



United Nations

E/NL.1950/68-70
9 October 1950

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE CONVENTION OF 13 JULY 1931 FOR LIMITING
THE MANUFACTURE AND REGULATING THE DISTRIBUTION
OF NARCOTIC DRUGS
AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

PERU

COMMUNICATED BY THE GOVERNMENT OF
PERU

Lake Success,
New York, 1950

Note by the Secretary-General

In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate hereafter the texts of laws and regulations.

LEGISLATIVE DECREE No. 11046

THE PRESIDENT OF THE MILITARY COMMITTEE (*JUNTA MILITAR*) OF GOVERNMENT
WHEREAS

THE MILITARY COMMITTEE (*JUNTA MILITAR*) OF GOVERNMENT HAS ADOPTED THE FOLLOWING.

LEGISLATIVE DECREE:

"THE MILITARY COMMITTEE (*JUNTA MILITAR*) OF GOVERNMENT,
CONSIDERING:

That Peru is a signatory to international conventions for limiting the consumption of narcotic drugs;

That it is therefore essential to establish provisions to enforce compliance with the said conventions;

That moreover it is the duty of the State, in the interest of human welfare and for compelling national reasons, to consider the problem of coca-leaf chewing in Peru with a view to limiting immediately and, later, eradicating this very general custom in the interests of the native population;

That it is also the duty of the State to protect the national heritage, represented by investments in the cultivation of this valuable plant, the use of which for scientific purposes is of great benefit to humanity;

In the exercise of the powers vested in it

HEREBY DECREES AS FOLLOWS:

Article 1. The Coca Monopoly is hereby established in the territory of the Republic.

Article 2. The Monopoly shall control the sowing, cultivation, harvesting, distribution, consumption and export of coca. In conformity with the Supreme Decree of 8 June 1948 the Ministry of Public Health and Social Welfare shall remain responsible for the industrialization of coca for medical purposes.

Article 3. The Ministry of Finance shall, by special decree, designate the areas of the national territory in which the coca leaf may be cultivated; and shall establish the time-limits within which stocks of coca suitable for consumption must be declared, for purpose of the acquisition of these stocks by the Monopoly at prices to be fixed by the said Ministry.

Article 4. The Tax Collection Department of the *Caja de Depositos y Consignaciones* shall be responsible for the administration of the Coca Monopoly.

Article 5. The Ministry of Finance is authorized to make the relevant regulations, which shall cover the following matters: (a) the establishment of a single price for coca, which shall include all the local and State taxes at present in force; (b) the apportionment of the revenue obtained from this source among the various bodies which benefit from these taxes; (c) the preparation of a cadastral survey of the plantations in the producing areas; (d) the penalties applicable for infringements of this Decree and its regulations; (e) the estimate of the expenses required for the operation of the Monopoly.

Article 6. The revenue obtained from the operation of the Monopoly shall be employed principally for the building of barracks for the army.

Given at Government House, Lima, 13 June 1949

(Signatures follow)

NOW THEREFORE I DO HEREBY ORDER that this Decree be printed, published and circulated and duly enforced.

Lima, 13 June 1949.

(Signatures follow)

E/NL.1950/69

COCA MONOPOLY -- SUPREME DECREE

WHEREAS it is necessary to make regulations for the application of Legislative Decree No. 11046 concerning the Coca Monopoly

NOW THEREFORE THE PRESIDENT OF THE MILITARY COMMITTEE (*JUNTA MILITAR*) OF GOVERNMENT
HEREBY DECREES AS FOLLOWS:

The Coca Monopoly established by Legislative Decree No. 11046 shall be governed by the following regulations:

1. The following shall be the only areas in which the cultivation of coca is authorized in the Republic: In the Department of Apurimac: San Jerónimo and Huascatay. In the Department of Ancash: Cabana. In the Department of Amazonas: Chachapoyas, Tingo, Tocabamba, Izuquia, Colcamar, Ocumal, Ocai, Cogón, La Ramada, San Rafael and San Lucas. In the Department of Ayacucho: Ayna, Apulema, Huanta, Sillacocha, Vizcatán, Cabildopamba, Cuchicancha, Chungui, Magdalena, Sachapunco and Sacharacay. In the Department of Cuzco: Calca, Pucartambo, Pumacocha, Tinac, Lirihuyoc, Urubamba, Quillabamba, Chaullay, Ocollopani, Macupicchu and Quellaouna. In the Department of Cajamarca: Bolivar, Cajabamba, Cascas, Celendín, San Marcos. In the Department of Huánuco: La Parroquia, El Valle, Acomayo, Huacrachuco, La Esperanza, Santo Domingo, Monzón, Aguellín, Tazo Grande, Tazo Chico, Chipaquillo Garita Maravillas, Panao and Tingo María. In the Department of Junín: Andamarca, Satipo, La Merced, Huancabamba, Oxapampa. In the Department of La Libertad: Pedregal, Otuzco, Huamachuco, Tayambamba, Chiclín. In the Department of Puno: Limbani, Macusani, Amascusani- Patambuco Sandia. In the Department of San Martín: Uchiza.

When circumstances justify it and subject to a report from the Monopoly, the Ministry of Finance may, by resolution, authorize the cultivation of coca in other areas.

2. Individuals or bodies corporate that engage in the cultivation of or trade in coca must register with and comply with the formalities prescribed by the Monopoly; if they fail to do so they may not lawfully continue their activities. The time-limit for this registration shall be sixty days from the date of this Decree.

3. The individuals or bodies corporate that engage in the cultivation of coca shall be required to keep books in which shall be entered all particulars relating to the crops, harvest, production and sale, suitably classified; the said books shall be supplied by the Monopoly at cost. New crops may not be sown nor existing ones extended or renewed and unsuccessful plantations may not be destroyed unless notice, supported by a statement of the reasons, is first given to the Monopoly so that the change may be recorded in the registers.

4. The Monopoly shall in due course prepare a cadastral survey of the plantations in the producing areas and shall carry out and lay before the Ministry of Finance the related technical studies so that the said Ministry may appoint the date which the Monopoly system shall be put into full operation; pending such appointment coca leaf allocated for consumption shall be liable to a single tax of forty centavos per kilogramme, with the exception of that produced in the Department of Cuzco which shall be taxable at the rate of sixty centavos per kilogramme.

5. The rates prescribed in the preceeding article shall be inclusive of all the State and local charges to which coca was hitherto liable in the Republic; the Monopoly shall submit to the Ministry of Finance, for its approval, the system of compensation to be applied to enable the former beneficiaries of the revenue from the local taxes hereby abolished, to continue to receive the income due to them, on the basis of the average tax yield for the years 1947-1948.

6. The foregoing article, in abolishing the charges therein referred to, shall also operate to abolish the local excise taxes (including the municipal wine tax) instituted by the provisions to which the said article relates, even if such taxes do not expressly apply to coca.

7. The Monopoly shall take steps to recover from the stocks at present delivered for consumption the amount whereby the revenue collected under the rates prescribed in Article 4 of this Decree is lower than the revenue which would have been produced by the said stocks under the system hitherto in force.

8. The tax shall be deemed to be due as from the time when the coca is ready to be released for consumption; for this purpose the Monopoly shall make periodical inventories of the coca at the producing centres, the owners or carriers being responsible for any discrepancies which are found to exist and for which no satisfactory explanation is given.

9. Coca may not be transported from producing to consumption centres save by public highway and during official working hours; it must in all cases be covered by a certificate of payment, a transfer sheet, a free transit sheet or a certificate of payment of tax, in the form to be prescribed by the Monopoly.

10. Stocks delivered to warehouses for consumption must be covered by the respective certificates of payment, on which any sales made shall then be noted, these sales in their turn being covered either by a free transit sheet or an invoice, according to whether the amount sold is intended for local purposes or for dispatch elsewhere.

11. The said warehouses shall keep a ledger in which they shall enter their operations in the form prescribed by the Monopoly.

12. Establishments engaged in the sale of coca must display at their entrances a special doorplate, to be supplied at cost by the Monopoly, indicating whether they are warehouses or wholesale or retail establishments.

13. As from the date of this Decree the Monopoly shall alone be authorized to export coca produced in the country, subject to prior approval by the Ministry of Finance. Export contracts concluded by private parties before 31 May 1949 will be recognized and authorized by the Monopoly, provided that the parties concerned, within fifteen days from the date of this Decree, submit to the Monopoly the documents attesting the legality of the transaction.

14. Any individual or body corporate that contravenes the provisions governing the operation of the Coca Monopoly shall be liable to the following penalties: (a) seizure of all crops grown without the prior permission of the Monopoly; (b) seizure of coca transported by non-authorized routes or at night or unaccompanied by the requisite documents; (c) seizure of coca found in warehouses or commercial establishments without the certificate of payment of tax or respective sheet; (d) for transporting the coca without paying the tax due, payment of three times the amount of the tax; (e) a fine varying from 100 to 5,000 sols according to the sum due and the value of the transaction, in all cases not expressly provided for.

15. Special magistrates appointed to deal with seizures shall be responsible for the application of the penalties set forth in the preceding article; to the extent to which they are applicable, the provisions of the Regulations concerning Alcoholic Beverages, including those relating to the proportion payable to informers whose information leads to the apprehension of the offender, shall apply.

16. The Monopoly is empowered to prescribe such control measures as it deems necessary for the better execution of Legislative Decree No. 11046 and of the present Regulations.

Given at Government House

Lima, 2 August 1949.

(Signatures follow)

SUPREME DECREE

WHEREAS by Legislative Decree No. 11046 of 13 June 1949 the Coca Monopoly was instituted in the territory of the Republic, the relevant regulations having been enacted by Supreme Decree of 2 August 1949 issued by the Ministry of Finance and Commerce;

AND WHEREAS the export of coca leaf is subject to an international control system which requires the application of a system of official import certificates and export authorizations, to be issued by the competent authorities responsible, in pursuance of the relevant conventions, for issuing the said certificates and authorizations which are recognized by the international bodies;

AND WHEREAS the Ministry of Public Health and Social Welfare (Department of Narcotics), in pursuance of the above-mentioned conventions, is the authority responsible for furnishing to the organs of international control divers statistical information relating to the production, consumption, export, stocks etc. of coca leaf;

AND WHEREAS the Coca Monopoly should co-operate with the said Ministry to ensure that the said statistical information is supplied in the most exact and complete form;

NOW THEREFORE THE PRESIDENT OF THE MILITARY COMMITTEE (*JUNTA MILITAR*) GOVERNMENT
HEREBY DECREES AS FOLLOWS:

1. The export of coca leaf shall continue to be subject to the system of international control of narcotic drugs; and accordingly coca leaf shall be exported through the Coca Monopoly, subject to official export certificates first had and obtained from the Ministry of Public Health and Social Welfare (Department of Narcotics), which shall issue them on production of the official import certificates issued by the competent authorities of the importing countries.

2. It is the duty of the Coca Monopoly to supply the Ministry of Public Health and Social Welfare with detailed reports concerning the cultivation, harvest, production, consumption and stocks of coca leaf.

3. The head of the Department of Narcotics, in his capacity as the Peruvian representative on the United Nations Commission on Narcotic Drugs, is appointed to represent the Ministry of Public Health and Social Welfare in its dealings with the Tax Collection Department of the *Caja de Depósitos y Consignaciones* on matters concerning coca and the Coca Monopoly.

Given at Government House

Lima, 25 August 1949.

(Signatures follow)