
Economic and Social Council

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Resolution 2 (XL)

Development and implementation of domestic legislation to strengthen justice systems and ensure compliance with the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 relating to law enforcement and judicial cooperation

The Commission on Narcotic Drugs,

Recognizing the continuing magnitude of the illicit production of, demand for and international trafficking in narcotic drugs and psychotropic substances,

Recognizing also that illicit drug trafficking is a global criminal activity that requires maximum international cooperation in its suppression and the dismantling of increasingly sophisticated criminal organizations and their support networks,

Taking note with appreciation of the Report of the International Narcotics Control Board for 1996, [\[1\]](#) which identifies gaps and weaknesses in government efforts to accede to and implement the international drug control treaties,

Recognizing both the importance of comprehensive legislation to ensure full implementation of the international drug control conventions and, in particular, the effectiveness of criminal drug control laws, such as those model laws currently being developed by meetings of international expert groups organized by the United Nations International Drug Control Programme, which contain provisions that may be useful in attacking and dismantling criminal organizations,

1. Commends Governments that have enacted basic drug control legislation and laws covering matters related to drug trafficking, or are in the process of enacting such laws, including provisions on control of precursors and essential chemicals, money-laundering and confiscation, including forfeiture, where applicable, of property, proceeds or instrumentalities of criminal activities;
2. Encourages Governments, bearing in mind the need to respect human rights, to adopt and implement comprehensive and effective legislation and adequate procedures for criminal investigation and prosecution, and to target participants in organized drug-trafficking groups, with a view to:
 - (a) Bringing to justice the heads of criminal organizations and the members of their support networks who are involved in illicit drug-related criminal activities;
 - (b) Permitting the seizure and confiscation, including forfeiture, where applicable, of criminal instrumentalities and proceeds wherever found;
 - (c) Providing for adequate penalties to ensure that major producers and traffickers of illicit drugs receive punishment commensurate with their criminal activities, including in the case of recidivism;
 - (d) Promoting quick and effective international cooperation in the exchange of information, extradition and mutual legal assistance;
 - (e) Enhancing the capabilities of law enforcement and judicial authorities to identify, investigate, prosecute and punish, as appropriate, the members of drug-trafficking and money-laundering

organizations who have committed crimes, to prevent the movement of money derived from illicit drug trafficking, and to facilitate the confiscation, including forfeiture, where applicable, of assets derived from criminal activities;

3. Requests the United Nations International Drug Control Programme to continue to assist Member States in the development and implementation of domestic legislation that would achieve the objectives set forth in the paragraph 2 above in accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, [\[2\]](#) article 2;

4. Requests the Executive Director of the Programme to report to the Commission on Narcotic Drugs at its forty-first session on the progress achieved by the meetings of international expert groups on model legislation organized by the Programme, including any recommendations designed to ensure compliance with the provisions of the international drug control treaties;

5. Requests the General Assembly, at its special session on international drug control to be held in 1998, to consider ways to promote the adoption of legislation designed to enhance judicial and law enforcement cooperation in conformity with article 2 of the 1988 Convention;

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

[1] United Nations publication, Sales No. E.97.XI.3.

[2] Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, vol. I (United Nations publication, Sales No. E.94.XI.5).
