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UNITED NATIONS OPIUM CONFERENCE

Main Committee

CONSIDERATION OF THE DRAFT PROTOCOL FOR REGULATING THE PRODUCTION OF,  
INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM,  
(E/2186, annex)

Texts adopted by the Main Committee  
at its 23rd meeting

53-16688

CHAPTER III - INFORMATION TO BE SUPPLIED BY GOVERNMENTS

Article 7

Estimates

1. Each Party shall, in a similar manner to that required for drugs by the 1931 Convention, forward to the Board, in respect of each of its territories, estimates for the following year of
  - (a) The quantity of opium required for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations exempted under article 8 of the 1925 Convention;
  - (b) The quantity of opium required for the manufacture of alkaloids;
  - (c) The stocks which, having regard to the provisions of article 3, it proposes to maintain and the amount of opium necessary to add to or deduct from its existing stocks in order to bring those stocks to the desired level;
  - (d) The amounts of opium it proposes to add to its stocks, if any, held for military purposes, or to transfer therefrom to lawful trade.
2. The total of the estimates for each country or territory shall consist of the sum of the amounts specified under sub-paragraphs (a) and (b) of the preceding paragraph, with the addition of the amount necessary to bring the stocks specified under sub-paragraphs (c) and (d) of the same paragraph to the desired level or after the deduction of any amounts by which those stocks may exceed that level. These additions or deductions shall not, however, be taken into account except in so far as the Parties concerned have forwarded at the proper time the necessary estimates to the Board.
3. Each Party which permits the production of opium shall forward annually to the Board, in respect of each of its territories, an estimate of the extent of the area (in hectares) stated as exactly as possible, on which it proposes to cultivate the poppy for the purpose of producing opium, and estimates, as accurate as practicable, of the amount of opium to be produced, based on the average yield of opium in the preceding five years. If the cultivation of the poppy for this purpose is permitted in more than one region, this information shall be shown separately for each such region.

4. (a) The estimates referred to in paragraphs 1 and 3 of this article shall be made in the form prescribed from time to time by the Board.  
(b) Every estimate shall be despatched so as to reach the Board by a date determined by it. The Board may prescribe different dates for the estimates referred to in paragraph 1 of this article and for those referred to in paragraph 3 thereof; it may also, taking into consideration varying harvesting times, prescribe different dates for the estimates to be furnished by Parties under paragraph 3 of this article.
5. Every estimate shall be accompanied by a statement explaining the method by which it has been compiled and by which the several amounts in it have been calculated.
6. Supplementary estimates either decreasing or increasing the original estimates may be furnished and shall be sent to the Board without delay, together with an explanation of the reason for such revision. The provisions of this article, except sub-paragraph (b) of paragraph 4 and paragraph 9, shall apply to such supplementary estimates.
7. The estimates shall be examined by the Supervisory Body which may request any further information in order to make an estimate complete, or to explain anything contained therein and, with the consent of the government concerned, amend such estimates.
8. The Board shall request estimates for countries or territories to which this Protocol does not apply to be made in accordance with the provisions of this Protocol.
9. If in respect of any country or territory any estimates do not reach the Board by the date prescribed by it under sub-paragraph (b) of paragraph 4 of this article, such estimates shall, as far as practicable, be established by the Supervisory Body.
10. The estimates referred to in paragraph 1 of this article, including such estimates established by the Supervisory Body in accordance with paragraph 9 of this article, shall not be exceeded by the Parties unless and until they have been modified by supplementary estimates.

11. If it appears from the import and export returns made to the Board under article 8 of this Protocol or article 22 of the 1925 Convention that the quantity of opium exported to any country or territory exceeds the total of estimates for that country or territory as defined in paragraph 2 of this article, with the addition of the amounts shown to have been exported, the Board shall immediately notify all the Parties. The Parties agree that they will not, during the currency of the year in question, authorize any new exports to that country or territory except:

(a) In the event of a supplementary estimate being furnished for that country or territory in respect both of any quantity over-imported and of the additional quantity required; or

(b) In exceptional cases where the export in the opinion of the exporting Party is essential in the interests of humanity or for the treatment of the sick.

Article 8

Statistics

1. The Parties shall furnish to the Board in respect of each of their territories:

(a) Not later than 31 March, statistics, relating to the preceding calendar year showing:

- (i) The extent of the area on which poppy was cultivated for the production of opium and the amount of opium produced therein;
- (ii) The amount of opium consumed, i.e. the amount of opium delivered for retail trade, or to be dispensed or administered by hospitals, or by qualified and duly authorized persons in the exercise of their professional or medical functions;
- (iii) The amount of opium used for the manufacture of narcotic alkaloids and opium preparations, including the quantity required for the manufacture of preparations for the export of which export authorizations are not required, whether such preparations are intended for domestic consumption or for export, in accordance with the Conventions of 1925 and 1931;
- (iv) The amount of opium seized in the illicit traffic, the amount disposed of and the method of disposal; and

(b) Not later than 31 May, statistics showing the stocks held on the preceding 31 December;

The statistics concerning these stocks shall exclude the opium held by a Party for military purposes on 31 December 1953 but shall include any amounts subsequently added to such opium or transferred therefrom to lawful trade; and

(c) Not later than four weeks from the end of the period to which they relate, quarterly statistics showing the amounts of opium, imported and exported.

2. The statistics referred to in paragraph 1 of this article shall be furnished on such forms and in such manner as may be determined by the Board.

3. If they have not already done so, producing States, who are Parties to the Protocol, shall furnish to the Board as exactly as possible for 1946 and the following years the statistics referred to in sub-paragraph (a) (i) of paragraph 1 of this article.

4. The Board shall publish the statistics referred to in this article in such form and at such intervals as it may deem appropriate.

Article 9

Reports to the Secretary-General

1. The Parties shall furnish to the Secretary-General
  - (a) A report on the organization of and functions assigned under article 2 to the agency referred to therein, and on the functions assigned under article 2 to the other competent authorities, if any;
  - (b) A report on the legislative and administrative measures adopted in accordance with this Protocol;
  - (c) An annual report on the working of this Protocol. This report shall be made in accordance with the form prescribed by the Commission, and may be included in or annexed to the annual reports referred to in article 21 of the 1931 Convention.
2. The Parties shall furnish the Secretary-General with additional information regarding any important changes concerning the matters set out in the preceding paragraph.

CHAPTER IV - FINAL CLAUSES

Article 10

Measures of Implementation

The Parties shall adopt all legislative and administrative measures necessary for the purpose of making fully effective the provisions of this Protocol.

Article 17

Transitional measures

1. As a transitional measure, any Party may, provided that it has made an express declaration to that effect at the time of signature or deposit of its instrument of ratification or accession, permit:
  - (a) The use in any of its territories, of opium for quasi-medical purposes;
  - (b) The production, import or export of opium for such purposes from or to any State or territory to be designated to the Board at the time of the submission of the estimates referred to in sub-paragraph (b) of paragraph 4 of this article provided that:
    - (i) On 1 January 1950 such use of opium was traditional in the territory in respect of which the declaration is made and was there permitted at that date;
    - (ii) No export shall be permitted to a State not a Party to this Protocol; and
    - (iii) The Party undertakes to abolish, within a period which shall be specified by that Party at the time of the declaration and which shall in no case extend beyond fifteen years after the coming into effect of this Protocol, the use, production, import and export of opium for quasi-medical purposes.
2. Any Party having made a declaration under sub-paragraph (b) (iii) of paragraph 1 of this article shall for the period specified in the declaration be authorized, in each year, to hold in addition to the maximum stocks provided for in article 3, stocks equal to the amount consumed for quasi-medical purposes in the two preceding years.
3. Any Party may also, as a transitional measure, provided that it has made an express declaration to this effect at the time of signature or deposit of its instrument of ratification or accession, permit the smoking of opium by addicts not under 21 years of age registered by the appropriate authorities for that purpose on or before 30 September 1953.
4. A Party invoking the transitional measures under this article shall:
  - (a) Include in the annual report, to be furnished to the Secretary-General in accordance with article 9, an account of the progress made during the



preceding year towards the abolition of the use, production, import or export of opium for quasi-medical purposes and of opium for smoking.

(b) Submit separately in respect of opium used, imported, exported and held for quasi-medical purposes and of opium used and held for purposes of smoking, such estimates and statistics as are required by articles 7 and 8 of this Protocol.

5. (a) If a Party, which invokes the transitional measures in accordance with this article fails to submit:

- (i) The report referred to in sub-paragraph (a) of paragraph 4 within six months after the end of the calendar year to which the information relates;
- (ii) The statistics referred to in sub-paragraph (b) of paragraph 4 within three months after the date on which they are due in accordance with article 8;
- (iii) The estimates referred to in sub-paragraph (b) of paragraph 4 within three months after the date fixed for that purpose by the Board in accordance with article 7;

the Board or the Secretary-General as the case may be shall send to the Party concerned a notification of the delay and request it to submit such information within a period of three months after the receipt of that notification.

(b) If a Party fails to comply within such period with this request of the Board or the Secretary-General, the transitional measures permitted under this article shall no longer be applicable to that Party as from the expiration of that period.

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