



# TARAKKIYAT TADQIQOTLARI | ИССЛЕДОВАНИЯ РАЗВИТИЯ DEVELOPMENT STUDIES

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## FEATURES OF INTERNATIONAL LEGAL DOCUMENTS IN THE FIELD OF COMBATING DRUG-RELATED CRIME

The beginning of the creation of international bodies to combat drug crime was the convening of the Opium Commission in Shanghai from February 5 to 26, 1909, with the participation of the following countries: Russia, the USA, Austria-Hungary, Germany, England, France, China, Italy, Japan, the Netherlands, Persia, Portugal and Siam. The main purpose of convening the "Shanghai Opium Commission" was to develop measures to suppress the illegal import of drugs from Asian countries to the USA and European countries.

Having considered the issues of smoking the drug and its international trade, the commission put forward a decision on the regulation and gradual restriction of drugs, thereby not banning drugs completely. The Shanghai Opium Commission did not propose any rules regarding drug abuse and illegal distribution, but it did initiate international control over the distribution of narcotic drugs and determined the direction of international legal assistance in this area 1.

The first ever Convention on Drug Abuse was developed at an international conference held in The Hague in 1911-1912. There were 12 participating countries represented at the conference: Germany, USA, France, Japan, China, England, Italy, the Netherlands, Persia, Portugal, Russia, Siam. The Convention was approved by 58 countries, although Russia did not ratify the document, but signed it.

The Convention contained the following principles:

- ensuring that controlled substances are used exclusively for medical and scientific purposes;
- providing assistance to governmental and international bodies in their efforts to prevent drug abuse and reduce the harmful effects of abuse.

These principles were developed further in later international agreements. For international agreements to be effective, independent governments had to voluntarily decide to comply with them and to fulfil their obligations to other governments and international organisations. Although this Convention contained effective measures to suppress drug-related crime, it did not achieve the expected results 2.

The adoption of a new international legal document regulating the use and distribution of drugs was motivated by the consequences of the First World War, namely the increase in drug consumption and drug smuggling.

Another important document is the Geneva Opium Convention adopted on 19.02.1925 at an international conference.

Having consolidated the principles of the previously mentioned Convention in The Hague, the Geneva Convention of 1925 established its own principles, which stated that narcotic drugs could be supplied only for the legitimate needs of any state, supplementing the list of drugs (established by the Convention of 1912 in The Hague) with new narcotic substances: coca leaf, raw cocaine, Indian hemp.

Also, in accordance with Article 10 of this Convention of 1925, substances causing the same effects as narcotic substances fell under the scope of this Convention. The parties to the agreement were obliged to adopt normative and legal acts for effective control over the production, distribution, and export of opium.

The 1925 Geneva Convention required states to provide detailed data on drug transactions. The state's need for narcotic drugs was also assessed. To monitor compliance with the terms of the international treaty, the “Permanent Central Committee on Narcotic Drugs” was created.

The Convention also provided for the need to apply national criminal sanctions for violations of existing legislation relating to the application of the Convention and mutual information on laws and regulations related to its implementation.

During the economic crisis of 1925-1929. There has been an increase in drug use in some countries. As a result of the Tenth Assembly of the League of Nations, it was decided to create a new international treaty to limit the production of drugs to medical and scientific needs. The convention was signed on July 13, 1931 in Geneva, and came into force in 1933 and was called the “International Convention concerning the Restriction of the Production and Regulation of the Distribution of Narcotic Drugs”.

The 1931 Convention made it possible to improve the assessment of the need for narcotic drugs, as well as to identify the world's needs for drugs for medicine and science. This assessment was made based on data on drug use in the most developed countries. Each country provided data on the number of narcotic drugs it needed for specific purposes. To determine the need for narcotic drugs, a Control Commission was created, which every year provided a summary of the need for narcotic drugs in all states 3.

International treaties and agreements had gaps and were not broad enough to allow criminal prosecution of persons violating international anti-drug laws.

Thus, on June 26, 1936, the Convention “On the Prohibition of Illicit Trade in Narcotic Substances” was concluded in Geneva. This Convention has made it possible to introduce new opportunities into international legal practice.

Under certain conditions, an offender who violated drug laws would be subject to extradition to a foreign country. The penalties provided for by this Convention for drug-related crimes were more severe than in previous Conventions.

Articles 11 and 12 of this Convention provided for interaction at the interstate level for the exchange of information, identification and arrest of a drug dealer, while no person who committed a crime should escape punishment.

There was also an attempt to oblige the contracting parties to establish in their legislation criminal liability for the most dangerous acts against persons facilitating the illegal distribution of drugs.

At the end of the 1930s, a stable system of control over drug trafficking was established, but substances that are raw materials for the production of drugs remained outside control.

Because of this, a number of states refused to ratify and sign the Convention. 1961 and 1971 Conventions provided for the fight against drug crime in an indirect form, since they were more aimed at regulating the legal trafficking of drugs and psychotropic substances, as well as introducing an effective control system against diversion into illicit trafficking channels.

Annexes to the Single Convention on Narcotic Drugs of 1961 are Lists (Lists) of narcotic substances and preparations. In accordance with the category to which a particular narcotic drug or preparation belongs, the degree of strictness of control over its manufacture, trade and distribution is determined accordingly.

Particular attention is paid to opium production, coca bush cultivation, distribution of poppy straw and cannabis (hemp) preparations. The international drug control bodies, according to the Convention, are the Commission on Narcotic Drugs of the UN Economic and Social Council and the International Narcotic Drugs Control Board, elected by this Council.

Countries that are supporters of the Convention are obliged to implement the provisions of the Convention on their territories, as well as to cooperate with other states in the implementation of this Constitution.

Supporters are required to provide annual reports: on the application of the Convention in their territories, the texts of regulations issued for implementation, data on the annual demand for various narcotic drugs, some other data, as well as information on production, consumption, import, export, seizure for narcotic drugs.

Based on Part 1 of Art. 36 of the Convention, Parties undertake to criminalize the intentional cultivation and production, manufacture, extraction, preparation, storage, supply, offering for commercial purposes, distribution, purchase, sale, delivery, brokerage, dispatch, re-transit, transportation, import and export of narcotic drugs.

Serious crimes are subject to appropriate punishment, in particular imprisonment. Article 39 gives countries the right to independently adopt more stringent control measures than those provided for by the Convention.

By requiring tough measures against the illegal distribution of narcotic drugs, the Convention provides an opportunity to remove offenders who abuse narcotic drugs from the system of criminal legal jurisdiction.

In Part 2 of Art. 36 countries allow the following in their legislation: in cases where a crime is committed by drug abusers, the possibility of either sending them to treatment instead of conviction or punishment, or using treatment in addition to punishment, as well as taking measures to educate these individuals, monitor them after treatment, restoration of their ability to work and return to society.

The 1961 Convention made it possible to create a unified international legal framework for the control of narcotic drugs and preparations. The attention of the Convention is directed to the mechanism for implementing this control. It also provides for the rights and obligations of the parties in the production and trafficking of drugs and preparations both within the state and in international cooperation 4.

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