

Recognizing that specific provisions of other articles of the 1988 Convention, particularly articles 3, 4, 5, 6, 9, 12 and 15, are also applicable to the suppression of illicit traffic by sea,

Noting that several formal bilateral agreements on the implementation of article 17 of the 1988 Convention have already been negotiated between parties to that Convention, and that numerous ad hoc arrangements consistent with the framework for international cooperation provided for in article 17 have been agreed to between parties to that Convention,

Conscious of recent regional commitments to promote greater cooperation in this regard, including that reflected in the Declaration of San Antonio, 5/ signed by the Presidents of Bolivia, Colombia, Ecuador, Mexico, Peru and the United States of America and the Minister of Foreign Relations of Venezuela at San Antonio, Texas, on 27 February 1992, and the ongoing work of the Pompidou Group of the Council of Europe aimed at concluding a regional agreement to implement article 17 of the 1988 Convention,

Noting the work being carried forward by the Customs Cooperation Council with respect to cooperation between customs administrations and international traders and carriers to combat, inter alia, illicit traffic in narcotic drugs and psychotropic substances,

Recalling the positive response by the Commission on Narcotic Drugs at its thirty-fourth session 6/ to a proposal by the Secretary-General for "periodic meetings of States parties to focus on articles of the Convention that call for increased cooperation between States parties", with specific reference to article 17 of the 1988 Convention, 7/

* See paragraph 178 above.
Convinced of the urgent need for all States to cooperate to the fullest extent possible to suppress illicit traffic by sea, in conformity with the international law of the sea,

1. Calls upon all parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 that have not already done so to implement fully the provisions of article 17 of that Convention;

2. Encourages all States not parties to the 1988 Convention to adopt, to the extent possible, the provisions of article 17 of that Convention, or equivalent measures, to promote greater cooperation in combating illicit traffic by sea;

3. Commends States that have fully implemented the provisions of article 17 of the 1988 Convention, or equivalent measures, and that have undertaken an active role in combating illicit traffic by sea;

4. Urges each State implementing the articles of the 1988 Convention concerning illicit traffic by sea, or equivalent measures, to give priority to the following:

   (a) Ensuring that illicit trafficking is punishable as a criminal offence under national law pursuant to article 3 of that Convention and in accordance with international law;

   (b) Extending its jurisdiction over such criminal offences pursuant to article 4 of that Convention and in accordance with the limits established in national and international law;

   (c) Notifying the Secretary-General of the authority responsible for receiving requests for cooperation pursuant to article 17 of that Convention, including with the notification sufficient information to facilitate the rapid transmission and receipt of such requests;

   (d) Maintaining a system of records of the vessels in its registry that will enable it to confirm the registry of its vessels upon request;

   (e) Responding expeditiously to requests from other States for confirmation of vessel registry and for authorization to take appropriate measures in regard to that vessel pursuant to article 17, paragraph 3, of that Convention;

5. Recommends that each State implementing article 17 of the 1988 Convention, or equivalent measures, should consider:

   (a) Ensuring that action taken pursuant to paragraph 4(d) of the present resolution includes reference in the system of records to as many vessel particulars as possible to facilitate confirmation of vessel registry as rapidly as possible;

   (b) Including in the system of records of the vessels in its registry, to the extent possible, vessels not normally used for international commerce or navigation on the high seas, but of a type which the flag State in its judgement considers likely to be used for illicit traffic by sea;

   (c) Publishing or otherwise making available a description of the vessel documents and markings required by its registry;
(d) Developing, in advance of any specific requests for cooperation, general policies and procedures related to the circumstances and manner in which, in appropriate cases, cooperation will be provided to other States involved in maritime law enforcement;

6. Calls for further discussion at its future sessions, as well as at other appropriate meetings sponsored by the United Nations International Drug Control Programme, of ways in which parties to the 1988 Convention may promote full implementation of article 17 of that Convention at the national level together with their related bilateral and regional cooperation efforts;

7. Recommends that the United Nations International Drug Control Programme, in developing its regional programmes, should take due account of the importance of providing technical and other assistance to States with regard to the implementation of article 17 of the 1988 Convention, especially the development and maintenance of a database or other system of records of the vessels in their registry;

8. Recommends also that, with respect to its future work in combating illicit traffic by sea, the United Nations International Drug Control Programme should draw upon the work of, and coordinate its activities with, other appropriate United Nations entities, especially the International Maritime Organization, with particular reference to the International Maritime Organization document entitled "Prevention of drug smuggling on ships engaged in international traffic: guidelines for use by shipowners, seafarers and others closely involved with the operation of ships", of 26 November 1987;

9. Invites States to establish procedural and cooperative measures of the kind developed by the Customs Cooperation Council in order, pursuant to article 15 of the 1988 Convention, to ensure that the means of transport operated by commercial carriers are not used in the commission of offences established in accordance with article 3 of that Convention;

10. Urges States to consider entering into formal bilateral and regional agreements and arrangements to enhance the framework provided in article 17 of the 1988 Convention for cooperation in maritime drug law enforcement;

11. Also urges States to consider more effective ways of cooperating to combat illicit traffic by sea, such as training and the exchange of information;

12. Requests the Secretary-General to transmit the present resolution to all Governments for consideration and implementation.

2/ Ibid., vol. 976, No. 14152.