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## COMMISSION ON NARCOTIC DRUGS

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Item 5 of the provisional agenda

### THE SINGLE CONVENTION

#### Second Draft

1. The Commission will recall that at its tenth session it requested the Secretariat to prepare a new draft of the Single Convention on Narcotic Drugs (International Drug Convention) (E/CN.7/AC.3/3). It directed that the new text should be based on the relevant decisions adopted by the Commission from its fifth to its tenth sessions and advised the Secretariat that the draft texts adopted by the Commission should not be considered as literal instructions, but might be changed to the extent required by drafting considerations provided that the Commission's intentions were retained. (E/2768, paragraph 157).
2. During its twentieth session the Economic and Social Council took note (Resolution 588 A (XX)) of the Commission's report on its tenth session in which the directions for preparing the new draft, referred to in paragraph 1, were recorded.
3. The Commission will also recall that by Council resolutions 315 (XI) and 355 B (XII) it has been authorized to transmit the draft of the Single Convention to governments for their comments after making such amendments as it may have seen fit.
4. The Secretary-General now has the honour to present to the Commission the Second Draft of the Single Convention, as requested.
5. Attention is drawn to the following observations:
  - (a) square brackets ( $\square$ ) have been used to indicate alternative texts;
  - (b) to facilitate reference to individual paragraphs and sub-paragraphs of the revised draft, each has been allotted an individual paragraph reference number. Such numbers are given on the extreme left-hand side of each page,

run serially from the beginning to the end, and should not be confused with the numbering of paragraphs within the text of the instrument itself.

6. The footnotes are numbered continuously. In these notes Roman figures represent references to the Reports of the Commission on Narcotic Drugs, e.g. V refers to the Report of the Commission on its fifth session; VI to the Report on the sixth session, etc. The document symbols refer to documents of the United Nations or League of Nations.

7. The following short titles are used in the footnotes:

"First Draft" for the Draft of the Single Convention (The International Drug Convention) (E/CN.7/AC.3/3).

"Second Draft" for the Revised Draft of the Single Convention presented in this document.

"1925 Convention" for the International Opium Convention signed at Geneva on 19 February 1925, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946.

"1931 Convention" for the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946.

"1948 Protocol" for the Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success on 11 December 1946.

"1953 Protocol" for the Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, signed at New York on 23 June 1953.

"Board" for the Permanent Central Board, commonly referred to as the Permanent Central Opium Board, constituted under Chapter VI of the International Opium Convention signed at Geneva on 19 February 1925, as amended.

"Commission" for the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations referred to in Article 6 of the Second Draft as International Narcotics Commission.

"Council" for the Economic and Social Council of the United Nations.

"Secretary-General" for the Secretary-General of the United Nations.

"Schedule" or "Schedules" for the lists of drugs, plants or preparations, as the case may be, lists which are defined in Article 2 of the Second Draft.

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PREAMBLE

Chapter I. DEFINITIONS<sup>(1)</sup>  
Article 1<sup>(2)</sup>

Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout the Convention:

(a) "Board" denotes the International Narcotics Control Board referred to in Article 6 and constituted under Article 14.

(b) "Cannabis plant"<sup>(3)</sup> denotes Cannabis sativa L. any plant of the genus Cannabis.

(c) "Cannabis" denotes the dried flowering or fruiting tops of the Cannabis plant from which the resin has not been extracted, by whatever name they may be designated in commerce.

(c) "Cannabis" denotes the leaves or tops (excluding the seeds when not accompanied by other parts of the tops) of the Cannabis plant.

(d) Cannabis resin denotes the resin of the Cannabis plant.

(d) Cannabis resin denotes the separated or partially separated resin, whether crude or purified, of the Cannabis plant.

(e) "Coca bush" denotes the plants Erythroxylon Coca Lamarck and Erythroxylon novo-granatense (Morris) Hieronymus and their varieties.

(e) "Coca bush" denotes the Erythroxylon Coca or Erythroxylon novo-granatense.

(f) "Coca leaf" denotes the leaf of the coca bush except a leaf from which all cocaine, ecgonine and any other ecgonine alkaloid have been extracted.

(1) X, Annex D, p.1, Comments on Section 1 of the First Draft.

(2) VII, Annex C, p. 20, paragraph 5.

(3) IX, 119; E/CN.7/276, Annex; X, 89; Annex D, p.5; Comments on Section 33 of the First Draft.

- 13        (f) "Coca leaf" denotes:
- 14            (i) the leaf of the coca bush except a leaf from which all  
              cocaine, ecgonine or other ecgonine alkaloids have been  
              removed;
- 15            (ii) any other leaf containing cocaine, ecgonine or any other  
              ecgonine alkaloid.
- 16        (g) "Conversion" denotes the transformation of a drug into another  
             drug by a chemical process with the exception of the transformation  
             of alkaloids into their salts and the compounding of preparations.  
             When one of the drugs is converted into another drug this operation  
             shall be considered as conversion in relation to the first-mentioned  
             drug and as manufacture in relation to the other.
- 17        (h) "Commission" denotes the International Narcotics Commission referred to  
             in Article 6 and charged with functions under this Convention in  
             accordance with Articles 8 to 12 and 57.
- 18        (i) "Crude cocaine" denotes any extract of the coca leaf which can be  
             used directly or indirectly for the manufacture of cocaine.
- 19        (j) "Council" denotes the Economic and Social Council of the United  
             Nations.
- 20        (k) "Drug" denotes any of the substances listed in Schedule I, Part 1,  
             or any substance which shall be added thereto in accordance with  
             the procedure provided for in this Convention because it is or may  
             be liable to similar abuse and productive of similar ill-effects as  
             the substances so listed. Such substances may be present in their  
             pure forms or in conjunction with any other matter, e.g., a salt,  
             preparation, admixture or extract containing any proportion of any  
             such substances, and may be manufactured wholly or partly by synthetic  
             process.
- 21        (l) "General Assembly" denotes the General Assembly of the United  
             Nations.
- 22        (m) "Government purposes" denote the purpose of use by the Government  
             armed forces and of meeting exceptional circumstances military  
             purposes.

- 23 (n) "Government stocks" denote stocks kept under Government control  
for military purposes for the use of the armed forces Government  
and to meet exceptional circumstances.
- 24 (o) "Illicit traffic" denotes the cultivation of the plants listed in  
Schedule I, Part 2, the production, manufacture of, or trade  
in, distribution or possession of, drugs by unauthorized persons.
- 25 (p) "Illicit trafficker" denotes any person who carries on or  
participates in illicit traffic in violation of the provisions of this  
Convention relating to the control of the international trade in  
drugs.
- 26 (q) "Import" and "export". Every consignment to a destination beyond the  
border of a country or territory is deemed an "export" from the  
viewpoint of the country or territory of origin, and an "import" from  
that of the country or territory of destination.
- 27 (q) "Import" and "export" mean, in their respective connotations, the  
physical transfer of drugs from one State to another State or from  
one territory to another territory of the same State.
- 28 (r) "Manufacture" denotes all processes other than production by which  
drugs may be obtained and includes refining as well as the  
transformation of drugs into other drugs by chemical processes  
(Conversion).
- 29 (s) "Medicinal Opium" denotes opium which has undergone the processes  
necessary to adapt it for medicinal use in accordance with the  
requirements of the national pharmacopoeia, whether in powder form  
or granulated or otherwise or mixed with neutral materials.
- 30 (t) "Military purposes" denote "use by the armed forces".
- 31 (u) "Opium poppy" denotes the plant *Papaver somniferum* L.
- 32 (u) "Opium poppy" denotes the *Papaver somniferum* L. and any other  
plant containing morphine.
- 33 (v) "Opium" denotes the spontaneously coagulated juice of the  
opium poppy.

- 34 (w) "Party" denotes a contracting State which has either signed without reservation as to acceptance, or has accepted this Convention in accordance with Article 51.
- 35  $\overline{\overline{(x)}}$  "Poppy straw"<sup>(4)</sup> denotes all parts (except the seeds) of the opium poppy after mowing which are destined for use in the manufacture of  $\overline{\overline{\text{opium alkaloids}}}$   $\overline{\overline{\text{morphine}}}$ .
- 36  $\overline{\overline{(x)}}$  "Poppy straw"<sup>(4)</sup> denotes all parts of the opium poppy after mowing (except the seeds) which are intended for the extraction of  $\overline{\overline{\text{opium alkaloids}}}$   $\overline{\overline{\text{morphine}}}$ .
- 37  $\overline{\overline{(x)}}$  "Poppy straw"<sup>(4)</sup> denotes any morphine-containing parts  $\overline{\overline{\text{other than the seeds}}}$  of the opium poppy, which are intended for the extraction of  $\overline{\overline{\text{morphine}}}$   $\overline{\overline{\text{opium alkaloids}}}$ .
- 38  $\overline{\overline{(y)}}$  "Preparation" denotes a mixture or solution containing a  $\overline{\overline{\text{basic}}}$ <sup>(5)</sup> drug  $\overline{\overline{\text{or a salt of such a drug}}}$   $\overline{\overline{\text{ready for use}}}$ .
- 39  $\overline{\overline{(y)}}$  "Preparation" denotes a mixture of a  $\overline{\overline{\text{basic}}}$  drug  $\overline{\overline{\text{or of the salt of such a drug}}}$  with another  $\overline{\overline{\text{active}}}$  substance.
- 40  $\overline{\overline{(y)}}$  "Preparation" denotes a solution of a  $\overline{\overline{\text{basic}}}$  drug  $\overline{\overline{\text{or of a salt of such a drug}}}$  or a mixture of a  $\overline{\overline{\text{basic}}}$  drug  $\overline{\overline{\text{or of the salt of such a drug}}}$  with one or several other substances.
- 41  $\overline{\overline{(y)}}$  "Preparation" denotes a solution of a  $\overline{\overline{\text{basic}}}$  drug  $\overline{\overline{\text{or of its salt}}}$  in, or mixture of  $\overline{\overline{\text{such a drug}}}$   $\overline{\overline{\text{or its salt}}}$  with one or several other substances  $\overline{\overline{\text{at least one of which is pharmacologically active}}}$ .
- 42 (z) "Production" denotes the separation of opium, poppy straw, coca leaves, cannabis, and cannabis resin from the plants from which they are obtained.
- 43 (aa) "Schedule" denotes any one of the several lists of drugs, plants or preparations, annexed to this Convention and forming an integral part thereof.

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(4) X, Annex B, p.5.

(5) Whether the word "basic" in square brackets should be retained, would inter alia, depend on the definition of the term "drug" in Article 1(k) of the Second Draft, i.e. whether this term will cover salts and preparations or not,

- 44 (bb) "Secretary-General" denotes the Secretary-General of the United Nations.
- 45 (cc) "Reserve" stocks" of a drug denote the total amount of such a drug lawfully held in a country or territory other than the amount held by (a) retail pharmacists or other authorized retail distributors<sup>(7)</sup> and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions<sup>(7)</sup> duly authorized to perform medical functions<sup>(7)</sup>; and (b) by, or under the control of the Government for Government purposes<sup>(7)</sup> military purposes<sup>(7)</sup>.
- 46 (dd) "Synthetic drug" denotes a drug other than those which can be obtained directly or indirectly by a process of synthesis<sup>(7)</sup> from the opium poppy, coca bush or cannabis plant.<sup>(6)</sup>
- 47 (dd) "Synthetic drug" denotes a drug other than alkaloids of the opium poppy and coca bush, cannabis and cannabis resin or drugs obtained from such alkaloids, cannabis or resin. Such alkaloids and drugs shall not be considered synthetic drugs though they are actually obtained from other plants or made artificially<sup>(7)</sup>.
- 48 (ee) "Territory"<sup>(7)</sup> denotes any part of a State which is treated as a separate entity in the application of the system of import certificates and export authorizations provided for in Article 43. This definition shall not apply to the term "territory" as used in Article 53<sup>(7)</sup>.
- 49 (ee) "Territory"<sup>(7)</sup> denotes any part of a State which is separated by customs lines from other parts of that State, customs lines being lines at which customs inspection takes place<sup>(7)</sup>.
- 50 (ee) "Territory"<sup>(7)</sup> denotes any part of a State which that State, in its discretion, treats as a separate entity for the purposes of this Convention (statistics (Article 28), estimates (Article 29 29(a)-(c))), import and export authorizations (Article 43), national control organs (Article 26), etc.<sup>(7)</sup>

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(6) X, Annex D, p.1, Comments on Section 1 of the First Draft.

(7) VII, Annex C, p.20, paragraph 6; see also Article 1 of the 1953 Protocol (definition of "Territory").

Chapter II. SCOPE OF THE CONVENTION

Article 2

Substances under Control

- 51 1. Drugs<sup>(8)</sup> ~~enumerated~~ in the first part of Schedule I shall be subject to  
all measures of international and domestic control provided for in this Con-  
vention, except where otherwise expressly indicated or where the context other-  
wise requires.
- 52 2. Plants listed in the second part of Schedule I shall be subject to such  
control measures as are expressly provided for them.
- 53 3. Drugs included in Schedule II<sup>(9)</sup> are exempted from such control measures  
as are expressly indicated ~~in various provisions~~ ~~in Articles .....~~ of  
this Convention.
- 54 4. Preparations listed in Schedule III are exempted from the provisions of  
this Convention except ~~where otherwise expressly indicated~~ ~~in the case of~~  
Article 42, paragraph 6<sup>(10)</sup>.
- 55 ~~5.~~ The Parties shall prohibit the trade in, production, manufacture, ~~export,~~  
~~import~~, ~~distribution~~, possession and use of drugs listed in Schedule IV  
except for small amounts for use in scientific experiments. A special authori-  
zation valid for a period to be specified therein shall be required for such  
use<sup>(11)</sup>.
- 56 ~~5.~~ The Parties shall consider sympathetically the prohibition of the trade in,  
production, manufacture, ~~export, import,~~ ~~distribution,~~ possession and use of  
drugs listed in Schedule IV, except for small amounts for use in scientific  
experiments.<sup>(12)</sup>

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(8) V, 141.

(9) VII, 92; Annex C. p.20.

(10) VII, 91; Annex C. p.20.

(11) X, 90.104 Annex D, p.7, Comments on "Various Sections".

(12) VII, 90 (iii); 93 and 94; Annex C, paragraph 7, and p.20;  
Comments on Schedule IV.

- 57 /6. Without prejudice to the provisions of paragraph 4, and except where other-  
wise expressly indicated or where the context otherwise requires, provisions of  
this Convention applying to a drug shall also apply to its preparations, its  
salts and the preparations of its salts /; but not to preparations, adapted to  
a normal therapeutic use, of drugs listed in Schedule II or of their salts/.<sup>(13)</sup>
- 58 7. The Parties shall use their best endeavours to apply to substances which  
do not fall under this Convention, but which may be used in the illicit manu-  
facture of /synthetic/ drugs, such measures of supervision as may be  
practicable.<sup>(14)</sup>
- 59 8. Parties are not required to apply the provisions of this Convention to drugs  
which are commonly used in industry for other than medical or scientific purposes,  
provided that:
- 60 (a) they ensure by appropriate methods of denaturing or by other means  
that the drugs so used are not liable to be abused or have ill-effects  
(Article 1(k)) and that the harmful substances cannot in practice be  
recovered /from the final product/; and
- 61 (b) they include in the statistical information /and estimates/ (Article  
28 /and 29 /[(a) to (c)]/) furnished by them figures on the amount of  
each drug so /used or to be/ used.<sup>(15)</sup>
- 62 9. Schedules I, II, III and IV as modified from time to time in accordance  
with Article 3 shall form an integral part of this Convention.

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(13) C. 191.M.136.1937.XI., pp.174-175; see, however, C.774.M.365.1932.  
XI., p.7.

(14) X, 97, 108 and 109, Annex D, p.7. This is the only provision  
specifically applying to "synthetic" drugs, although several other  
provisions applying to natural and synthetic drugs alike were  
incorporated in the Second Draft because of the particular problems  
which have arisen in connexion with the development of synthetic  
drugs. If the bracketed term "synthetic" is, however, retained,  
paragraph 7 would not apply to acetic anhydride.

(15) X, 97, 110-112; Annex D. p.8.

Article 3

Changes in the Scope of Control<sup>(16)</sup>

- 63 1. A Party which considers that a substance [which is or may be used for  
medical or scientific purposes] is liable to similar abuse and productive of  
similar ill-effects as the drugs listed in Schedule I, Part I, or that a drug  
listed therein does not have such dangerous properties, or that a drug listed  
in Schedules II or IV should not be listed therein or should be listed in a  
different Schedule, or that a preparation should be added to or removed from  
Schedule III, shall send a notification to that effect, with all the material  
information at its disposal, to the Secretary-General, who shall transmit such  
notification to the other Parties, to [the members of] the Commission and to the  
World Health Organization.
- 64 2. Upon receipt of a relevant notification under paragraph 1, the Commission  
may, on the advice and recommendation of the World Health Organization, add to  
or remove from the first part of Schedule I and Schedules II, III and IV, drugs  
or preparations as the case may be.<sup>(17)</sup>
- 65 3. If in the course of the procedure referred to in the preceding paragraph  
the Commission finds that the liability of the substance in question to be  
abused and to produce ill-effects (paragraph 1) is particularly great and that  
such liability is not offset by substantial therapeutic advantages not  
possessed by [other less dangerous] substances [other than drugs in Schedule IV]  
it shall place the substance in question in Schedule IV.<sup>(18)</sup>
- 66 [4. Pending [the entry into force of] the Commission's decision referred to in  
paragraph 2, a Party which has sent a notification requesting that a substance  
should be placed under international control or that a preparation should be  
removed from Schedule III, and the other Parties upon receipt of such a notifi-  
cation shall apply to the substance or preparation in question, as the case may  
be, the provisions of this Convention which apply respectively to drugs other  
than those listed in Schedules II and IV, or to preparations which are not listed  
in Schedule III and which have as basis the drug concerned.]<sup>(19)</sup>

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(16) V, 86; VII, 90-91; Annex C, pp.20 and 21; Comments relating to Section 3 of the First Draft; X, Annex D, pp. 1-2.

(17) VII, 90; Annex C, pp.20-21, Comments on Section 3 of the First Draft.  
See, however, V,86.

(18) VII, 94; Annex C, Comments on Schedule IV; X, 97 and 104, Annex D, pp.2 and 8

(19) X, 97 and 114; Annex D, p.2.



- 67 4. Upon receipt of a relevant notification under<sup>(20)</sup> paragraph 1, the Commission may provisionally add substances to the first part of Schedule I and delete preparations from Schedule III pending receipt of the advice and recommendation of the World Health Organization and the entry into force of its decision in question under paragraph 2 of this Article.]
- 68 5. Decisions of the Commission taken in accordance with this Article shall not be subject to review by the Council as provided for in Article 11.]
- 69 5. Decisions of the Commission taken in accordance with paragraph 4 shall not be subject to review by the Council as provided for in Article 11.]
- 70 6. The procedure provided for in this Article concerning changes of the Schedules may also be initiated by a notification of the World Health Organization which shall have the same effect as the notification of a Party referred to in paragraph 1. The notification of the World Health Organization shall be accompanied by all the material information at its disposal.<sup>(21)</sup>

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(20) VII, 90 (ii); 97; Annex C, p.21; Comments on Section 3 of the First Draft.

(21) X, 97 and 113; Annex D, p.1; Comments on Section 3 of the First Draft.

## Chapter IV. INTERNATIONAL CONTROL ORGANS

## Article 6

The International Control Organs<sup>(24)</sup>

87 The Parties recognizing the general authority of the United Nations  
 with respect to the international control of drugs, agree to entrust the  
 following international organs with the functions assigned to them under  
 this Convention:

88 (a) the International Narcotics Commission; and

89 (b) the International Narcotics Control Board.

90 1. The Parties recognize the general authority of the United Nations with  
 respect to the international control of drugs jurisdiction of the United  
 Nations in the field of international drug control.

91 2. The Parties shall maintain the following special international organs for  
 the control of drugs:

92 (a) the International Narcotics Commission; and

93 (b) the International Narcotics Control Board.

## Article 7

Expenses of the international control organs<sup>(25)</sup>

94 The expenses of the international drug control organs will be borne  
 by the United Nations in such a manner as shall be decided by the General  
 Assembly of the United Nations. The Parties which are not Members of the  
 United Nations shall contribute to these expenses such equitable amounts  
 as the General Assembly shall assess from time to time after consultation  
 with the governments of these Parties.

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(24) VII, 83; Annex C, p.21, Comments on Section 6 of the First Draft.

(25) VII, Annex C, p.21, Comments on Section 7 of the First Draft.

The Commission (26)  
Article 8

Constitutional Position and Continuity of Function

- 95 1. The Commission shall be a Functional Commission of the Council /set up  
in accordance with the provisions of the Charter of the United Nations/.
- 96 2. The term of office of each /member/ /Member/ of the Commission shall,  
for the purpose of this Convention, end on the eve of the first meeting of the  
Commission which /his/ /its/ duly elected successor shall be entitled to  
attend.

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(26) VII, 83 and 85; Annex C, p.21, Comments on Section 8 of the first Draft.

The Second Draft contains, in agreement with the opinion expressed by the Commission, an explicit reference to the Commission's character as a Functional Commission of the Council. The First Draft, as well as the existing narcotics treaties, do not contain such a reference.

The second paragraph of article 8 of the Second Draft is intended to ensure that the Commission would be enabled to continue its work without interruption in all foreseeable circumstances. The text of this paragraph as well as of Section 8 of the First Draft adopts to a considerable extent the wording of the relevant paragraph of Council resolution 199 (VIII).

The Representative of the Secretariat of the United Nations stated during the Commission's discussion of Section 8 of the First Draft, that in his opinion the text of this Section would ensure that the Commission, under all foreseeable circumstances, would be able to continue its functions without interruption until the parties to the new Convention had made the necessary legal arrangements by amendment of the Convention. He also stated that the Secretariat would be grateful if the Commission would indicate whether it wished to secure the continuity of the working of the Commission on lines different from those at present indicated in Section 8; see E/CN.7/SR.174, p.12.

The Second Draft does not make provision for the terms of office of the officers of the Commission. It is thought that this can be done in the rules of procedure.

Article 9<sup>(27)</sup>

Privileges and Immunities

- 97 Representatives of States serving as members on the Commission, their deputies, assistants and advisers shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions under this Convention.

Article 10<sup>(28)</sup>

Committees

- 98 1. The Commission may, under such conditions as it shall in each case determine, authorize a Committee of its members to perform such of its functions under this Convention as it may see fit.

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- (27) VII, 86 and 87; Annex C, p.21, Comments on Section 9 of the First Draft. The Commission expressed the view that the provisions on privileges and immunities of members of the Commission should be drafted on the lines of Article 105, paragraph 2, of the Charter of the United Nations, rather than either enumerate these privileges and immunities or refer to Article IV of the Convention on the Privileges and Immunities of the United Nations.

The Legal Office of the Secretariat of the United Nations has studied the text of Article 9 of the Second Draft and expressed the opinion that this Article is drafted in accordance with the view expressed by the Commission. The Legal Office advises that a specific reference to Article IV of the Convention on Privileges and Immunities would be preferable. The purpose of this Convention was to set forth in detail the privileges and immunities referred to in a general way in paragraphs 1 and 2 of Article 105 of the Charter. The Charter itself in paragraph 3 of Article 105 foresaw one or more conventions for the purpose of determining the details of the application of the first two paragraphs. The Legal Office suggests the inclusion of a list of privileges and immunities if it does not seem desirable to refer to Article IV of the Convention on Privileges and Immunities (see E/CN.7/SR.174, pp. 13-15).

- (28) VII, 88. Annex C, pp. 21 and 22, Comments on Section 10 of the First Draft. The Second Draft offers four versions for Article 10. The first two versions take over the tentative text suggested by the Commission with slight modifications in style; the third and fourth versions are based on the assumption that the Commission's basic idea was to limit the number of cases in which the Commission would be authorized to grant some of its powers to a Committee of its members.

99 2. Such as authorization shall be limited to the execution of decisions  
and recommendations adopted by the Commission pursuant to the provisions of  
this Convention.

100 The Commission may, in order to carry out its decisions or recommendations  
adopted pursuant to the provisions of this Convention, and under such  
conditions as it shall in each case determine, authorize a Committee of its  
members to perform such of its functions under this Convention as it shall  
see fit.

101 The Commission may, by a two-thirds majority of its members present  
and voting and under such conditions as it shall in each case determine,  
authorize a Committee of its members to exercise one or several of the  
following of its functions under this Convention .....

102 The Commission may, by a two-thirds majority of its members present  
and voting and under such conditions as it shall in each case determine,  
authorize a Committee of its members to exercise such of its functions under  
this Convention as it shall see fit, except the following .....

# Article 11<sup>(29)</sup>

## Decisions and Recommendations

103 1. Except as otherwise provided in this Convention,<sup>(30)</sup> each decision or  
recommendation adopted by the Commission pursuant to the provisions of this  
Convention shall be subject:

(29) VII, 89. Annex C, p.22, Comments on Section 12 of the First Draft. Article 11  
of the Second Draft takes the place of Section 12 of the First Draft. Section 11  
of the First Draft was deleted as suggested by the Commission; see VII, Annex C,  
p.22, Comments on Section 11 of the First Draft.

(30) The phrase: "Except as otherwise provided in this Convention" is new and was  
introduced at the request of the Commission. It would be required only if one of  
the two bracketed versions of Article 3, paragraph 5, is adopted. The first  
alternative version of this paragraph 5 stipulates that decisions of the Commission  
modifying the Schedules should not be subject to review by the Council under  
Article 11. The Commission did not expressly decide that such a stipulation be  
included in the Second Draft; but it was assumed that this was perhaps the  
Commission's intention when it resolved that such a phrase as "except as otherwise  
provided ....." should be adopted. The second bracketed alternative version of  
Article 3, paragraph 5, of the Second Draft would have the effect that only such  
decisions of the Commission as place drugs provisionally under control would be  
exempted from review by the Council under Article 11 of the Second Draft. It was  
decided at the Commission's seventh session that such a procedure following  
Article 2 of the 1948 Protocol should be incorporated in the Second Draft; see VII,  
90(ii) and Annex C, p.21, Comments on Section 3 of the First Draft. The Commission  
at its tenth session chose, however, a different method of placing drugs under  
provisional control, a method which would not depend on Commission action; see X,  
114 and 115; Annex D, p.2, draft text for paragraph 3 of Section 3; see also  
IX, 134.

- 104 (a) to the right of the Council to approve   , set aside<sup>7</sup> or modify such  
decisions or recommendation. The Council may waive this right;
- 105 (b) to approval by the Council, if the Commission so requests;  
and
- 106 (c) to approval or modification by the General Assembly if the  
Council decides to that effect and has not waived its right  
under sub-paragraph (a) of this paragraph.
- 107 2.   Except in the case   of the special provisions of this Convention  
(Article 3) or<sup>7</sup> of a waiver under paragraph 1(a)<sup>7</sup>, decisions or recommendations  
adopted by the Commission and not subject to approval by the Council under  
paragraph 1(b) shall become final if the Council has not exercised the right  
referred to in paragraph 1(a) or has not adopted the decision referred to in  
paragraph 1(c) at the latest at its first regular session   following the  
session of the Commission at which such decision or recommendation was  
adopted<sup>7</sup>   following the adoption by the Commission of such decision or  
recommendation<sup>7</sup>   which commences after the end of the session of the Commission  
at which such decision or recommendation has been adopted<sup>7</sup>.
- 108 3. Provided always that the special provisions (Articles   3 and<sup>7</sup> 57)  
of this Convention have been satisfied, each decision or recommendation of  
the Commission shall come into force in respect of each Party upon the receipt  
thereby of a notification of the Secretary-General that the provisions of this  
Article have been satisfied and of a copy of the final text of the decision  
or recommendation in question.
- 109 4. The Secretary-General shall establish and keep a record of the dates  
on which each Party received the notification referred to in paragraph 3 of  
this Article.<sup>(31)</sup>

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(31) It is believed that this would obligate the Secretary-General to take all  
practical measures necessary for verifying the dates of receipt.

Article 12<sup>(32)</sup>

Functions of the Commission

- 110 The Commission shall consider all matters pertaining to the aims which  
this Convention seeks to achieve, and without prejudice to the generality of  
this function shall:
- 111 (a) determine the composition of the Schedules in accordance with  
Article 3<sup>(33)</sup>;
- 112 (b) (i) consider what changes may be required in the Convention;
- 113 (ii) prepare draft instruments; and
- 114 (iii) select the amendment procedure and adopt amendments to  
the Convention in accordance with Article 57 <sup>(34)</sup>;
- 115 (c) (i) request the Governments of all States to supply such information  
as it may find necessary for the performance of its functions  
(Article 27);

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- (32) VII, 101-103, Annex C, p.22, Comments on Section 13 of the First Draft. Articles 12 (Functions of the Commission), 27 (Information to be Furnished to the Secretary-General) and 28 (Statistical Information to be Furnished to the (International Narcotics Control) Board) of the Second Draft take the place of Section 13 of the First Draft. The Commission expressed the view that the functions of the Commission and the related obligations of Parties should be written into two separate articles. Statistical information which under the provisions of the First Draft had to be furnished to the "Single Secretariat" (Section 27 and 13(b)(i)(dd)) is to be furnished to the (International Narcotics Control) Board under the terms of the Second Draft which therefore requires such information in a third article (28).
- (33) This provision, together with the provisions of sub-paragraph (b), formed a single sub-paragraph of the First Draft. The Commission suggested that the reference to the right of the Commission to determine the composition of the Schedules should constitute a separate sub-paragraph of the Second Draft. For the necessity of acting on the advice and recommendation of the World Health Organization, see Article 3, paragraph 2.
- (34) The order of items included in sub-paragraphs (a) and (b) was re-arranged in the Second Draft as suggested by the Commission (see E/CN.7/SR.171, pp.6-7); the words in brackets were included in view of the decision of the Commission adopted at its tenth session that the substance of the provisions of Section 48 of the First Draft, providing for amendments by the Commission, should provisionally be inserted in the Second Draft (see X, 137 and Annex D, p.6.).

- 116 (ii) at its discretion, require that this information and,  
in particular, the reports referred to in Article 27  
paragraph 2 (a) be furnished in such manner as it may  
from time to time determine, and ~~request~~ ~~prescribe~~  
in this connexion the use of forms (Article 27, paragraph 3);
- 117 (iii) at its discretion, ~~request~~ ~~prescribe~~ ~~determine~~ the  
dates by which such information and reports should be  
transmitted (Article 27 paragraph 3);
- 118 (iv) on recommendation of the Board modify, (Articles 21 and 22)  
by addition, change or deletion, the list of items on which  
Parties are required to furnish statistics and estimates in  
accordance with Articles 28 and ~~29~~ ~~29(a) to (c)~~;
- 119 (v) recommend exchanges of information of a scientific or  
technical nature which might be of importance for the  
achievement of the aims of the Convention;
- 120 (d) discuss and appraise in the light of the provisions of this  
Convention and of its aims any information at its disposal;
- 121 (e) call the attention of the Board to any facts which may have a  
bearing on actions that organ may take;
- 122 (f) recommend to the appropriate organs of the United Nations or of  
other public international organizations the execution at the  
international level of programmes of scientific research intended  
to promote the aims of the present Convention;
- 123 (g) make such other recommendations to States as well as such organs  
and organizations as it may consider useful for the execution of  
the Convention or of its aims;
- 124 (h) at its discretion, decide on the communication to Governments and  
on the publication of information at its disposal;



- 125 (i) at its discretion, request States which are not Parties<sup>(35)</sup>  
to carry out decisions which it may adopt pursuant to  
provisions of this Convention; and
- 126 (j) perform such other functions under the Charter of the United  
Nations as the Council may direct.

Article 13  
Secretariat<sup>(36)</sup>

127 The Secretariat of the Commission shall be provided for by the Secretary-  
General who will use his best endeavours to ensure close collaboration  
between the Commission and the Board<sup>(37)</sup>.

THE BOARD<sup>(37)</sup>

Article 14

Composition

- 128 1. The Board shall consist of nine members.
- 129 2. The Council shall elect seven members from a list of persons nominated by  
the Members of the United Nations and by Parties which are not Members of the  
United Nations and two members from a list of at least three persons nominated  
by the World Health Organization.
- 130 3. The Commission may authorize the representative of one of its Members  
members<sup>(38)</sup> to attend the sessions of the Board as an observer.<sup>(39)</sup>

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(35) VII, Annex C, pp.21 and 22; Comments on Sections 5 and 13. This sub-paragraph takes the place of the second sentence of Section 5, sub-paragraph (g), of the First Draft. The Commission suggested deleting this sentence and including instead among its functions the right to request non-Parties to carry out such decisions or recommendations as it may adopt under the new treaty.

(36) V, 114; VII, Annex C, p.20, paragraph 10; VIII, 152; Annex C, p.25; Comments on Sections 27 and 28 of the First Draft.

(37) VII, 83; VIII, 98-109, 111-114; Annex C, p.23, Comments on Section 14 of the First Draft.

(38) See footnote 1 on pp.19-20

(39) VIII, 109, Annex C, p.23, Comments on Section 14, paragraph 2, of the First Draft.

- 131 4. Members of the Board shall be such persons as, by their technical competence, impartiality and disinterestedness, will command general confidence, and while in office, they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions on the Board. The Council shall, in consultation agreement with the Board, make all arrangements necessary to ensure the full technical (40) independence of the Board in carrying out its duties under this Convention.
- 132 5. The Council shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand, and in the consuming countries on the other hand, and connected with such countries. (41)
- 133 5. The Council shall give consideration to the importance of including on the Board, in equitable proportion, persons:
- 134 (a) who possess a knowledge of the drug situation in countries which produce opium, poppy straw, or coca leaves or manufacture drugs on the one hand, and in countries which in the main import their drug requirements on the other hand; and
- 135 (b) who have close ties with belong to are connected with such countries. (42)

#### Article 15

##### Terms of Office

- 136 1. The Members of the Board shall serve for a period of five years and be eligible for re-election.
- 137 2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his duly elected successor shall be entitled to attend. (43)

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(40) VIII, 152; Annex C, p.25, Comments on Section 28 of the First Draft.

(41) VIII, Annex C, p.23, Comments on Section 14, paragraph 4 of the First Draft.

(42) VIII, Annex C, p.23; Comments on Section 14, paragraph 4, of the First Draft.

(43) VIII, Annex C, p.23; Comments on Section 15 of the First Draft; see also Article 8, paragraph 2, of the Second Draft.

- 138 3. Whenever a member of the Board has   , without justifiable reasons<sup>7</sup> failed  
to attend:
- 139       (a) four sessions of the Board during his term of office; or
- 140       (b) all the sessions during a full calendar year,  
the Board may declare that his seat has become vacant.<sup>7</sup>
- 141 3. A member of the Board who has   , without reasonable excuse,<sup>7</sup> failed to  
attend:
- 142       (a) four sessions of the Board during his term of office; or
- 143       (b) all the sessions during a full calendar year,  
shall be considered to have resigned.<sup>7</sup>
- 144 4. The Council may, by a three-fourths majority, dismiss a member of the  
Board whom it finds not to fulfil the conditions required for membership  
provided that the Board has recommended such action.<sup>(44)</sup>
- 145 5. The Council shall, in accordance with the applicable provisions of  
Article 14, fill for the remainder of the term of the departing member any  
vacancy which occurs as a result of the working of the provisions of paragraphs  
3 and 4 of Article 15 or of the resignation or death of a member of the Board.  
Except in the case of resignation the provisions of paragraph 2 of this  
Article shall not apply.<sup>(45)</sup>

#### Article 16<sup>(46)</sup>

##### Privileges, Immunities and Remuneration

- 146 1. Members of the Board shall enjoy such privileges and immunities as are  
necessary for the independent exercise of their functions under this Convention.
- 147 2. The Board The President of the Board The Council may in particular  
cases waive such privileges and immunities.<sup>(47)</sup>
- 148 2. The Board The President of the Board The Council shall have the  
right to waive the immunity of any member of the Board in any case where in  
his its opinion the immunity would impede the course of justice and can  
be waived without prejudice to the proper performance of the functions of the  
Board.<sup>7</sup>

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(44) VIII, 110, Annex C, p.23, Comments on Section 16 of the First Draft.

(45) VIII, Annex C, p.23; Comments on Section 16.

(46) VIII, 115-120; Annex C, p.23, Comments on Section 17; see also footnote (27)  
on page 14.

(47) VIII, 116.

- 149 3. The members of the Board shall receive an adequate remuneration as determined by the General Assembly of the United Nations on the recommendation of the Council. (48)

### Article 17<sup>(49)</sup>

#### Rules of Procedure

- 150 1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.
- 151 2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

### Article 18<sup>(50)</sup>

#### Delegation of Authority

- 152 With the exception of the measures functions provided for in Article 23, the Board may, under such conditions as it shall determine, authorize one or several of its members forming a committee, and in appropriate cases members of its Secretariat, to perform such of its functions as it may see fit. 7

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(48) VIII, 115

(49) VIII, 122; Annex C, p.23, Comments on Section 18 of the First Draft.

(50) VIII, 121, Annex C, p.23, Comments on Sections 19 and 20 of the First Draft. A corresponding Article of the First Draft (Section 19) providing for delegation of powers by the Board was deleted by the Commission. After this decision was taken the Secretary-General submitted to the Commission new observations of the Permanent Central Opium Board and the Drug Supervisory Body in which it was recommended that Section 19 of the First Draft should be reinstated (E/CN.7/L.48, Annex, p.2). In view of the fact that the Commission had decided that all decisions of the Board relating to the substance of Section 26 of the First Draft should be taken by an absolute majority of the whole number of the Board (VIII, paragraph 147, Annex C, p.24), comments on Section 26 (as a whole) of the First Draft), it was considered that if the Commission decides to reinstate a provision permitting the Board to delegate powers, it would be in accordance with the intention of the Commission to except from the power to delegate authority the measures provided for in Article 23 of the Second Draft, (which incorporates the substance of Section 26 of the First Draft).

Article 19<sup>(51)</sup>

Decisions

153 Except as provided elsewhere in this Convention or unless the Board  
sets expressly a [different] [later] date, every decision taken by the Board  
in accordance with the provisions of this Convention shall come into force  
in respect of each Party upon the receipt thereby of a notification of  
such decision.

Article 20<sup>(52)</sup>

Functions of the Board

154 The Board shall:  
155 (a) administer the estimate system (Article 21):  
156 (b) administer the system of statistical returns (Article 22);  
157 (c) secure the observation of supply limits in accordance with  
Articles 29-31;  
158 (d) supervise exports of drugs to non-Parties in accordance with the  
provisions of Article [30] [30(a)], paragraph [5] [6];  
159 (e) adopt the measures provided for by this Convention in order to  
ensure the execution of its provisions by all States (Article 23);  
160 (f) report to the Council and Parties on the execution of its functions  
under this Convention (Article 24); and  
161 [(g) [make such recommendations and] perform such other functions  
[not referred to in sub-paragraphs (a) to (f)] as it may consider  
[necessary or] useful for the execution of this Convention.]  
162 [(g) [make such recommendations and] take such other measures as  
it may deem [necessary or] useful for the performance of its  
functions under this Convention.]

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(51) VIII, Annex C, Comments on Section 21 of the First Draft.

(52) VIII, 123; Annex C, p.23, Comments on Section 22 of the First Draft.

Article 21<sup>(53)</sup>

Administration of the Estimate System

- 163 1. The Board may recommend to the Commission to modify, by addition, change or deletion, the list of items of which Parties are required to furnish estimates in accordance with Article 29 Articles 29(a), (b) and (c).<sup>(54)</sup>

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(53) VIII, 124-128; Annex C, pp.23 and 24; Comments on Sections 23 and 24, and on Section 23 of the First Draft. As regards the draft provisions of the Single Convention concerning estimates and statistics the Commission at its tenth session requested the Secretariat to incorporate in the Second Draft its decisions on the relevant provisions of the First Draft, and also to take into consideration another set of draft provisions which it had considered at its eighth session (VIII, Annex C, pages 26 and 27) and the comments which at its request it had received from the Board and Drug Supervisory Body (E/CN.7/L.48, Annex). These last-mentioned comments included besides observations on estimates and statistics as a whole, a draft text on the obligations of the Parties with regard to estimates and to the limitation of manufacture and import, and suggested amendments to the above-mentioned set of draft provisions (VIII, Annex C, pages 6 and 7), insofar as they relate to the obligations of Parties as regards statistics. This alternative text in its full form is contained in Annex B.

The Commission also requested the Secretariat to take into account such additional observations as it might receive from the Board and Drug Supervisory Body by 15 July 1955. Additional comments so received are contained in document E/CN.7/L.119.

Consultations with the Joint Secretariat of the Board and Supervisory Body have taken place on the provisions relating to estimates and statistics as requested by the Commission.

In these circumstances it has been necessary to present a number of alternative texts in order to take into consideration the various elements as directed by the Commission. It should be noted that each principal set of alternatives based on a particular source represents a consolidated system of limitation; and that inconsistencies may arise and may affect the functioning of the system if changes or deletions are made without due consideration of this fact, e.g. within the particular set of provisions which reproduce in the language of the draft the texts and suggestions of the Board and Drug Supervisory Body.

(54) VIII, 126; Annex C, p.23; Comments on Section 23, paragraph 1(a) of the First Draft; X, 118 and 123, Annex D, p.3; Comments on Section 23 of the First Draft.

- 164 2. The Board shall fix the date or dates<sup>(55)</sup> by which and the manner in  
which such estimates should be furnished and may, at its discretion, request  
prescribe<sup>(56)</sup> the use of forms which shall be distributed to all States.
- 165 3. The Board shall request that estimates be furnished in accordance with  
the provisions of this Convention for countries or territories to which the  
Convention does not apply.<sup>(57)</sup>
- 166 4. (a) If any State fails to furnish by the date specified by the Board  
(paragraph 2) an estimate in respect of any of its territories, an estimate  
will, as far as possible, be established by the Board.<sup>(58)</sup>
- 167 (b) The same shall apply if:
- 168 (i) the Board:
- 169 (aa) receives estimates which it deems to be unsatisfactory;
- 170 (bb) without undue delay requests explanations from the  
State concerned in accordance with paragraph 5; and
- 171 (cc) not having received explanations, reiterates its request  
after an appropriate interval; and
- 172 (ii) the State concerned fails to reply within a reasonable period  
after the second request.<sup>(59)</sup>

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(55) VIII, 127; Annex C, p.23; Comments on Section 23, paragraph 1(b) of the First Draft; X, 118 and 124, Annex D, p.3; Comments on Section 23 of the First Draft.

(56) VIII, Annex C, p.24; Comments on Section 23, paragraph 4, of the First Draft.

(57) VIII, Annex C, p.23; Comments on Section 23, paragraph 2, of the First Draft.

(58) VIII, Annex C, p.23; Comments on Section 23, paragraph 2, of the First Draft; see also VIII, 125, and Article 21, paragraph 6, of the Second Draft.

(59) X, 126, Annex D, pp.3 and 4; Comments on Section 23 of the First Draft.

- 173 5. The Board shall examine the estimates and may require further information or details, except as regards requirements for Government military purposes, which it may consider necessary, in respect of any country or territory on behalf of which an estimate has been furnished, in order to make the estimate complete or to explain any statement made therein. (60)
- 174 6. The Board shall then, as expeditiously as possible, either confirm the estimate or, with the consent of the Government concerned, amend it in accordance with any information or details so obtained. (61)
- 175 7. The Board shall issue periodically at such times as it shall determine such information on the estimates as, in its opinion, will facilitate the execution by all States of the provisions of this Convention.

Article 22 (62)

Administration of the System of Statistical Returns

- 176 1. The Board may recommend to the Commission to modify, by addition, change or deletion, the list of items on which Parties are required to furnish statistics in accordance with Article 28. (63)
- 177 2. The Board shall determine the manner in which such statistics should be furnished and may, at its discretion, request prescribe the use of forms which shall be distributed to all States.
- 178 3. The Board shall examine the statistical returns with a view to determining whether a Party or any other State has complied with the provisions of this Convention and, in particular, with those of Articles 29 to 31 concerning the limitation of drug supplies.

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(60) VIII, Annex C, p.24; Comments on Section 23, paragraph 6, of the First Draft.

(61) VIII, 125; Annex C, p.24; Comments on Section 23, paragraph 7, of the First Draft.

(62) VII, 101; Annex C, Comments on Section 13 of the First Draft; VIII, 130; Annex C, p.27; X, 118, 122-125, 127; Annex D, pp.2 and 3, Comments on Section 13(b)(i)(dd) of the First Draft; see also E/CN.7/L.48, Annex, pp.9-12; E/CN.7/L.86, pp.3-4; see also footnote (53) on page 24.

(63) X, 118 and 123; Annex D, p.2.



- 179 4. The Board may require request Parties to furnish further information  
or details which it may deem necessary to complete or explain the information  
contained in the statistical returns.
- 180 5. The Board shall each communicate to the Parties and the Council  
and publish a summarized statement containing:
- 181 (a) the statistical information furnished for each country and territory;  
and
- 182 (b) so far as the Board may consider necessary, an account of the  
explanations given or required requested in accordance with  
paragraph 4, and any observations which the Board may desire to  
make in respect of any particular statistical return, explanation  
or request for explanation.
- 183 (c) an analysis analytical appraisal study of the statistical  
figures in the light of the drug supply limits and estimates of each  
country and territory. <sup>(64)</sup>
- 184 6. It shall not be within the competence of the Board to question or express  
any opinion on statistical information indicating production, manufacture,  
conversion, utilization in manufacture, imports, or purchases or consumption  
of drugs for Government military purposes. <sup>(65)</sup>

Article 23 <sup>(66)</sup>

Measures to Ensure the Execution of Provisions  
of the Convention

- 185 1. The Board may adopt the following measures in order to ensure the  
execution of the Convention:

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(64) See E/CN.7/L.48, Annex, p.9. Article 24 of the Second Draft, however, provides for communication and publication of the report of the Board, including statements on estimates and statistics; see also Article 21, paragraph 7, of the Second Draft.

(65) See Article 22, paragraph 3, of the 1925 Convention.

(66) VIII, 131-151; Annex C, p.24; Comments on Section 26(as a whole) of the First Draft.

186 (a) Request for explanations.

187 /If the information at its disposal leads the Board to the conclusion that the provisions of this Convention are not substantially being carried out in any country or territory or that the drug situation in any country or territory requires elucidation, the Board shall have the right to ask for explanations from the Government in question./

188 /If the information at its disposal leads the Board to the conclusion that important provisions of this Convention are not being carried out in any country or territory or that the drug situation in any country or territory requires elucidation, the Board shall have the right to ask for explanations from the Government in question./ (67)

189 (b) Local inquiry.

190 /If the Board has reasons to assume that a local inquiry would contribute to the elucidation of the situation, it may propose to the Government concerned that a person or a committee of inquiry designated to this end by the Board be sent to the country or territory in question. If the Government fails to reply within four months to the Board's proposal, such failure shall be considered a refusal to consent. If the Government expressly consents to the inquiry it shall be made in collaboration with officials designated by that government./(68)

191 /If the Board has reasons to assume that a local inquiry would contribute to the elucidation of the situation, it may decide to send, with the express consent of the Government concerned, a person or a committee of inquiry, designated to this end by the Board, to the country or territory in question.

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(67) VIII, 137; Annex C, p.24, Comments on Section 26, sub-paragraph 1(a) of the First Draft.

(68) VIII, 138-141; Annex C, p.24, Comments on Section 26, sub-paragraph 1(b) of the First Draft; see also Article 11, paragraph 1(d) of the 1953 Protocol.

If a Government fails to reply, within four months, to the Board's request for consent, it shall be considered to have refused such consent.<sup>(68)</sup>

192 (c) Calling the attention of a Government to the matter.

193 If the Board thinks fit, it may, either confidentially or publicly, call the attention of a Government to its substantial failure to carry out substantially the important provisions of the Convention and/or to a gravely unsatisfactory drug situation in the territory under its control.<sup>(69)</sup>

194 (d) Request for remedial measures.

195 The Board may also call upon a government to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of provisions of this Convention.<sup>(70)</sup>

196 2. If the Board finds that the substantial failure of a State to carry out important provisions of the present Convention is seriously impeding the control of drugs in the territory of another State, it may adopt the following measures to improve the drug situation in the territory concerned:<sup>(71)</sup>

197 (a) Calling the attention of the Parties and of the Council to the matter.

198 The Board may call the attention of all Parties and of the Council to the matter.

199 (b) Public declaration

200 The Board may issue a declaration that in its opinion a Party has violated its obligations under the Convention or that any other State has failed to take the measures necessary to prevent the drug situation in its territory from becoming a danger to the effective drug control in the territory of other Parties.<sup>(72)</sup>

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(68) VIII, 138-141; Annex C, p.24, Comments on Section 26, sub-paragraph 1(b) of the First Draft; see also Article 11, paragraph 1(d) of the 1953 Protocol.

(69) VIII, Annex C, p.24, Comments on Section 26, sub-paragraph 1(c) of the First Draft.

(70) VIII, Annex C, p.24, Comments on Section 26, sub-paragraph 1(d) of the First Draft.

(71) VIII, Annex C, p.24, Comments on Section 26, paragraph 2, introductory sub-paragraph of the First Draft.

(72) VIII, Annex C, p.24, Comments on Section 26, sub-paragraph 2(b) of the First Draft.

201 (c) Recommendation of Embargo<sup>(73)</sup>

202 If the Board finds:

203 (i) that an examination of the estimates and statistics furnished under Articles 28 and 29 [(a) to (c)] indicates that [a Party has failed [substantially] to carry out [its] [important] obligations under this Convention or that any other State seriously impedes drug control in the territory of another [Party] [State]] [a State fails [substantially] to carry out [the] [important] provisions of this Convention]; or

204 (ii) that [, in particular,] excessive quantities of drugs are accumulating in any country or territory [and] [or] that there is a danger of that country or territory becoming a centre of the illicit traffic

the Board may recommend an embargo on the import or export, or both, of any or all drugs from or to the country or territory concerned, either for a definite period or until it is satisfied as to the drug situation in such country or territory. [The State concerned may bring the matter before the Council.]<sup>(74)</sup>

205 (d) Mandatory Embargo

206 (i) Announcement of intention to impose an embargo

207 If the Board finds:

208 (aa) that [a Party has failed [substantially] [seriously] to carry out [its] [important] obligations under this Convention or any other State seriously impedes drug control in the territory of another [Party] [State]] [a State fails [substantially] [seriously] to carry out [the] [important] provisions of this Convention] and that as a result the fight against the illicit traffic has been significantly prejudiced,] [a Party is guilty of such a serious failure to carry out its obligations under this Convention or that any other State impedes in such a serious manner the effective administration thereof,] [a State fails in such a serious manner to carry out the provisions of this Convention] as to prejudice significantly the fight against the illicit traffic<sup>]</sup>; or

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(73) VIII, 144; Annex C, p.25; Comments on Section 26, sub-paragraphs 2(c) and (d) of the First Draft.

(74) See also Article 12, paragraph 2, of the 1953 Protocol.

- 209        [(bb) from the statistical returns on the import and export of drugs  
           (Article 28) or from notifications received under Article 30 [(a)],  
           paragraph [5] [6] that the quantity exported or authorized to  
           be exported to any country or territory exceeds the total of the  
           estimates as defined in Article [29], paragraph 3 [29(a)], paragraph 4  
           with the addition of the amounts shown to have been exported;] or  
 210        , (cc) that the situation referred to in sub-paragraph (c) (ii) prevails in  
           any country or territory,

the Board may announce its intention to impose an embargo [in the case of sub-  
paragraph (bb) on the import, and in the cases of sub-paragraphs (aa) and (cc)]  
 on the import or export, or both, of any or all drugs from or to the country  
 or territory concerned, unless the State concerned adopts the necessary remedial  
 measures, or such measures as, in the opinion of the Board, would be necessary to  
 carry out the provisions of the Convention and as shall be indicated in the  
 announcement. The Board may set a time limit for the introduction and execution  
 of the remedial measures in question.<sup>(75)</sup>

- 211            (ii) Imposition of Embargo

- 212        [If the announcement referred to in the preceding sub-paragraph fails to  
           remedy the situation, the Board may impose the embargo [as announced [before]]  
           either for a definite period or until it is satisfied as to the drug situation  
           in the country or territory concerned.]

- 213        [If the announcement referred to in the preceding sub-paragraph fails to  
           remedy the situation, the Board may impose the embargo [as announced [before]]  
           provided that lesser measures under this Article have failed or are unlikely  
           to [achieve the desired results] [correct the unsatisfactory conditions].  
           The embargo may be imposed either for a definite period or until the Board is  
           satisfied as to the situation in the country or territory concerned.]

- 214            (iii) Further Conditions of the Announcement or Imposition of the  
                   Mandatory Embargo

- 215        [(aa) The Board may adopt the measure[s] referred to in the preceding sub-  
           paragraph[s] ((i) and (ii))] only if less severe measures mentioned  
           in [paragraphs 1 [(b)-(d)] and 2 ((a)-(c))] [in the preceding paragraphs]

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(75) VIII, Annex C, p.24; Comments on Section 26, sub-paragraphs 2(c) and (d)  
 of the First Draft.

have failed or are unlikely to achieve the desired results to remedy the situation<sup>(76)</sup>

- 216 (bb) The Board shall not announce its intention to impose an embargo for the reasons given in paragraph 2(d)(i)(bb) and shall not impose an embargo (paragraph 2(d)(ii)) for such reasons or shall rescind such an announcement or lift such an embargo, if the computed import excess disappears as a result of supplementary estimates or if the embargo would be inconsistent with humanitarian considerations or would endanger the treatment of the sick.<sup>(77)</sup>
- 217 (iv) Appeal
- 218 (aa) A State on which a mandatory embargo has been imposed in accordance with sub-paragraph (d)(ii) may within thirty days of receipt by that State of the embargo decision, notify in writing the Secretary-General Secretariat of the Board of its appeal and, within another thirty days, furnish in the same manner the reasons for the appeal.<sup>(78)</sup>
- 219 (bb) The Secretary-General Secretariat of the Board shall forward a copy of the written notification and of the reasons for the appeal to the Chairman of the Appeal Committee.<sup>(79)</sup>
- 220 (cc) This Committee shall be composed of three members and two alternates who, by their competence, impartiality and disinterestedness, will command general confidence and who shall not receive any instructions from their governments relating to the exercise of their functions. They shall be appointed by the President of the International Court of Justice. In respect of words spoken or written or acts done by them in the course of the performance of their functions they shall be accorded immunity from legal process of every kind.<sup>(80)</sup>

(76) VIII, 142-145; Annex C, p.24, Comments on Section 26, sub-paragraphs 2(c) and (d) of the First Draft.

(77) VIII, 151, (p.14); Annex C, p.24, Comments on Section 26, sub-paragraphs 2(c) and (d) of the First Draft.

(78) VIII, 148-149, Annex C, p.25, Comments on Section 26, sub-paragraph 2(d) of the First Draft; E/2186, Annex, p.102, paragraph reference number 105; see also Article 12, sub-paragraph 3(b)(i) of the 1953 Protocol.

(79) See also Article 12, sub-paragraph 3(b)(iv) of the 1953 Protocol.

(80) VIII, 150; Annex C, p.25, Comments on Section 26, sub-paragraph 2(d) of the First Draft; E/2186, Annex, p.102, paragraph reference number 105; see also Article 12, paragraph 3(b)(ii) of the 1953 Protocol.

- 221        [(dd) The Chairman of the [Appeal] Committee may [suspend] [stay] the embargo pending the decision on, or withdrawal of, the appeal.]
- 222        [(dd)        The [Appeal] Committee may, in exceptional cases and at the request of the appellant State [stay] [suspend] the embargo for a definite period [or] pending the decision on, or withdrawal of, the appeal.](81)
- 223        (ee) The Appeal Committee shall adopt its rules of procedure. (82)
- 224        (ff) Representatives of the appellant State and of the Board shall be entitled to be heard by the Appeal Committee before a decision on the appeal is taken. (83)
- 225        (gg) The Appeal Committee may affirm, vary or reverse the Board's decision imposing the embargo. The decision of the Committee shall be final. (84)
- 226        (hh) The [mandatory] embargo imposed in accordance with paragraph 2(d)(ii) shall come into force sixty days after the Board's decision imposing it unless the Board's decision to impose the embargo is appealed in accordance with paragraph 2(d)(iv)(aa). In this case the embargo shall come into force thirty days after [receipt] by the [Secretariat of the Board] [Secretary-General] of the withdrawal of the appeal or after [of] the decision of the Appeal Committee upholding the embargo in whole or in part.](85)
- 227        [(hh)        The [mandatory] embargo imposed in accordance with paragraph 2(d)(ii) shall come into force sixty days after the Board's decision imposing it unless [an appeal is made in accordance with paragraph 2(d)(iv)(aa)] [unless a [suspension] [stay] is granted in accordance with paragraph 2(d)(iv)(dd)]. (86) If [an appeal is made] [such

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(81) VIII, 151; Annex C, p.25, Comments on Section 26, sub-paragraph 2(d) of the First Draft; E/2186, Annex, p.102, paragraph reference number 106; see also Article 12, paragraph 3(c)(i) of the 1953 Protocol; see also below Article 23, paragraph 2(d)(iv)(hh) of the Second Draft.

(82) See Article 12, paragraph 3(b)(v) of the 1953 Protocol.

(83) See Article 12, paragraph 3(b)(vi) of the 1953 Protocol.

(84) See Article 12, paragraph 3(b)(vii) of the 1953 Protocol.

(85) See Article 12, paragraph 3(c)(i) of the 1953 Protocol; the appeal would bring about automatic suspension.

(86) This version would agree with the three alternatives suggested; see VIII, 151; Annex C, p.25, Comments on Section 26, sub-paragraph 2(d) of the First Draft.

- 228            [suspension] [stay] is granted [ ] the embargo shall come into force upon:
- 229            (1) Withdrawal of the appeal; [or]
- 230            (2) The decision of the Appeal Committee referred  
             to upholding the embargo; [or]
- 231            [ ](3) The expiry of the period for which the [suspension]  
             [stay] of the appeal has been granted [ ].<sup>(87)</sup>
- 232            (ii) The Parties undertake to carry out a [n] [mandatory] embargo  
             imposed under paragraph 2(d)(ii) as soon as they receive a  
             notification to the effect that the embargo has come into  
             force in accordance with paragraph 2(d)(iv)(hh).<sup>(88)</sup>
- 233            3. The Board may publish in the cases mentioned in the preceding paragraphs of  
             this Article the information at its disposal and such comments as it may find  
             appropriate. The Parties undertake to permit the unrestricted distribution of  
             such publications in the territory under their control.
- 234            4. A State in respect of which a measure is considered under the provisions  
             of this Article, shall be given an opportunity through its representative of an  
             oral hearing by the Board before the decision is taken. This need not apply to  
             measures under paragraph 1(a) and if it is intended to render the action public  
             under paragraph 1(c).<sup>(89)</sup>
- 235            5. All decisions of the Board under this Article shall be taken by a [n]  
             [absolute] majority of the whole number of the Board.<sup>(90)</sup>

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(87) This version would agree with the three alternatives suggested; see VIII, 151;  
Annex C, p.25, Comments on Section 26, sub-paragraph 2(d), of the First Draft.

(88) VIII, Annex C, p.25, Comments on Section 26, Sub-paragraph 2(d) of the Second  
Draft; see also Article 12, paragraph 3(c)(ii) of the 1953 Protocol.

(89) VIII, 146; Annex C, p.24, Comments on Section 26 (as a whole) of the First Draft;  
see also Article 12, paragraph 4(b) of the 1953 Protocol.

(90) VIII, 147; Annex C, p.24, Comments on Section 26 (as a whole) of the First  
Draft; see also Article 19, last paragraph of the 1925 Convention and Article 12,  
paragraph 4(a) of the 1953 Protocol.



Article 24<sup>(91)</sup>

Reports to the Council and Parties

- 235 1. The Board shall prepare an annual report on its work and such additional reports as it may consider necessary containing also, in respect of each country or territory for the preceding year, an analysis of the estimates and statistical information at its disposal, and an account, unless considered unnecessary, of the explanations, if any, given by or required of Governments, together with any observations which the Board may desire to make. These reports shall be submitted to the Council through the Commission, which may make such comments as it shall see fit.
- 236 2. The reports shall be communicated to the Parties and published. The Parties undertake to permit their unrestricted distribution within the territory under their control.

Article 25

Administrative Services<sup>(92)</sup>

- 237 1. The Council shall, in consultation agreement with the Board, make the necessary arrangements for the organization and working of the Board in order to provide, through the Secretary-General, for the administrative services of the Board and for the control of its staff by him in administrative matters.
- 238 2. Such arrangements shall ensure the full technical independence of the Board in carrying out its duties under this Convention.

Article 25(a)

Staff of the Secretariat<sup>(93)</sup>

- 239 2. 3. The Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board, and subject to the approval of the Council.

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(91) VIII, Annex C, p.24, Comments on Section 25 of the First Draft; see also footnote (64) on page 27.

(92) VIII, 152, Annex C, p.25; Comments on Sections 27 and 28 of the First Draft; see also Article 13 and the bracketed part of Article 14, paragraph 4, of the Second Draft.

(93) V, 114; VII, Annex C, p.20, paragraph 10.

Chapter V. NATIONAL CONTROL ORGANS<sup>(94)</sup>

Article 26

Special Administration and Central Office

- 240 1. Without prejudice to the special provisions of Articles 32, 37 and  
40 to 43, the Parties shall, if they have not already done so, create a  
special administration for the purpose of:
- 241 (a) applying the provisions of this Convention;
- 242 (b) regulating, supervising and controlling the cultivation,  
production, manufacture and trade distribution and possession  
so far as these operations and possession fall within the  
scope of this Convention; and
- 243 (c) organizing the campaign against drug addiction by taking all  
useful steps to prevent its development and to suppress the  
illicit traffic.
- 244 2. (a) Parties shall set up, within the framework of their constitutional  
régime domestic law, and administrative organization a central office  
for the supervision and co-ordination of all operations necessary to prevent  
the illicit traffic and for ensuring that steps are taken to prosecute  
persons guilty of such traffic.
- 245 (b) This central office:
- 246 (i) shall be in close contact with other official institutions  
or bodies dealing with drugs;
- 247 (ii) shall centralize all information of a nature to facilitate  
the investigation and prevention of the illicit traffic;
- 248 (iii) shall be in close contact and may correspond direct with  
the special administrations (central offices) of other States;  
and
- 249 (iv) shall co-operate with the special administrations (central  
offices) of other States to the greatest extent possible in  
order to facilitate the prevention and punishment of the  
illicit traffic.
- 250 (c) The powers and functions of the central office may be entrusted  
to the special administration referred to in paragraph 1.

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(94) V, 119; VIII, 153; Annex C, p.25; Comments on Section 29 of the  
First Draft.

251 3. In States, the constitutional régime and administrative organization of which allows of such a procedure, the functions of the special administration and the central office shall be in the hands of a single authority.

Chapter VI. INFORMATION TO BE FURNISHED BY PARTIES

Article 27

Information to be furnished to the Secretary-General<sup>(95)</sup>

- 252 1. In addition to the information referred to elsewhere in .....  
the Parties shall furnish to the Secretary-General such information as the  
Commission may request as being necessary for the performance of its functions.
- 253 2. Without prejudice to the generality of the provision of paragraph 1,  
the Parties shall in particular furnish to the Secretary-General:
- 254 (a) as annual report on the working of the Convention within each of  
their territories including the names and addresses of drug  
manufacturers (other than persons or firms compounding preparations  
exclusively for retail distribution to their own customers or  
patients or preparations of drugs in Schedule II for any purpose),  
the list of drugs other than preparations of drugs in Schedule  
II each of them is authorized to manufacture, as well as  
information concerning the organization of their national control  
machinery (Article 26<sup>(96)</sup>) and such additional reports on the  
working of the Convention or of specific provisions thereof as  
the Commission may find necessary;
- 255 (b) the text of all laws and regulations promulgated in order to  
give effect to provisions of the Convention;
- 256 (c) such particulars as the Commission shall determine concerning  
cases of illicit traffic; and
- 257 (d) the names and addresses of the governmental authorities empowered  
to issue export and import authorizations (certificates).
- 258 3. Parties shall furnish the information referred to in the preceding  
paragraph in such manner and by such dates and use such forms as the Commission  
may request prescribe determine.<sup>(97)</sup>

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(95) VII, 102-103; Annex C, p.22, Comments on Section 13 of the First Draft.

(96) VII, 103.

(97) VII, Annex C, p.22, Comments on Section 13 of the First Draft.

Article 28<sup>(98)</sup>

## Statistical Information to be Furnished to the Board

- 259 1. In addition to the information referred to elsewhere in .....  
the Parties shall furnish to the Board as complete and accurate statistics  
as possible showing for each of their territories:
- 260 (a) the area on which the opium poppy, the coca bush and the cannabis  
plant were grown for the purpose of producing opium, poppy straw,  
coca leaves, cannabis and cannabis resin;<sup>(99)</sup>
- 261 (b) the production or manufacture, as the case may be, of drugs;
- 262 (c) the utilization of drugs for the manufacture of drugs, other  
conversion and for the manufacture of products not covered by  
this Convention, opium, coca leaf and cannabis preparations  
and of exempted preparations Schedule III in general;
- 263 (c) the utilization of drugs for the manufacture of:
- 264 (i) other drugs or products not covered by this Convention  
specifying for each drug or product thus manufactured the  
quantity utilized; and
- 265 (ii) exempted preparations (Schedule III) whether intended for  
domestic consumption or for export;
- 266 (d) the stocks of drugs held at the end of the calendar year by  
manufacturers, wholesalers and by the Government for other than  
Government military purposes; stocks held for military  
Government purposes shall may be excluded, but drugs added  
to such stocks or transferred therefrom to lawful trade shall be  
reported;
- 267 (e) the consumption of drugs for other than Government military  
purposes i.e. the amounts delivered for retail distribution  
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

(98) VIII, 130, Annex C, p.27; X, 116-127; Annex D, pp. 2-3; Comments on Section 13(b)(i)(dd); see also VII, 101; Annex C, p.22; Comments on Section 13; E/CN.7/L.48, Annex, pp.10-12; E/CN.7/L.86, pp.3-4; E/CN.7/L.86, Add.1.

(99) X, 125; Annex D, pp.2 and 3; Comments on Section 13(b)(i)(dd), 1953 Protocol, Article 9, paragraph 1(a)(i).

- 268 (f) the confiscation of drugs on account of illicit traffic with an  
indication of the manner in which they have been disposed of and  
with such other information as the Board Commission may consider  
useful in regard to such confiscation or disposal; and
- 269 (g) imports and exports of drugs.
- 270 2. The amounts of drugs manufactured or utilized which are to be furnished  
under paragraph 1(b) and (c) are not meant to include preparations.
- 271 2. The term "drugs" as used in paragraph 1(b) and (c) does not apply to  
preparations.
- 272 3. The statistical figures to be furnished under paragraph 1(d) and (e)  
need shall not include requirements for Government purposes military  
purposes. Amounts produced, manufactured imported or purchased for such  
purposes or transferred from stocks held for such purposes to lawful trade  
shall, however, be stated separately. It shall not be within the competence  
of the Board to question or to express any opinion on such production,  
manufacture, imports or purchases or on consumption for Government  
military purposes (Articles 22 and 24).
- 273 4. The statistical information referred to in paragraph 1 shall be furnished  
to reach the Board:
- 274 (a) annually within three months after the end of the calendar year to  
which it refers in the case of sub-paragraphs (a), (b), (c), (e)  
and (f);
- 275 (b) Subject to the special provision concerning opium (Article 34,  
paragraph 6) annually within five months after the end of that year  
in the case of sub-paragraph (d); and
- 276 (c) quarterly within four weeks one month after the end of the  
quarter to which the information refers, in the case of sub-  
paragraph (g).
- 277 5. (a) Parties need not are not bound to furnish statistics:
- 278 (i) on consumption (paragraph 1(e)), of drugs listed in Schedule II;
- 279 (ii) on manufacture (paragraph 1(b)) import and export,  
(paragraph 1(g)), of preparations of these drugs.

- 280 (b) The statistics on the import and export (paragraph 1(g)) of drugs listed in Schedule II may be furnished annually instead of quarterly and shall be sent reach the Board within three months after the end of the calendar year to which they refer.
- 281 6. Parties shall furnish the statistical information referred to in paragraph 1 in such a manner and use such forms as the Board may request prescribe determine.

Article 28<sup>(100)</sup>

Statistical Information to be Furnished to the Board

- 282 1. In addition to the information referred to elsewhere in..... the Parties shall furnish to the Board for each of their territories as complete and accurate statistical information as possible concerning:
- 283 (a) production of opium, poppy straw, coca leaves, cannabis and cannabis resin, and the areas cultivated with the opium poppy, coca bush and cannabis plant for such production;
- 284 (b) raw materials opium, poppy straw, coca leaves, cannabis and cannabis resin and each of the other drugs;
- 285 (i) received into the factories by drug manufacturers, with an indication of the proportion of drugs phenathrene alkaloids of opium and ecgonine alkaloids of the coca leaf morphine, cocaine or ecgonine contained therein in the raw materials in these raw materials or producible therefrom as determined by a method formulated prescribed by the Board Commission Government concerned and under conditions considered satisfactory by the Board Commission that Government;
- 286 (ii) employed in the manufacture of drugs and of other products not covered by this Convention;
- 287 (iii) disposed of otherwise by drug manufacturers;

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[100] VII, 101; Annex C, p.22; Comments on Section 13; see also VIII, 130 and Annex C, p.27; X, 6-127; Annex D, pp.2-3; Comments on Section 13(b)(i)(dd); see also footnote (cc) on page 24. (Article 21).

- 288        (b)        (i)    the amount of raw materials opium, poppy straw, coca leaves, cannabis, cannabis resin and each of the other drugs received in the factory by drug manufacturers and the quantities of the drugs, or any other products whatever, produced from each of these substances drugs. The proportion of drugs phenanthrene alkaloids of opium and ecgonine alkaloids of the coca leaves morphine, cocaine or ecgonine contained in or producible from the raw materials opium, poppy straw, coca leaves, cannabis and cannabis resin opium, poppy straw and coca leaves and each of the other drugs so received by the manufacturers shall be stated as determined by a method formulated prescribed by the Government Commission Board and under conditions considered satisfactory by the Board Commission that Government;
- 289                    (ii)    the quantities of either the raw materials opium, poppy straw, coca leaves, cannabis and cannabis resin and each of the other drugs referred to under (i) or the products manufactured therefrom which were disposed of during the year;
- 290                    (iii)   the quantities remaining in stock at the end of the year.
- 291        (c)    manufacture of drugs and of the products referred to in sub-paragraph (b)(ii) and the raw materials used for such manufacture;
- 292        (d)    use of opium coca leaves cannabis and cannabis resin for preparations containing these drugs this drugs;
- 293        (e)    use of drugs by drug manufacturers and drug wholesalers for the compounding of exempted preparations (Schedule III) whether such preparations are intended for domestic consumption or for export;
- 294        (f)    import and export of drugs;
- 295        (g)    amount of drugs contained in exempted preparations (Schedule III) imported or exported by wholesalers;
- 296        (h)    reserve stocks of raw materials referred to in sub-paragraph (b)(i) and drugs held by drug manufacturers, and drug wholesalers and by the Government for other than Government military purposes; stocks held for military Government purposes need shall not be included in this information; but quantities added to such stocks or transferred therefrom to lawful trade shall be reported;



- 297 (i) consumption of drugs for other than Government military  
purposes (i.e. the amount delivered for retail distribution  
retail trade or to be dispensed or administered by hospitals, or  
by qualified and duly authorized persons in the exercise of their  
professional functions), and
- 298 (j) confiscation of drugs on account of illicit traffic import and  
export, with an indication of the manner in which the confiscated  
substances have been disposed of and with such other information  
as the Board Commission may consider useful in regard to such  
confiscation or disposal.
- 299 2. The term "drugs" as used in paragraph 1(b) (i) (ii), (c) and (e)  
does not apply to preparations.
- 300 2. The information on drugs received in the factory, employed in manufacture,  
disposed of or manufactured which is to be furnished under paragraph 1(b)  
and 1(c) need shall not include data on preparations.
- 301 3. The statistical figures to be furnished under paragraph 1(h) and (i)  
need shall not include requirements for Government military purposes.  
Amounts produced, manufactured, imported or purchased for such purposes  
or transferred from stocks held for such purposes to lawful trade shall,  
however, be stated separately. It shall not be within the competence of  
the Board to question or to express any opinion on such production,  
manufacture, imports, or purchases or on consumption for Government  
military purposes (Articles 22 and 24).
- 302 4. The statistical information referred to in paragraph 1 shall be  
furnished reach the Board:
- 303 (a) annually within three months after the end of the calendar year to  
which it refers in the case of paragraph 1(a), (b), (c), (d), (e), (g),  
(i) and (j);
- 304 (b) Subject to the special provision concerning opium (Article 34,  
paragraph 6) annually within five months after the end of that year  
in the case of paragraph 1(h); and
- 305 (c) quarterly within four weeks one month after the end of the  
quarter of the year to which the information refers in the case of  
paragraph 1(f).

- 306 5. (a) Parties need not furnish statistics:
- 307 (i) on consumption (paragraph 1(i)) of drugs listed in Schedule II;
- 308 (ii) on manufacture (paragraph 1(c)), import and export,  
(paragraph 1(f)) of preparations of these drugs;
- 309 (b) The statistics on the import and export (paragraph 1(f) of drugs  
listed in Schedule II may be furnished annually instead of quarterly  
and shall be sent reach the Board within three months after the  
end of the calendar year to which they refer.
- 310 6. Parties shall furnish the statistical information referred to in paragraph  
1 in such a manner and use such forms as the Board may request prescribe  
determine.

Chapter VII. LIMITATION OF DRUG SUPPLIES

Article 29 <sup>(101)</sup>

Estimates of Drug Requirements and

of Production Plans

- 311 1. Each Party shall furnish to the Board in respect of each of its territories the following annual <sup>(102)</sup> estimates for each of the drugs:
- 312 (a) the quantity to be consumed, including the quantity to be used for the manufacture compounding of exempted preparations (Schedule III) for the export of which authorizations are not required<sup>7</sup>, whether such preparations are intended for domestic consumption or for export;
- 313 (b) the quantity to be used for conversion and for the manufacture of products not covered by this Convention<sup>7</sup>, whether the drugs and products so obtained are for domestic consumption or for export;<sup>7</sup> and
- 314 (b) the quantity to be used for the manufacture of other basic <sup>(103)</sup> drugs and of products not covered by this Convention, whether the basic drugs and products so obtained are for domestic consumption or for export;<sup>7</sup> and
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- (101) VIII, 124-129, Annex C, p.23, Comments on Section 23 of the First Draft; pp. 26 and 27; X, 116-127, Annex D, p. 3-4, Comments on Section 23 of the First Draft; E/CN.7/L.48, Annex, pp. 1-7; E/CN.7/L.86, pp. 3-4; see also footnote (53) on page 24 (article 21)
- (102) Article 21, paragraph 2, of the Second Draft authorizes the Board to fix the date or dates by which and the manner in which estimates should be furnished. It is believed that this would include the authority to request annual estimates covering the Gregorian calendar year and, in the case of Article 29, paragraph 4, of the first alternative of Chapter VII or of Article 29 (b) of the second alternative of this Chapter of the Second Draft this calendar year or the crop year.
- (103) Whether the word "basic" in square brackets should be retained would, inter alia, depend on the definition of the term "drug" in Article 1 (k) of the Second Draft, i.e. whether this term will cover salts and preparations or not.

- 315        (b) the quantity to be used for the manufacture of other basic<sup>(103)</sup>  
drugs and of products not covered by this Convention whether  
the basic drugs so obtained are intended for use in that  
form or in the form of salts or preparations; this quantity  
shall cover manufacturing requirements for domestic  
consumption as well as for export; and
- 316        (c) the amount of the reserve stocks to be held at the end  
of the calendar year by manufacturers, wholesalers and by  
the government for other than Government military purposes;  
; and
- 317        (d) the quantity required for Government military purposes.
- 318 2. The full amount of any of the drugs imported into or manufactured  
in any country or territory for the purpose of conversion and  
manufacturing products not covered by this Convention manufacturing  
other basic<sup>(103)</sup> drugs and products not covered by this Convention,  
in accordance with the estimates for that country or territory shall, if  
possible, be utilized for that purpose within the period to which the  
estimate applies. If it should, however, be impossible to utilize the  
full amount for that purpose within the period in question, the portion  
remaining unused at the end of the year shall be deducted from the  
estimates for that country or territory for the following year<sup>(104)</sup>.

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(103) Whether the word "basic" in square brackets should be retained would, inter alia, depend on the definition of the term "drug" in Article 1 (k) of the Second Draft, i.e. whether this term will cover salts and preparations or not.

(104) VIII, 158, Annex C, p.25; Comments on Section 34 of the First Draft; see also Article 8 of the 1931 Convention.

319 3. The total of the estimates of each country or territory shall consist  
of the sum of the amounts specified under paragraph 1(a) /and/ /, (b)  
/and (d)/<sup>(105)</sup> with the addition of any amount which may be necessary to  
bring the /reserve/ /and/ /military/ /Government/<sup>(105)</sup> stocks to the  
desired level /, or after deduction of any amounts by which those stocks  
may exceed that level<sup>7</sup>. /These additions /or deductions/ shall, however,  
not be taken into account except in so far as the Parties concerned shall  
have forwarded in due course the necessary estimates to the Board.<sup>7</sup>

320 4. (a) Each Party which permits the production of opium, poppy  
straw, coca leaves, cannabis or cannabis resin shall  
forward annually to the Board in respect of each of its  
territories an estimate:

- 321 (i) of the extent of the area (in hectares)  
stated as exactly as possible, on which  
it proposes to cultivate, as the case may be:
- 322 (aa) the opium poppy for the purpose of  
producing opium;
- 323 (bb) the opium poppy for the purpose of  
producing poppy straw;
- 324 (cc) the coca bush; and
- 325 (dd) the cannabis plant for the purpose of  
producing cannabis, cannabis resin, or both;  
and
- 326 (ii) as accurate as practicable, of the amount of  
opium, poppy straw, coca leaves, cannabis and  
cannabis resin to be produced, based on the  
average yield in the preceding five years.

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(105) If the bracketed words "/and/ /military/" or "/and/ /Government/"  
are adopted the bracketed reference "/and (d)/" would have to be  
omitted or vice versa, otherwise the item on military (Government)  
stock would be counted doubly.

- 327 (b) If such a cultivation is permitted in more than one region,  
a separate estimate shall be furnished for each such region.<sup>(106)</sup>
- 328 5. Parties may, if necessary, in any year, furnish in respect of  
any of their territories supplementary estimates for that year, with an  
explanation of the circumstances which necessitate such supplementary  
estimates.7 <sup>(107)</sup>
- 329 5. Supplementary estimates shall be furnished to the Board immediately  
upon their completion with an explanation of the circumstances which  
necessitate them.7 <sup>(107)</sup>
- 330 6. (a) Parties shall furnish the estimates referred to in paragraphs  
1 3, 3 and 4 by such dates and in such a manner and use such  
forms as the Board may request prescribe determine.<sup>(108)</sup>
- 331 (b) without prejudice to the special provisions relating to coca  
leaves the estimates shall be based solely on the medical  
and scientific requirements of the country or territory  
concerned.7 <sup>(109)</sup>

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(106) X, 125, Annex D, p.3, Comments on Section 23 of the First Draft;  
Article 8, paragraph 3 of the 1953 Protocol.

(107) VIII, 128, Annex C, p.24, Comments on Section 23, paragraph 3 of  
the First Draft; p.27.

(108) VIII, 127, Annex C, p.26, Comments on Section 23 of the First Draft;  
X, 118 and 124, Annex D, p.3, Comments on Section 23 of the First  
Draft.

(109) VIII, Annex C, P.27; see also X, 82-83; Annex D, p.4, Comments  
on Section 32, paragraph 1, of the First Draft.

- 332 7. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been determined. If these amounts are determined so as to include a margin allowing for possible fluctuations in demand, the estimates must indicate the extent of the margin so included.<sup>(110)</sup> It is understood that in the case of drugs listed in Schedule II a wider margin may be necessary than in the case of the other drugs.
- 333 8. Parties shall not exceed the estimates referred to in paragraphs 1 and 3 as furnished to confirmed or amended by the Board unless or until such estimates shall have been duly modified by supplementary estimates.<sup>(111)</sup>

Article 30 <sup>(112)</sup>

Limitation of Manufacture and Importation

- 334 1. There shall not be manufactured in and/or imported into any country or territory in any one year a quantity of any of the drugs greater than the total of the following quantities:
- 335 (a) the quantity consumed, within the limits of the estimates for that country or territory for that year, for medical and scientific purposes, including the quantity used for the compounding manufacture of exempted preparations [(Schedule III)] for the export of which authorizations are not required whether such preparations are intended for domestic consumption or for export;

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(110) VIII, Annex C, p.27.

(111) VIII, Annex C, p.24; Comments on Section 23, paragraph 8, of the First Draft and P.27.

(112) VIII, 158 and 129; Annex C, p.27; E/CN.7/L.48, Annex pp. 5-7, 8-9; X, 127; Annex D, pp.3 and 4, Comments on Section 23 of the First Draft.

- 336      [(b) the quantity used, within the limits of the estimates for that country or territory for that year, for conversion [and the manufacture of products not covered by this Convention], whether the drugs and products so obtained are for domestic consumption or for export;]
- 337      [(b) the quantity used, within the limits of the estimates for that country or territory for that year, for the manufacture of other [basic] drugs and for substances not covered by this Convention, whether the [basic] drugs and substances so obtained are for domestic consumption or for export;]
- 338      [(b) the quantity used, within the limit of estimates for that country or territory for that year, for the manufacture of other [basic]<sup>(113)</sup> drugs and of products not covered by this Convention whether the [basic]<sup>(113)</sup> drugs so obtained were intended for use in that form or in the form of salts and preparations; this quantity shall include the amounts which are intended for domestic consumption as well as those for export.]
- 339      (c) the quantity exported [or re-exported] by that country or territory [during that year]]; [and]
- 340      (d) the quantity added to the [reserve] stocks [during that year] by that country or territory for the purpose of bringing those stocks up to the level specified in the estimates for that year [; and] [.]
- 341      [(e) the quantity required [, within the limits of the estimates for that country or territory for that year,] for [Government] [military] purposes.] <sup>(114)</sup>

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(113) Whether the word "basic" in square brackets should be retained would, inter alia, depend on the definition of the term "drug" in Article 1 (k) of the Second Draft, i.e. whether this term will cover salts and preparations or not.

(114) E/CN.7/L.48, Annex p.8.



342 2. From this total there shall be deducted:

343 (a) any quantity of the drug in question that has been  
confiscated from the illicit traffic and released  
for licit use;

344 (b) in computing the importation limit, the amount  
manufactured; and

345 (c) in computing the manufacturing limit, the amount  
imported including any returned deliveries.

346 2. From this total there shall be deducted any quantity of the drug in  
question that has been seized and released for licit use.<sup>(115)</sup>

347 3. It shall be understood that if, at the end of a given year,  
If the Board finds that the quantity manufactured and/or imported exceeds  
in any one year the total of the quantities specified in paragraph 1 less  
any deductions required under paragraph 2 any amounts remaining in excess  
at the end of the year, the excess so established any excess so  
established and remaining at the end of the year shall in the following  
year be deducted from the amounts to be manufactured or imported from  
the manufacturing or import limits as established in this article and  
from the total of estimates as defined in Article 29, paragraph 3.<sup>(116)</sup>

348 4. (a) If it appears from the statistical returns on imports and  
exports (Article 28) or from the notifications made to the  
Board in accordance with paragraph 5 6 that the  
quantity exported or authorized to be exported to any  
country or territory exceeds the total of the estimates  
for that country or territory as defined in Article 29,  
paragraph 3, with the addition of the amounts shown to  
have been exported and after deduction of any manufacturing  
and import excess as established in paragraph 3, the Board  
may notify this fact to all or some States Parties  
those Parties States which are known to be substantial  
exporters of the drug in question.

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(115) E/CN.7/L.48, p.8.

(116) VIII, 158, Annex C, p.25; Comments on Section 34 of the First Draft;  
E/CN.7/L.48, Annex p.8.

- 349 (b) On receipt of this notification Parties shall not, during  
the currency of the year in question, authorize any new  
exports of the drug concerned to the country or territory  
in question except:
- 350 (i) 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
- 351 (ii) in exceptional cases where the export in the opinion  
of the Government of the exporting country is  
essential in the interest of humanity or for the  
treatment of the sick.<sup>(117)</sup>
- 352 5. Parties shall not authorize exports which they know would cause the  
import limits of the importing country or territory to be exceeded under  
paragraphs 1 and 2.<sup>(118)</sup>
- 353 5.7 6.7 A Party which has issued an authorization for the export of any of  
the drugs except those listed in Schedule II, [poppy straw and coca leaves,]  
to any country or territory to which this Convention does not apply shall  
immediately notify the Board of the issue of the authorization; provided  
that if the request for exports amounts to five kilogrammes or more, the  
authorization shall not be issued until the Party has ascertained from the  
Board that the export will not cause the estimates for the importing country  
or territory to be exceeded. If the Board sends a notification that such an  
excess would be caused, the Party will not authorize the export of any amount  
which would have that effect.<sup>(119)</sup>

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(117) VIII, Annex C, p.25, Comments on Section 26, sub-paragraphs 2(c) and (d)  
of the First Draft.

(118) VIII, Annex C, p.26, Comments on Section 35, paragraph 2 of the First  
Draft; E/CN.7/L.48, Annex p.9; see also Article 43, paragraph 2 of  
the Second Draft.

(119) VII, 100; Annex C, p.20, paragraph 9; see also Article 14,  
paragraph 1 of the 1931 Convention.

Article 31  
Transitional Provisions (120)

- 354 1. If at the moment of the coming into force of this Convention the provisions of this Convention relating to estimates the then existing reserve stocks of any of the drugs in any country or territory exceed the amount of the reserve stocks of that drug, which, according to the estimates for that country or territory it is desired to maintain are to be held, such excess shall be deducted from the quantity which during the year could ordinarily be imported or manufactured, as the case may be, under the provisions of this Convention from the import limit or the manufacturing limit (Article 30).
- 355 2. Alternatively, the excess stocks existing at the moment referred to in paragraph 1 shall be taken possession of by the Government and released from time to time in such quantities only as may be in conformity with this Convention. Any quantities so released during any year shall be deducted from the import limit or manufacturing limit (Article 30) of that year, as the case may be. ]

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(120) VIII, 158; Annex C, p.25, Comments on Section 34 of the First Draft; see also Article 9 of the 1931 Convention.

Chapter VII. LIMITATION OF DRUG SUPPLIES<sup>(121)</sup>

Article 29

General Principle

- 356 Without prejudice to the special provisions relating to coca leaves Parties undertake to limit the supply of drugs to that needed for medical and scientific purposes.

Article 29(a)<sup>(122)</sup>

Estimates of Drug Requirements

- 357 1. Parties shall furnish to the Board annual<sup>(123)</sup> estimates of their drug requirements for each of their territories.
- 358 2. Every estimate shall, without prejudice to the special provisions relating to coca leaves, be based solely on medical and scientific requirements<sup>[</sup> so far as it relates to any of the drugs required for domestic consumption<sup>]</sup> and shall show for each country or territory for the year in question in respect of each drug <sup>[</sup>whether in the form of the alkaloid or salts or of preparations of alkaloids or salts<sup>]</sup>:

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(121) VIII, 124-129; Annex C, pp.23 and 24; Comments on Section 23 of the First Draft, pp.26 and 27; X, 116-127; Annex D, p.3-4, Comments on Section 23 of the First Draft; E/CN.7/L.48, Annex, pp.1-9; E/CN.7/L.86, pp.3-4; see also footnote (53) on page

(122) VIII, 125-126; X, 122-123; 125; Annex D, pp.3 and 4; Comments on Section 23 of the First Draft; Article 8, paragraphs 1 and 2 of the 1953 Protocol; Article 5, paragraphs 1 and 2 and Article 8 of the 1931 Convention.

(123) Article 21, paragraph 2, of the Second Draft authorizes the Board to fix the date or dates by which and the manner in which estimates should be furnished. It is believed that this would include the authority to request annual estimates covering the Gregorian calendar year and, in the case of Article 29, paragraph 4, of the first alternative of Chapter VII or of Article 29(b) of the second alternative of this Chapter of the Second Draft this calendar year or the crop year.

- 359        [(a)] the quantity necessary for use as such including the  
                 quantity required for the manufacture of [exempted]  
                 preparations [(Schedule III)] [for the export of which  
                 authorizations are not required], whether such preparations  
                 are intended for domestic consumption or for export;
- 360        [(a)] the quantity to be consumed, including the quantity to  
                 be used for the [compounding] [manufacture] of [exempted]  
                 preparations [(Schedule III)] [for the export of which  
                 authorizations are not required], whether they are intended  
                 for domestic consumption or for export;
- 361        [(b)] the quantity necessary for the purpose of conversion  
                 [and for the manufacture of products not covered by this  
                 Convention] whether the drugs and products so obtained  
                 are for domestic consumption or for export;
- 362        [(b)] the quantity [required] [to be used] for the manufacture  
                 of other [basic]<sup>(124)</sup> drugs and of products not covered  
                 by this Convention whether the drugs and products so  
                 obtained are for domestic consumption or for export;  
                 [and]
- 363        [(b)] the quantity to be used for the manufacture of other  
                 [basic]<sup>(124)</sup> drugs and of products not covered by this  
                 Convention whether the [basic] drugs so obtained are  
                 intended for use in that form or in the form of salts or  
                 preparations; this quantity shall cover [manufacturing]  
                 requirements for domestic consumption as well as for export;
- 364        [(c)] the amount of the [reserve] stocks which it is desired to  
                 maintain [; and]
- 365        [(c)] the amount of the [reserve] stocks at the end of the year  
                 [; and]

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(124) Whether the word "basic" in square brackets should be retained would, inter alia, depend on the definition of the term "drug" in Article 1(k) of the Second Draft, i.e. whether this term will cover salts and preparations or not.

- 366        (d) the quantity required for the establishment and  
             maintenance of Government military stocks;
- 367        (d) the quantity required for Government military  
             purposes.
- 368    3. The full amount of any of the drugs imported into or manufactured  
         in any country or territory for conversion and for the manufacture  
         of substances not covered by this Convention for the manufacture  
         of other basic<sup>(124)</sup> drugs and of products not covered by this  
         Convention, in accordance with the estimates for that country or  
         territory shall, if possible, be utilized for that purpose within  
         the year to which the estimate applies. Should it, however, be  
         impossible to utilize the full amount for that purpose within the  
         year in question, the portion remaining unused at the end of the  
         year shall be deducted from the estimates for that country or terri-  
         tory for the following year.
- 369    4. The total of the estimates for each country or territory shall  
         consist of the sum of the amounts specified in paragraph 2(a) and  
         (b) and (d)<sup>(125)</sup> with the addition of any amounts which may  
         be necessary to bring the reserve and military Government<sup>(125)</sup>  
         stocks to the desired level or after deduction of any amounts by  
         which those stocks may exceed that level. These additions  
         and deductions shall, however, not be taken into account except  
         in so far as the Parties concerned shall have forwarded in due course  
         the necessary estimates to the Board.
- 370    5. Parties shall not exceed the estimates under this Article as  
         furnished to confirmed or amended by the Board unless or until  
         such estimates shall have been duly modified by supplementary estimates.<sup>(126)</sup>

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(124) Whether the word "basic" in square brackets should be retained  
would, inter alia, depend on the definition of the term "drug"  
in Article 1 (k) of the Second Draft, i.e. whether this term  
will cover salts and preparations or not.

(125) If the bracketed words "and military" or "and Government"  
are adopted the bracketed reference "and (d)" would have to be omitted or vice versa, otherwise  
the item on military (Government) stocks would be counted  
doubly.

(126) VIII, Annex C, p.24; Comments on Section 23, paragraph 8 of  
the First Draft and p.27.

Article 29(b)<sup>(127)</sup>

Estimates of Production

- 371 1. Each Party which permits the production of opium, poppy straw, coca  
leaves, cannabis or cannabis resin shall furnish to the Board annual<sup>(128)</sup>  
estimates showing in respect of each of its territories:
- 372 (a) the extent of the area (in hectares) stated as exactly as  
possible, on which it proposes to cultivate, as the case  
may be:
- 373 (i) the opium poppy for the purpose of producing opium;
- 374 (ii) the opium poppy for the purpose of producing  
poppy straw;
- 375 (iii) the coca bush; and
- 376 (iv) the cannabis plant for the purpose of producing  
cannabis, cannabis resin or both; and
- 377 (b) as accurately as practicable the amount of opium, poppy  
straw, coca leaves, cannabis and cannabis resin to be  
produced, this figure to be based on the average yield  
in the preceding five years.
- 378 2. If [such] cultivation is permitted in more than one region a  
separate estimate shall be furnished for each such region.

Article 29(c)

Joint Provisions for Estimates of Drug Requirements<sup>(129)</sup>  
and Production [Plans]

- 379 1. Parties may, if necessary, in any year, furnish in respect of  
any of their territories, supplementary estimates for that year, with

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(127) X, 125; Annex D, p.3, Comments on Section 23 of the First Draft;  
Article 8, paragraphs 1-3 of the 1953 Protocol.

(128) It is believed that under Article 21, paragraph 2 of the Second Draft  
the Board may specify that these annual estimates cover the Gregorian  
calendar year or the crop year.

(129) X, 122; Annex D, p.3, Comments on Section 23 of the First Draft;  
Article 5, paragraphs 3-5 of the 1931 Convention; Article 8,  
paragraphs 4-6 of the 1953 Protocol.

an explanation of the circumstances which necessitate such supplementary estimates.]

380 [1. Supplementary estimates shall be furnished to the Board immediately upon their completion with an explanation of the circumstances which necessitate them.](130)

381 2. Parties shall furnish the estimates referred to in Articles 29(a) and (b) by such dates and in such a manner and use such forms as the Board may [request] [prescribe] [determine]. (131)

382 3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been determined. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand, the estimates must indicate the extent of the margin so included. [It is understood that in the case of drugs listed in Schedule II a wider margin may be necessary than in the case of the other drugs].

#### [Article 30

#### Limitation of Manufacture (132)

383 1. There shall not be manufactured in any country or territory in any one year a quantity of any of the drugs greater than the total of the following quantities:

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(130) VIII, 128; Annex C, p.24; comments on Section 23, paragraph 3 of the First Draft.

(131) VIII, 127; Annex C, p.26, Comments on Section 23 of the First Draft; X, 118; Annex D, p.3, Comments on Section 23.

(132) VIII, 158; Annex C, p.25, Comments on Section 34 of the First Draft, p.27; X, 122; Annex D, p.3, Comments on Section 23 of the First Draft; E/CN.7/L.48, pp.8 and 9; Articles 6-8 of the 1931 Convention.



- 384      [(a) the quantity required within the limits of the estimates  
         [for that country or territory for that year] for use  
         as such for its medical and scientific needs, including  
         the quantity required for the manufacture of [exempted]  
         preparations [(Schedule III)] [for the export of which]  
         export authorizations are not required whether such  
         preparations are intended for domestic consumption or for  
         export;]
- 385      [(a) the quantity consumed within the limits of the estimates  
         [for that country or territory for that year] for medical  
         and scientific purposes, including the quantity used for  
         the manufacture of [exempted] preparations [(Schedule III)]  
         [for the export of which export authorizations are not]  
         required whether such preparations are intended for  
         domestic consumption or for export;]
- 386      [(b) the quantity [required] [used] within the limits of the  
         estimates [for that country or territory for that year]  
         for conversion [and for the manufacture of products not]  
         covered by this Convention, whether the drugs and products  
         so obtained are for domestic consumption or for export;]
- 387      [(b) the quantity [required] [used] within the limits of the  
         estimates [for that country or territory for that year]  
         for the manufacture of other [basic]<sup>(133)</sup> drugs and  
         products not covered by this Convention, whether for  
         domestic consumption or for export;]
- 388      [(b) the quantity used, within the limit of estimates for that  
         country or territory for that year, for the manufacture of  
         other [basic]<sup>(133)</sup> drugs and of products not covered by this

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(133) Whether the word "basic" in square brackets should be retained  
would, inter alia, depend on the definition of the term "drug"  
in Article 1 (k) of the Second Draft, i.e. whether this term  
will cover salts and preparations or not.

(133)  
Convention whether the basic drugs so obtained were intended for use in that form or in the form of salts and preparations; this quantity shall include the amounts which are intended for domestic consumption as well as those for export;

389 (c) such quantity as may be required by that country or territory for the execution during the year of orders for export in accordance with the provisions of this Convention;

390 (d) the quantity, if any, required by that country or territory for the purpose of maintaining the reserve stocks at the levels specified in the estimates for that year;

391 (e) the quantity, if any, required for the purpose of maintaining the Government military stocks at the levels specified in the estimates for that year at the desired level;

392 (e) the quantity required for military Government purposes.

393 2. There shall be deducted from the total quantity of each drug permitted under the preceding paragraph to be manufactured in any country or territory during any one year:

394 (a) any amounts of that drug imported including any return deliveries of the drug less quantities re-exported;

395 (b) any amount of the drugs confiscated from the illicit traffic and released for licit purposes.

396 3. If the Board finds that the amount manufactured exceeds the total of the quantities specified in paragraph 1, less any deductions made under paragraph 2, any amounts remaining at the end of the year such excess any excess so established any excess so established and remaining at the end of the year shall be deducted from the amount to be manufactured during the following year.

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(133) Whether the word "basic" in square brackets should be retained would, inter alia, depend on the definition of the term "drug" in Article 1(k) of the Second Draft, i.e. whether this term will cover salts and preparations or not.

Article 30<sup>(134)</sup>

Limitation of Manufacture

397 1. There shall not be manufactured in any country or territory in any  
year a quantity of any of the drugs greater than the total of the following  
quantities:

398 (a) the total of the estimates as defined in Article 29a,  
paragraph 4, or the total of the amounts actually used,  
within the limits of the estimates, in the year in  
question for the purposes considered in establishing  
the total of the estimates, whichever total may be the  
lower;

399 (b) such quantity as may be required used for the execution  
during the year of orders for export in accordance with  
the provisions of this Convention;

400 (c) the quantity required for government military  
purposes.

401 2. There shall be deducted from the total quantity of each drug  
permitted under the preceding paragraph to be manufactured in any  
country or territory during any one year:

402 (a) any amounts of that drug imported, including any return  
deliveries of the drug less quantities re-exported;

403 (b) any amounts of the drug confiscated from the illicit  
traffic and released for licit purposes.

404 3. If the Board finds that the amounts manufactured exceed the total  
of the amounts specified in paragraph 1, less the deductions made under  
paragraph 2, such excess shall be deducted from the amounts to be  
manufactured during the following year from the total of the estimates  
as defined in Article 29(a), paragraph 4, of the following year.

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(134) VIII, 158; Annex C, p.25, Comments on Section 34 of the First  
Draft, p.27; X,122; Annex D, p.3, Comments on Section 23 of  
the First Draft; E/CN.7/L.48, pp.8 and 9; Articles 6-8 of the  
1931 Convention.

Article 30(a)  
Limitation of Importation<sup>(135)</sup>

405 1. The imports in any one year into any country or territory of any  
of the drugs shall not exceed:

406 (a) the total of the estimates as defined in Article 29(a),  
paragraph 4; plus

407 (b) the amount exported during the year; plus

408 (c) the amounts required imported for military Government  
purposes; less

409 (d) the amount manufactured in that year.

410 2. If the Board finds that the amount imported exceeds the total of  
the amounts specified in paragraph 1, any amounts remaining at the  
end of the year such excess any excess so established any  
excess so established and remaining at the end of the year shall be  
deducted from the amount to be imported during the following year  
from the total of the estimates of the following year.

411 3. If it appears from the statistical returns on imports and  
exports (Article 28) or from the notifications made to the Board  
in accordance with paragraph 5 6 that the quantity exported or  
authorized to be exported to any country or territory exceeds the  
total of the estimates for that country or territory as defined in  
(Article 29), paragraph 4, with the addition of the amounts shown to  
have been exported the total of the permissible imports under  
paragraph 1 (a) to (c) (a) and (b) after any deduction of any  
import excesses as established under paragraph 2, the Board may  
notify this fact to all or some Parties States those Parties  
States which are known to be substantial exporters of the drug in  
question.

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(135) VIII, 158; Annex C, p.25; Comments on Section 34 of the First  
Draft; X, 122, Annex D, p.3; Comments on Section 23 of the  
First Draft; E/CN.7/L.48, pp.8-9; Article 12 of the 1931  
Convention.

- 412 4. On receipt of the notification of the Board referred to in the  
preceding paragraph, Parties shall not, during the currency of the year  
in question, authorize any new exports of the drug concerned to the  
country or territory in question except:
- 413 (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
- 414 (b) in exceptional cases where the export, in the opinion of  
the Government of the exporting country, is essential in  
the interests of humanity or for the treatment of the sick. (136)
- 415 5. Parties shall not authorize exports which they know would cause the  
import limits of the importing country or territory to be exceeded under  
paragraphs 1 and 2. (137)
- 416 5 or 6 A Party which has issued an authorization for the export  
of any of the drugs except those listed in Schedule II, poppy straw  
and coca leaves, to any country or territory to which this Convention  
does not apply shall immediately notify the Board of the issue of the  
authorization; provided that if the request for exports amounts to  
five kilograms or more, the authorization shall not be issued until  
the Party has ascertained from the Board that the export will not  
cause the estimates importation limits for the importing country  
or territory to be exceeded. If the Board sends a notification that  
such an excess would be caused, the Party will not authorize the  
export of any amount which would have that effect. (138)

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(136) VIII, Annex C, p.25, Comments on Section 26, sub-paragraphs 2(c)  
and (d); see also Article 14, paragraph 2, of the 1931 Convention.

(137) VIII, Annex C, p.26, Comments on Section 35, paragraph 2;  
E/CN.7/L.48, Annex, p.9; see also Article 43, paragraph 2 of  
the Second Draft.

(138) VII, 100; Annex C, p.20, paragraph 9; see also Article 14,  
paragraph 1, of the 1931 Convention.

Article 31  
Transitional Provisions (139)

- 417 1. If at the moment of the coming into force of this Convention the  
provisions of this Convention relating to estimates the then existing  
reserve stocks of any of the drugs in any country or territory exceed  
the amount of the reserve stocks of that drug, which, according to the  
estimates for that country or territory it is desired to maintain  
are to be held, such excess shall be deducted from the quantity which  
during the year could ordinarily be imported or manufactured, as the case  
may be, under the provisions of this Convention from the import limit  
(Article 30(a)) or the manufacturing limit (Article 30).
- 418 2. Alternatively, the excess stocks existing at the moment referred to  
in paragraph 1 shall be taken possession of by the Government and released  
from time to time in such quantities only as may be in conformity with  
this Convention. Any quantities so released during any year shall be  
deducted from the import limit (Article 30(a)) or manufacturing limit  
(Article 30) of that year, as the case may be.

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(139) VIII, 158; Annex C, p.25, Comments on Section 34 of the Draft;  
see also Article 9 of the 1931 Convention.

Chapter VIII. CONTROL OF THE DRUG ECONOMY  
Control of Agriculture and Special Provisions Relating  
to Agricultural Products  
The Opium Poppy, and Special Provisions Relating to  
Opium and Poppy Straw<sup>(140)</sup>

Article 32<sup>(141)</sup>

National Opium Poppy Agencies

- 419 1. A Party which permits the cultivation of the opium poppy for the  
production of opium or poppy straw shall limit such production exclusively  
to medical and scientific purposes and shall establish, if it has not already  
done so, and maintain, one or more Government agencies (hereafter in this  
Article referred to as the Agency) to carry out the functions required under  
this Article.
- 420 2. Each such Party shall apply the following provisions to the cultivation  
of the opium poppy and to opium or poppy straw, or both, as the case may be:
- 421 (a) the Agency shall designate the areas in which, and the plots of  
land on which, cultivation of the opium poppy for the purpose of  
producing opium or poppy straw shall be permitted;
- 422 (b) only cultivators licensed by the Agency shall be authorized to  
engage in such cultivation;
- 423 (c) each licence shall specify the extent of the land on which the  
cultivation is permitted;
- 424 (d) all cultivators of the opium poppy shall be required to deliver  
their total crops of opium and poppy straw to the Agency. The  
Agency shall purchase and take physical possession of such crops  
as soon as possible but not later than three .... months after  
the end of the harvest<sup>7</sup>;

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(140) IX, 63; X, 81; Annex D, p.4, Comments on Sections 30 and 31 of the  
First Draft; Annex B, pp.4-5; see also V, 142.

(141) See article 3 of the 1953 Protocol.

- 425 (e) the Agency shall in respect of opium and poppy straw have the exclusive right of importing, exporting, wholesale trading, and maintaining stocks other than those held by manufacturers of opium alkaloids medicinal opium or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.
- 426 3. The governmental functions referred to in paragraph 2 shall be discharged by a single Government agency if the Constitution of the Party concerned permits it.
- 427 4. Nothing in this Article shall be deemed to permit derogation from the obligations already assumed or to detract from the effect of the laws enacted by any Party in accordance with earlier treaties with respect to the control of the cultivation of the opium poppy.

### Article 33

Restrictions on the international trade in opium<sup>(142)</sup>  
and poppy straw

- 428 1. (a) Without prejudice to the provisions of Article 35, paragraph s 3 and 5, the Parties shall not permit the import and export of opium or poppy straw other than opium or poppy straw produced in any one of the following States which at the time of the import and export in question shall be a Party to this Convention:
- Bulgaria, Greece, India, Iran, Turkey, Union of Soviet Socialist Republics and Yugoslavia.<sup>(143)</sup>
- 429 (b) The Parties shall not permit the import of opium or poppy straw from any State which is not a Party to this Convention from any country or territory to which this Convention does not apply.
- 430 2. Notwithstanding the provision of paragraph 1(a), a Party may annually authorize, exclusively for its domestic consumption use, the import and export as between its territories of an amount of opium or poppy straw, or both, produced in any of those territories not exceeding its needs for one year.

(142) Article 6 of the 1953 Protocol.

(143) See also X, 155 and 156 and E/CN.7/L.103.



- 431 2. Notwithstanding the provisions of paragraph 1(a), a Party may permit  
the import into any of its territories of opium or poppy straw, or both,  
produced in another of its territories as well as the corresponding export  
provided that the amount so imported:
- 432 (a) annually does not exceed the domestic requirements of the importing  
territory for one year; and
- 433 (b) is used exclusively for domestic needs is not re-exported is  
not re-exported to a foreign territory.
- 434 3. If a Party referred to in paragraph 1(a) ceases producing opium or  
poppy straw for export decides to cease producing opium or poppy straw for  
export it may shall make a declaration to this effect to the Board,  
which shall inform all Parties States. As of 31 December of the year  
following that in which such a declaration is made reaches the Board  
the State concerned shall lose the special position which the Parties  
mentioned in paragraph 1(a) have under the provisions of this Convention  
in respect of opium or poppy straw or both as the case may be provided that  
opium or poppy straw originating in the territory of such a Party and exported  
before that date shall not be excluded from international trade under the  
terms of paragraph 1(a).<sup>(144)</sup>
- 435 3. A Party referred to in paragraph 1(a) may, in respect of opium, poppy  
straw or both, abandon its special classification. It shall to this effect  
notify the Board which shall inform all Parties States. This notification shall  
be irrevocable.

Article 34<sup>(145)</sup>

Limitation of Stocks

- 436 1. The Parties shall regulate the production, import and export of opium  
and poppy straw in such a way as to ensure that the stocks held by any Party  
shall not, on 31 December of any year, exceed in respect of opium or poppy  
straw the following amounts:

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(144) See Article 5, paragraph 2(a) of the 1953 Protocol.

(145) Article 5 of the 1953 Protocol.

- 437 (a) in the case of States listed in Article 33, paragraph 1(a):  
438 (i) the amount exported for medical and scientific purposes  
in any two years;  
439 (ii) the amount used for the manufacture of opium alkaloids  
in any two years; and  
440 (iii) a quantity equal to one-half the amount so exported and so  
used in any other year.

The Party concerned may choose the base years for these computations and select different periods for opium and poppy straw and for the computation of the amounts exported and the amounts used, provided, however, that the years selected shall not include any year before 1 January 1946 and no year shall be selected for which the Board has not yet published relevant statistics at the time of such selection;

- 441 (b) in the case of a Party other than a Party referred to in paragraph  
1(a) which permits the manufacture of opium alkaloids, its normal  
requirements for a period of two years. Such requirements shall  
be determined by the Board;  
442 (c) in the case of any other Party, the total amount used during the  
preceding five years.  
443 2. The maximum stocks of opium or poppy straw permissible under paragraph  
1(a) and (c) shall be calculated on the basis of the statistics published  
by the Board under Article 22 or in its reports made under Article 24.  
444 3. (a) A Party referred to in paragraph 1(a) may, in respect of opium,  
poppy straw, or both, abandon its special classification under  
Article 33, paragraph 1(a). It shall to this effect notify the  
Board, which shall inform all Parties States. The Party  
concerned shall thereupon be classified under paragraphs 1(b) or  
(c), of the present Article, as the case may be. This notification  
shall be irrevocable.  
445 3. (a) If a Party listed in Article 33, paragraph 1(a) ceases producing  
opium or poppy straw for export decides to cease producing opium  
or poppy straw for export it may shall make a declaration to

this effect to the Board which shall inform all Parties/States.  
As of 31 December of the year following that in which such a  
declaration is made/reaches the Board the State concerned shall  
lose its special position which the Parties mentioned in Article 33,  
paragraph 1(a) have under the provisions of this Convention in  
respect of opium or poppy straw or both as the case may be  
provided that opium or poppy straw produced in the territory of  
such a Party and exported before that date shall afterwards  
not be excluded from international trade under the terms of that  
paragraph.

- 446 (b) The Parties shall also notify the Board of all facts having a  
bearing on their classification under Article 34, paragraphs 1(b)  
and (c).
- 447 (c) Parties to which paragraphs 1(a) or (b) apply shall annually  
notify the Board of:
- 448 (i) the periods they have chosen in accordance with paragraph 1  
(a) or, as the case may be,
- 449 (ii) the amount of opium or poppy straw, or both, they wish to  
be considered as their normal requirements for determina-  
tion by the Board in accordance with paragraph 1(b).
- 450 4. (a) The notifications referred to in paragraph 3 (b) and (c) shall  
reach the Board by a date or dates determined by that organ. Such  
date or dates shall not be earlier than eighteen months before the  
31 December date (paragraph 1) for which the maximum stocks in  
question are to be computed on which the notifications shall have  
effect.
451. 4. (a) The notifications referred to in paragraph 3 (b) and (c)  
shall reach the Board not later than fifteen months before the  
31 December date (paragraph 1) for which the maximum stocks  
in question are to be computed on which the notifications shall  
have effect.
- 452 (b) In the event of a Party required to furnish the information referred  
to in paragraph 3(c) failing to do so in time, the Board shall,  
without prejudice to the provisions of paragraph 4(c), adopt the

data contained in that Party's last relevant notification. If, however, the Board has never received a relevant notification from the Party concerned, it shall, after giving due consideration to the information at its disposal, to the aims of this Convention, and to the interest of the Party:

- 453 (i) choose the periods referred to in paragraph 1(a) or,  
as the case may be,  
454 (ii) determine the normal requirements referred to in paragraph 1(b).  
455 (c) If the Board receives a notification required under paragraph 3(c)  
by a date later than that determined under paragraph 4(a), it  
may proceed as if such notification had been received in time.

456 5. Not later than twelve and a half months before the [31 December]  
[date] (paragraph 1) for which the maximum stocks in question are to be  
computed the Board shall notify:

- 457 (a) each Party referred to in paragraph 1(a) of the years chosen in  
accordance with that provision or with paragraph 4(b) or (c);  
458 (b) each Party referred to in paragraph 1(b), of the amount of  
opium or poppy straw, or both, which the Board considers as  
that Party's normal requirements for a period of two years.

459 [6.] The Parties shall transmit to the Board the statistics on opium stocks  
(Article 28, paragraph 4(b) within three months after the end of the year  
to which this information refers.]

460 [6.] [7.] [a)] If the Board considers the circumstances exceptional  
[for reasons of public health]<sup>(146)</sup> it may, under conditions to  
be prescribed and for a definite period of time, exempt a Party  
from compliance with the requirements stipulated in paragraph 1  
as to the maximum level of stocks of opium or poppy straw, or  
both.

461 [(b)] If at the time of the coming into force of this Convention a  
Party referred to in paragraph 1(a) has stocks of opium or  
poppy straw, or both, in excess of the maximum level permitted  
under that provision, the Board shall, in the exercise of its  
discretion, have regard to this fact with a view to avoiding  
economic difficulties which would result for such a Party from too  
rapid a reduction of the stocks to the required maximum level.]

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(146) X, Annex E, p.4

462 [7.][8.] The provisions of paragraph 1 shall, in respect of each Party, be effective as from 31 December of the year following that year in which the Convention has come into force in relation to that Party.

Article 35<sup>(147)</sup>

Disposal of confiscated opium and  
poppy straw

- 463 1. Except as provided otherwise in this Article, all opium or poppy straw confiscated on account of illicit traffic shall be destroyed.
- 464 2. A Party may, under Government control, use such opium or poppy straw [for conversion into drugs listed in Schedule II or products not covered in this Convention] or for the manufacture [for the manufacture of drugs listed in Schedule II or of products not subject to this Convention], or appropriate the opium or poppy straw, or the drugs manufactured therefrom, for medical or scientific use by or under the control of the Government.
- 465 3. A Party referred to in Article 33, paragraph 1(a) may [consume] [use] or export opium or poppy straw confiscated in its territory or the alkaloids manufactured therefrom.
- 466 4. Confiscated opium or poppy straw which can be identified as having been stolen from a Government or licensed warehouse may be returned to its lawful owner.
- 467 5. (a) If a Party neither permits the production of opium or poppy straw nor the manufacture of opium alkaloids, it may obtain authorization from the Board to export a specified quantity of confiscated opium or poppy straw or both to a Party which manufactures opium alkaloids, in exchange for opium alkaloids, salts or preparations of opium alkaloids or for the purpose of extracting such alkaloids, provided that:
- 468 (i) the quantity of opium or poppy straw or both so exported in any one year may not exceed the equivalent [in opium and poppy straw] of one year's requirements of the exporting Party in the form [of medicinal opium, opium preparations, opium alkaloids, their salts and their preparations] [of opium alkaloids, their salts and their preparations];

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(147) Article 7 of the 1953 Protocol.

- 469 (ii) the drugs so exchanged or extracted and imported  
may be used only for domestic needs of the importing  
Party and may not be re-exported;
- 470 (b) The exporting Party referred to in paragraph 5(a) shall destroy  
any confiscated opium or poppy straw not to be utilized in  
accordance with that provision or with paragraph 2 surplus of  
the confiscated opium or poppy straw .

The Coca Bush, and Special Provisions Relating  
to Coca Leaves and Crude Cocaine<sup>(148)</sup>

Article 36

Restrictions on the Cultivation or Growth of  
the coca bush<sup>(149)</sup>

- 471 1. Whenever the prevailing conditions in a country or territory render the  
prohibition of the cultivation of the coca bush the most suitable measure for  
preventing the diversion of coca leaves into the illicit traffic, the Parties  
undertake to introduce and/or maintain such prohibition in such a country or  
territory.
- 472 2. The Parties shall so far as possible enforce the uprooting of all coca  
bushes which grow wild. They shall destroy these plants if they are  
illegally cultivated.

Article 37

National Coca Leaf Agencies<sup>(150)</sup>

- 473 1. A Party which permits the cultivation of the coca bush shall establish,  
if it has not already done so, and maintain, one or more Government agencies  
(hereafter in this Article referred to as the Agency) to carry out the  
functions required under this Article.

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(148) IX, 64; X, 82-85; Annex D, pp.4-5, Comments on Section 32 of the  
First Draft.

(149) X, 85, Annex D, p.5, Comments on Section 32, paragraphs 2, 3 and 7 of the  
First Draft.

(150) X, 85; Annex D, p.5, Comments on Section 32, paragraph 4, of the First  
Draft; see also Article 3 of the 1953 Protocol.

- 474 2. Each such Party shall apply the following provisions to the coca bush  
and coca leaves:
- 475 (a) the Agency shall designate the area in which, and the plots of  
land on which, cultivation of the coca bush shall be permitted;
- 476 (b) only cultivators licensed by the Agency shall be authorized to  
engage in such cultivation;
- 477 (c) each licence shall specify the extent of the land on which  
this cultivation is permitted;
- 478 (d) all cultivators of the coca bush shall be required to deliver  
their total crops to the Agency. The Agency shall purchase  
and take physical possession of such crops as soon as possible  
but not later than three months after the end of  
the harvest;
- 479 (e) the Agency shall in respect of coca leaves have the exclusive  
right of importing, exporting, wholesale trading, and maintaining  
stocks other than those held by manufacturers of cocaine or  
preparations of cocaine or coca leaves. Parties need not  
extend this exclusive right to preparations of coca leaves.
- 480 3. The governmental functions referred to in paragraph 2 shall be  
discharged by a single Government agency if the Constitution of the Party  
concerned permits it.
- 481 4. Nothing in this Article shall be deemed to permit derogation from the  
obligations already assumed or to detract from the effect of the laws  
enacted by any Party in accordance with earlier treaties with respect to  
the control of the cultivation of the coca bush.

### Article 38

#### Restrictions on the International Trade in Coca Leaves and Crude Cocaine (151)

- 482 1. The Parties shall not permit the import and export of coca leaves or  
crude cocaine other than:
- 483 (a) coca leaves produced and crude cocaine manufactured in any  
one of the following States which, at the time of the import and  
export in question, shall be a Party to this Convention:

. . . . .  
. . . . .

- 484 [(b)] crude cocaine obtained from such leaves].
- 485 2. The Parties shall not permit the import of coca leaves [or crude cocaine]  
[from any State which is not a Party to this Convention] [from any country or  
territory to which this Convention does not apply].

#### Article 39

##### Special Provisions relating to Coca Leaves in General (152)

- 486 The Parties may permit the production, import, export, trade in,  
[distribution, possession] and use of coca leaves [exclusively] for medical,  
scientific and other legitimate purposes [provided, however, that coca leaf  
chewing should not be considered legitimate after the lapse of a period of  
twenty-five years from the coming into force of this Convention]. They  
shall furnish separately statistical information (Article 28) and estimates  
and requirements of coca leaves (Article 29[(a) and (b)]) for legitimate  
purposes other than medical and scientific ones.

##### The Cannabis Plant and Special Provisions Relating to Cannabis (153)

#### Article 40

##### Prohibition of Cannabis

- 487 1. The Parties undertake to prohibit the production of cannabis and cannabis  
resin provided, however, that the Government of each Party may produce, acquire,  
and import from another Party, and export to such a Government, and may permit  
a licensed scientific institute to acquire from it, produce, possess and  
export under close State supervision to the Government of another Party such  
small amounts of cannabis and of cannabis resin as may be needed for the  
purpose of scientific research.
- 488 2. Without prejudice to the provisions of paragraph 1 Parties shall  
prohibit

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(152) X, 82-84; Annex D, p.4; Comments on Section 32, paragraph 1; p.5,  
Comments on Section 32, paragraph 6; p.7, Comments on Section 50 of  
the First Draft; see also Council resolution 548 E (XVIII) and  
Article 59 of the Second Draft.

(153) IX, 65; X, 86-89; Annex D, pp.5-6; Comments on Section 33 of the  
First Draft; see also Article 2, paragraph 5, of the Second Draft.



- 489 (a) the trade in, distribution, possession and use of cannabis and  
cannabis resin, extracts and tinctures of cannabis, and the  
preparations of these drugs or of any other substances  
containing the pharmacologically active principle of the  
cannabis resin; and
- 490 (b) the manufacture of the extracts and tinctures and  
preparations referred to under (a).
- 491 3. Whenever the prevailing conditions in a country or territory render  
additional measures necessary in respect of the cultivation of the cannabis  
plant, in order to prevent illicit traffic in cannabis or cannabis resin  
Parties shall adopt such measures.
- 492 3. Whenever the prevailing conditions in a country or territory give grounds  
for belief that there exists considerable illicit traffic in cannabis or  
cannabis resin, Parties undertake to introduce or maintain all measures  
necessary to prevent such traffic.

Control of Industry and Trade

Article 41

Manufacture

- 493 1. Without prejudice to the special provisions of this Convention the  
Parties undertake to limit the manufacture of drugs other than those listed  
in Schedule II<sup>(154)</sup> exclusively to medical and scientific needs.
- 494 2. To this end they shall either establish a State enterprise or system of  
State enterprises<sup>(155)</sup>, which shall have the exclusive right of manufacturing  
such drugs, or to the extent that the manufacture is not carried out by this  
enterprise or system of enterprises:
- 495 (a) control and, in particular, license the persons, co-operatives  
or corporations which shall be entitled to manufacture such drugs;

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(154) VII, 92; See Article 13, paragraph 2(a) of the 1931 Convention and  
Article 5 of the 1925 Convention.

(155) IX, 73, Annex D, pp.40 and 41; Comments on Section 37, sub-paragraph 2(a)  
and Section 39 (General) of the First Draft.

- 496 (b) control and, in particular, license the establishments and  
premises on which such manufacture takes place, the requirement  
of licensing, however, not applying to the manufacture of  
preparations;<sup>(156)</sup> and
- 497 (c) require that such licensed manufacturers obtain periodical  
permits specifying the kinds and amounts of drugs which they  
shall be entitled to manufacture in each of their establish-  
ments in the ensuing period, provided, however, that this  
requirement shall not apply to drugs listed in Schedule II,  
and to preparations.<sup>(157)</sup>
- 498 3. The Parties shall prevent the accumulation, in the possession of the  
State enterprise, or system of State enterprises referred to above, and of  
drug manufacturers, of quantities of raw materials, insofar as they are  
within the scope of this Convention, and of drugs in excess of those  
required for the economic normal conduct of business, having regard to  
the prevailing market conditions.<sup>(158)</sup>
- 499 4. The Parties shall consider sympathetically (Article 5(f)):
- 500 (a) for acceptance and execution recommendations of the World  
Health Organization concerning standards with respect to  
composition potency, safety and purity of drugs;
- 501 (b) not rejecting regulations of the World Health Organization  
concerning the subject/s referred to under (a) such<sup>(159)</sup>  
standards of drugs moving in international commerce . . .

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(156) See Article 6(a) together with Article 4(d) of the 1925 Convention.

(157) VIII, 154, Annex C, p.25, Comments on Section 34, paragraph 2(c) of the First Draft.

(158) VIII, Annex C, p.25, Comments on Section 34, paragraph 2 (General) of the First Draft; see IX, Annex D, p.40, comments on Section 37, paragraph 4, sub-paragraph (a) of the First Draft.

(159) VIII, 155-156; Annex C, p.25, Comments on Section 34, paragraph 2(c) of the First Draft; see also Articles 21(d), 22 and 23 of the Constitution of the World Health Organization.

Article 41

Manufacture

- 502 1. Without prejudice to the special provisions of this Convention the  
Parties undertake to limit the manufacture of drugs other than those listed  
in Schedule II<sup>(160)</sup> exclusively to medical and scientific needs.
- 503 2. To this end they shall either establish a State enterprise or system of  
State enterprises<sup>(161)</sup>, which shall have the exclusive right of manufacturing  
such drugs, or to the extent that the manufacture is not carried out by this  
enterprise or system of enterprises, licence the persons, co-operatives or  
corporations which shall be entitled to manufacture such drugs.
- 504 3. The Parties shall:
- 505 (a) control the persons engaged in the manufacture of drugs;
- 506 (b) control and, in particular, license the establishments and  
premises in which such manufacture may take place, provided  
however that this requirement of licensing shall not apply  
to the manufacture of preparations;<sup>(162)</sup> and
- 507 (c) require that the State enterprise or system of State enterprises  
referred to above and licensed manufacturers obtain periodical  
permits specifying the kinds and amounts of drugs which they  
shall be entitled to manufacture in each of their establishments  
in the ensuing period, provided, however, that this requirement  
shall not apply to drugs in Schedule II, and to preparations.<sup>(163)</sup>
- 508 4. The Parties shall prevent the accumulation, in the possession of the  
State enterprise or system of State enterprises referred to above, and of  
drug manufacturers, of quantities of raw materials, insofar as they are  
within the scope of this Convention, and of drugs in excess of those  
required for the economic normal conduct of business, having regard  
to the prevailing market conditions.<sup>(164)</sup>

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(160) VII, 92; See Article 13, paragraph 2(a) of the 1931 Convention and  
Article 5 of the 1925 Convention.

(161) IX, 73, Annex D, pp.40 and 41, Comments on Section 37, sub-paragraph 2(a)  
and Section 39 (General) of the First Draft.

(162) See Article 6(a) together with Article 4(d) of the 1925 Convention.

(163) VIII, 154, Annex C, p.25, Comments on Section 34, paragraph 2(c) of the  
First Draft.

(164) VIII, Annex C, p.25, Comments on Section 34, paragraph 2(General) of the First  
Draft. This alternative of Article 41 of the Second Draft provides that  
Government factories manufacturing drugs should be subject to the same régime  
as private factories except the requirement that the owner be licensed; see  
IX, Annex D, p.40, comments on Section 37, paragraph 4, sub-paragraph (a)  
of the First Draft.

- 509 5. The Parties shall consider sympathetically (Article 5(f)):  
510 ~~[(a)]~~ for acceptance and execution recommendations of the World  
Health Organization concerning standards ~~[with respect to the~~  
~~[composition]/[potency]~~, safety and purity~~]~~ of drugs;  
511 ~~[(b)]~~ not rejecting regulations of the World Health Organization  
concerning ~~[the subject/s]~~ referred to under (a) ~~]/[such]~~  
standards of drugs moving in international commerce~~]~~.<sup>(165)</sup>

#### Article 42

#### Trade ~~[and Distribution]~~

- 512 1. Without prejudice to the special provisions of this Convention ~~[and in~~  
particular to those relating to coca leaves~~]~~, the Parties undertake to limit  
exclusively to medical and scientific purposes the trade in, ~~[distribution]~~,  
possession<sup>(166)</sup> and use of drugs ~~[other than those in Schedule II]~~ <sup>(167)</sup>.  
513 ~~[2.]~~ To this end they shall, in particular,<sup>(168)</sup> either:  
514 (a) establish a State enterprise or system of State enterprises<sup>(169)</sup>  
which shall have the exclusive right of trade in ~~[and distribution~~  
~~of]~~ drugs, with the exception of such drugs as may be dispensed  
or administered by ~~[institutions or qualified persons in the duly~~  
authorized exercise of therapeutic or scientific functions~~]~~  
~~[institutions or persons duly authorized to perform medical~~  
functions~~]~~ <sup>(170)</sup>, or ~~[to the extent that such trade [or distribu-~~  
tion is not carried out by the State enterprise or system of  
State enterprises~~]~~;

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(165) VIII, 155-156; Annex C, p.25, Comments on Section 34, paragraph 2(c) of the First Draft; see also Articles 21(d), 22 and 23 of the Constitution of the World Health Organization.

(166) IX, 72-77; Annex D, p.40, Comments on Section 37, paragraph 1, of the First Draft.

(167) VII, 92; see Article 13, paragraph 2(a) of the 1931 Convention in connexion with Article 5 of the 1925 Convention.

(168) IX, Annex D, p.40, Comments on Section 37, paragraph 2, first line of the First Draft.

(169) IX, 73; Annex D, p.40, Comments on Section 37, paragraph 2(a) of the First Draft.

(170) IX, 76; Annex D, p.40, Comments on Section 37 (General) of the First Draft; see also Article 1 (definition of "Stocks") and Article 9, paragraph 1(a)(ii) of the 1953 Protocol.

- 515 (b) (i) control and, in particular, license the persons, co-operatives or corporations which shall be entitled to trade in and distribute such drugs; and
- 516 (ii) control and, in particular license the establishments and premises in which such trade and distribution may take place, provided, however, that this the requirement of licensing shall not apply to preparations<sup>(171)</sup> and that institutions and qualified persons in the duly authorized exercise of therapeutic or scientific functions persons duly authorized to perform medical functions may dispense and administer drugs outside such establishments or premises<sup>(172)</sup>.
- 517 2. (a) To this end they shall either establish a State enterprise or system of State enterprises<sup>(173)</sup> which shall have the exclusive right of trade in and distribution of drugs, with the exception of such drugs as may be dispensed or administered by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions institutions or persons duly authorized to perform medical functions<sup>(174)</sup>, or to the extent that such trade or distribution is not carried out by the State enterprise or system of State enterprises, license the persons, co-operatives or corporations which shall be entitled to trade in and distribute such drugs<sup>(175)</sup>.

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(171) See Article 6 of the 1925 Convention.

(172) IX, 76; Annex D, p.40, Comments on Section 37 (General) of the First Draft; see also Article 1 (definition of "stocks") and Article 9, paragraph 1(a)(ii) of the 1953 Protocol.

(173) IX, 73; Annex D, p.40, Comments on Section 37, paragraph 2(a) of the First Draft.

(174) IX, 76; Annex D, p.40, Comments on Section 37 (General) of the First Draft; see also Article 1 (definition of "stocks") and Article 9, paragraph 1(a)(ii) of the 1953 Protocol.

(175) This alternative of Article 42, paragraph 2, of the Second Draft would have the effect that Government trade in and distribution of drugs would be subject to the same régime as private trade and distribution except the requirements that the private trader or distributor be licensed.

518 (b) They shall:

519 (i) control the persons engaged in the trade in ~~/or distribu-~~  
tion of ~~/~~ drugs;

520 (ii) control and in particular license the establishments and  
premises in which such trade and distribution may take  
place, provided, however, that ~~/this/~~ ~~/the requirement~~  
of licensing ~~/~~ shall not apply to preparations and that <sup>(176)</sup>  
~~/institutions and/~~ ~~/qualified persons in the duly authorized~~  
exercise of therapeutic or scientific functions ~~/~~ ~~/persons~~  
duly authorized to perform medical functions ~~/~~ may dispense <sup>(177)</sup>  
and administer drugs outside such establishment or premises ~~/~~

521 3. The Parties shall also:

522 (a) prevent accumulation in the possession of ~~/the State enterprise~~  
or system of State enterprises ~~/~~ traders, institutions or ~~/qualified~~  
persons ~~/~~ ~~/duly authorized persons/~~ referred to above, of drugs in  
excess of those required for the normal <sup>(178)</sup> conduct of their  
business or profession; <sup>(179)</sup>

523 (b) require medical prescriptions for the supply or dispensation of  
drugs to individuals, with the exception of such drugs as such  
individuals may lawfully obtain in their licensed occupational or  
professional capacity, as ~~/licensed institutional officials or~~  
licensed qualified persons, in the duly authorized exercise of  
their therapeutic or scientific functions ~~/institutional officials~~  
or persons duly authorized to perform medical functions ~~/~~ may  
dispense or administer to patients or dispense to owners or holders  
of animals or administer to such animals on their own prescription,  
or as licensed scientists may require for the purpose of research.

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(176) See Article 6 of the 1925 Convention

(177) IX, 76; Annex D, p.40, Comments on Section 37 (General) of the First Draft;  
see also Article 1 (definition of "stocks") and Article 9, paragraph 1(a)(ii)  
of the 1953 Protocol.

(178) IX, Annex D, p.40, Comments on Section 37, sub-paragraph 4(a) of the First  
Draft.

(179) IX, 77.

These Prescriptions of drugs other than those listed in Schedule II shall be written on official forms to be issued in the form of counterfoil books by the competent Governmental authorities or by authorized professional associations.<sup>(180)</sup>

524 4. Parties shall consider sympathetically (Article 5(f)):

525 [(a) for acceptance and execution, recommendations of the World Health Organization concerning international standards of wrapping, labelling, inscriptions, and the use of international non-proprietary names of drugs; and]

526 [(b) not rejecting regulations of the World Health Organization relating to the subjects referred to under (a) [in respect of drugs moving in international commerce,]

provided, however, that this paragraph shall not apply to recommendations or regulations which would require reference, on the external wrapping, to the [narcotic] nature of the drug content, or that manufacturers should not use their own distinctive labels<sup>(181)</sup>.

527 5. Parties shall require that any package containing a drug shall have on its interior wrapping a clearly visible double red band.<sup>(182)</sup>

528 6. Parties shall require that the labels under which any of the drugs [or preparations containing drugs] are offered for sale shall show the exact contents of the drug by indication of weight or percentage [of the various component substances]. These labels shall also indicate [international non-proprietary name if any (paragraph 4) and] the name of the drugs as provided for in the national legislation. This paragraph shall also apply to exempted preparations (Schedule III).<sup>(183)</sup>

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(180) IX, 74 and 81; Annex D, p.41, Comments on Section 39, paragraph 1(b) of the First Draft.

(181) IX, 75; Annex D, p.40, Comments on Section 37, sub-paragraph 4(b); VIII, 155-157; Annex C, pp.25 and 26; Comments on Section 34, paragraph 2(e) of the First Draft; see also Articles 21(e), 22 and 23 of the Constitution of the World Health Organization.

(182) X, 97 and 107; Annex D, p.7, Comments on "Various Sections" of the First Draft.

(183) VIII, 157; Annex C, pp.25 and 26, Comments on Section 34, paragraph 2(e) of the First Draft.

529 7. The provisions of paragraphs 1 2 to 4 5 shall not apply to the retail trade in or retail distribution of drugs listed in Schedule II. <sup>(184)</sup>

#### Article 43

#### International trade <sup>(185)</sup>

- 530 1. Without prejudice to the special provisions of this Convention and in particular to those relating to coca leaves the Parties undertake to limit exclusively to medical and scientific purposes the import and export of drugs other than those in Schedule II <sup>(186)</sup>.
- 531 2. They shall prohibit the export of drugs to any country or territory except in accordance with the laws and regulations of that country or territory and with the duly established estimates for that country or territory. <sup>(187)</sup>
- 532 3. They shall exercise in free ports and zones the same supervision and control as in other parts of their territories provided, however, that they may apply more drastic provisions. <sup>(188)</sup>

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(184) VII, 92; see Article 13, paragraph 2(a) of the 1931 Convention.

(185) VIII, 159 and 161; as regards the rejection of the idea of an "International Clearing House" see VII, 98 - 99; Annex C, paragraph 9; see also VIII, Annex C, p.26, Comments on Section 35 (Title).

(186) VII, 92; Article 13, paragraph 2(a) of the 1931 Convention in connexion with Article 5 of the 1925 Convention.

(187) VIII, Annex C, p.26, Comments on Section 35, paragraph 2 of the First Draft; see also Article 30, paragraph 5 in the first alternative set of the provisions of the Second Draft on the "Limitation of Drug Supplies" and Article 30(a), paragraph 5 in the second alternative set of those provisions; see also E/CN.7/L.48, Annex p.9; see also VII, Annex C, paragraph 7.

(188) VIII, Annex C, p.26, Comments on Section 35, paragraphs 3, 4, 5 and 6; see also Article 14 of the 1925 Convention.



- 533 4. They shall either:
- 534 (a) establish a State enterprise or system of State enterprises<sup>(189)</sup>  
which shall have the exclusive right of importing and exporting  
drugs; or to the extent that such imports or exports **are** not  
carried out by the State enterprise or system of State enterprises<sup>7</sup>.
- 535 (b) control all persons, co-operatives and corporations engaged in the  
import or export of drugs, and in particular require them to obtain  
a licence to engage in such operations.<sup>7</sup> (190)
- 536 4. (a) They shall establish a State enterprise or system of State  
enterprises which shall have the exclusive right of importing and  
exporting drugs; or to the extent that such imports or exports  
are not carried out by the State enterprise or system of State  
enterprises require all persons, co-operatives and corporations  
engaged in the import and/or export of drugs to obtain a licence  
to engage in such operations.
- 537 (b) Control all persons, co-operatives and corporations engaged in such  
import or export.<sup>7</sup> (191)
- 538 5. (a) Each Party shall require a separate import or export authorization  
to be obtained for each importation or exportation for one or more  
drugs to which this Convention applies.
- 539 (b) Such authorization shall state the quantity to be imported or  
exported, the name and address of the importer and exporter, and  
shall specify the period within which the importation or exportation  
must be effected.
- 540 (c) The import authorization may allow the importation in more than one  
consignment.
- 541 (d) The export authorization shall also state the number and date of  
the import certificate (paragraph 6) and the authority by whom it  
has been issued.<sup>(192)</sup>

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(189) see IX, 73, Annex D, pp. 40 and 41, Comments on Section 37, sub-paragraph 2(a) and Section 39 (General) of the First Draft.

(190) VIII, Annex C, p.26, Comments on Section 35, paragraphs 5 and 6.

(191) VIII, Annex C, p.26, Comments on Section 35, paragraphs 5 and 6. The second alternative draft of paragraph 4 of Article 43 of the Second Draft would have the effect that governmental foreign trade would be subject to the same régime as private foreign trade except that governmental foreign trade agencies would not need a general licence.

(192) VIII, Annex C, p.26, Comments on Section 35, paragraph 7 of the First Draft.

- 542 6. Before issuing an export authorization Parties shall require an import certificate, issued by the Government of the importing country or territory and certifying that the importation is approved, to be produced by the person or establishment applying for the export authorization. The Parties agree to adopt [so far as possible.] the form of import certificate annexed to this Convention.<sup>(193)</sup>
- 543 7. A copy of the export authorization shall accompany each consignment and the government issuing the export authorization shall send a copy to the government of the importing country or territory.<sup>(194)</sup>
- 544 8. (a) The government of the importing country or territory, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the government of the exporting country or territory.
- 545 (b) The endorsement shall specify the amount actually imported.
- 546 (c) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorization and on any [official] copy thereof.<sup>(195)</sup>
- 547 9. Exports of consignments to a post office box, or to a bank to the account of a third party, shall be prohibited.<sup>(196)</sup>
- 548 10. Exports of consignments to a bonded warehouse are prohibited unless the government of the importing country or territory states, on the import certificate or on a special certificate in place of this certificate produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such a case the export authorization shall specify that the consignment is exported for such a purpose. Each withdrawal from a bonded

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(193) VIII, Annex C, p.26, Comments on Section 35, paragraph 8 of the First Draft.

(194) VIII, 160, Annex C, p.26, Comments on Section 35, paragraph 10 of the First Draft.

(195) ibidem, Comments on Section 35, paragraph 11 and 12 of the First Draft.

(196) VIII, 162 - 163, Annex C, p.26, Comments on Section 35, paragraph 13.

warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination, shall be treated as if it were a new export within the meaning of this Convention.<sup>(197)</sup>

549 11. Consignments of drugs crossing any border not accompanied by an export authorization shall be seized by the customs authorities.<sup>(198)</sup>

550 12. The Parties shall not permit the transit of any consignment of drugs, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization which accompanies the consignment is produced to the competent authorities of the transit country or territory.<sup>(199)</sup>

551 13. No consignment of drugs while in transit or whilst being stored in a bonded warehouse may be subjected to any process which would change the nature of the drugs in question. The packing may also not be altered without the permission of the competent authorities.<sup>(200)</sup>

552 14. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the government of that country or territory authorizes the diversion. The government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 8(a) and (b) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.<sup>(201)</sup>

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(197) VIII, Annex C, p.26, Comments on Section 35, paragraph 14 of the First Draft.

(198) ibidem, Comments on Section 35, paragraphs 15 and 16 of the First Draft.

(199) VIII, Annex C, p.26, Comments on Section 36, paragraph 1 of the First Draft.

(200) ibidem, Comments on Section 36, paragraph 2 of the First Draft.

(201) ibidem, Comments on Section 36, paragraphs 3 and 4.

- 553 15. The provisions of paragraphs 12 to 14 relating to the transit of drugs do not apply if the consignment in question is transported by air, provided that the aircraft passes over the territory of the country or territory of transit without landing. If the aircraft makes a non-traffic or unscheduled landing in such country or territory, these provisions shall be applied [so far as the circumstances permit] [as may be appropriate].<sup>(202)</sup>
- 554 [16. The provisions of this Article shall not apply to such preparations of drugs listed in Schedule II as are adapted to a normal therapeutic use.]<sup>(203)</sup>

[Article 44

Special Provisions concerning [the International  
Trade in] Diacetylmorphine<sup>(204)</sup>

- 555 1. The Parties shall prohibit the export [from their territories] of diacetylmorphine [its salts and preparations containing diacetylmorphine or its salts].
- 556 2. Nevertheless, on receipt of a request from the government of any country or territory in which diacetylmorphine is not manufactured, a Party may authorize the export to that country or territory of such quantities of diacetylmorphine [its salts and preparations containing diacetylmorphine or its salts], as are necessary for the [medical and] scientific needs of that country or territory, provided that the request is accompanied by an import certificate and is consigned to the government department indicated in this certificate.
- 557 3. Any quantity so imported shall be distributed by and on the responsibility of the government of the importing country or territory.

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(202) VIII, Annex C, p.26; Comments on Section 36, paragraphs 3 and 4.

(203) VII, 92; see Article 13, paragraph 2(b) of the 1931 Convention.

(204) VII, Annex C, paragraph 8; VIII, Annex C, p.26, Comments on Section 35 (General).

558 4. The provisions of this Article shall also apply to exempted preparations  
of diacetylmorphine for its salts. (205)

Article 45  
Possession (206)

559 The Parties shall take measures to prohibit as regards their  
internal trade the delivery of drugs to or possession of drugs by any  
unauthorized person provided however that this shall not apply to retail  
traders in or retail distributors of drugs listed in Schedule II. (207)

National Supervision

Article 46  
Measures of Supervision and Inspection (208)

560 1. Parties shall require:

- 561 (a) that all persons who obtain licences under the provisions of this  
Convention or have managerial or supervisory positions in a State  
enterprise or system of State enterprises established in accordance  
with the Convention, have adequate qualifications necessary for  
the effective and faithful execution of the provisions of such  
laws and regulations as are enacted pursuant to this Convention;
- 562 (b) that governmental authorities, manufacturers, traders, scientists,  
scientific institutions, hospitals, and qualified persons authorized  
to exercise therapeutic functions persons duly authorized to  
perform medical functions (209) maintain and preserve for a minimum

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(205) Diacetylmorphine preparations exempted under Article 8 of the 1925 Convention are not exempted from the provisions of Article 10 of the 1931 Convention, since exemption under Article 8 of the 1925 Convention does not affect the application of the provisions of another Convention. Under the terms of the Second Draft exempted preparations (Schedule III) would - unless otherwise expressly provided for - be free from all provisions of the new treaty including the provisions of Article 44 of the Second Draft, i.e. the provisions reproducing Article 10 of the 1931 Convention.

(206) IX, 78 - 79; Annex D, p.41, Comments on Section 38 of the First Draft; see also Article 7 of the 1925 Convention.

(207) VII, 92; see Article 13, paragraph 2(a) of the 1931 Convention.

(208) IX, 80 - 82; Annex D, p.41, Comments on Section 39 of the First Draft.

(209) See also IX, Annex D, p.40, Comments on Section 37 (General) of the First Draft and Articles 1 (definition of stocks) and 9(1)(a)(ii) of the 1953 Protocol.

period of two years such records as will show the quantities of each drug manufactured and of each individual transaction in drugs (purchase, sale, dispensation, administration) and as will facilitate the verification of each entry (except in the respect of dispensation or administration of drugs to individual cases) by comparing it with the corresponding entry in a record maintained by another agency, corporate body or person. Whenever counterfoil books (Article 42, paragraph 3) of official prescriptions are used, the counterfoils shall be preserved for a minimum period of two years; and

563 (c) that State enterprises, or the system of State enterprises, manufacturers, traders, hospitals and persons performing [therapeutic] [medical] [or scientific] functions submit periodical reports giving such information as may be required for purposes of domestic or international control of drugs.

564 2. Parties shall also provide for inspections which shall be made as frequently as necessary, of fields, establishments and premises in which the production of, manufacture of, trade in, or distribution of drugs takes place, and in particular of the records maintained in accordance with the provisions of paragraph 1. (210)

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(210) Article 46 of the Second Draft reproduces Section 39 of the First Draft. The Commission decided at its ninth session that a section dealing specifically with synthetic narcotics should be inserted after Section 39 of the First Draft (IX, 68 and Annex D, p.41). At its tenth session the Commission decided, however, to extend to all drugs, natural and synthetic alike, draft provisions originally intended to apply only to synthetic drugs (X, 90 - 113; and Annex D, pp.1-2 and 7-8. Comments on Section 3 and on "Various Sections" of the First Draft.) As a result a single provision remained which would apply specifically to synthetic drugs and which would require Parties to endeavour to ensure that substances which would not be subject to international control but which might be used for the illicit manufacture of synthetic narcotics should be subject to such measures of supervision as might be practicable. This provision was included in Article 2, paragraph 7 of the Second Draft.

Chapter IX. MEASURES AGAINST ILLICIT TRAFFICKERS

Article 47

International Co-operation

565 The Parties shall co-operate with each other and with the competent international organizations /and organs/ with a view /to co-ordinating their efforts to suppress the illicit traffic/ /to maintaining a co-ordinated campaign against the illicit traffic./ (211)

Article 48<sup>(212)</sup>

Penal Provisions

- 566 1. The Parties undertake to adopt such measures as will ensure that:
- 567 (a) cultivation; production; manufacture, /including conversion,/ extraction, /preparation/ /compounding/; possession; offering; offering for sale; distribution; purchase; sale; delivery on any terms whatsoever; brokerage; despatch; despatch in transit; transport; importation and exportation of drugs contrary to the provisions of the present Convention;
- 568 (b) international participation in, conspiracy to commit, and attempts to commit any of these acts and
- 569 (c) to the extent permitted by domestic law and subject to their constitutional limitations, preparatory acts;
- shall be punishable offences, and that serious offences shall be liable to severe punishment particularly by imprisonment or other penalties of deprivation of liberty.
- 570 2. The Parties undertake within the framework of their existing legal systems and criminal jurisdiction and subject to their constitutional limitations to adopt such measures as will ensure that:
- 571 (a) each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

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(211) E/CN.7/AC.3/5, paragraph reference number 338.

(212) IX, 66, 83 - 87; Annex D, p.42, Comments on Section 40 of the First Draft.

- 572 (b) foreign convictions for the offences shall be taken into account  
for the purpose of establishing recidivism;
- 573 (c) serious offences committed abroad either by nationals or by  
foreigners shall be prosecuted by the State in which the offender  
may be found if otherwise the offender might escape prosecution.
- 574 3. The offences specified in paragraph 1(a) and (b) and, to the extent  
permitted by domestic law, and subject to constitutional limitations, the  
offences specified in paragraph 1(c) shall be deemed to be included as  
extradition crimes in any extradition treaty which has been or may hereafter  
be concluded between any of the Parties and shall as between those Parties  
which do not make extradition conditional on the existence of a treaty or on  
reciprocity be recognized as extradition crimes; provided that extradition  
shall be granted in conformity with the law of the Party to which application  
is made and that the Party shall have the right to refuse to effect the  
arrest or grant the extradition if the competent authorities consider that  
the offence is not sufficiently serious.
- 575 4. Any drugs as well as any substances and instruments intended for the  
commission of the offences referred to in paragraph 1 shall be liable to  
seizure and confiscation. <sup>(213)</sup>
- 576 5. Nothing in this Article shall be prejudicial to the attitude of a Party  
towards the general question of the limits of national criminal jurisdiction  
under international law.
- 577 6. The provisions of this Article shall also not affect the principle that  
the offences to which it refers shall in each State be defined, prosecuted  
and punished in conformity with its domestic law.

#### Article 49

##### Seizure and Confiscation

- 578 1. Any drugs as well as any substances vehicles and instruments intended  
for the illicit traffic for the commission of the offences referred to in  
Article 49, paragraph 1 shall be liable to seizure and confiscation. <sup>(214)</sup>

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(213) See Article 49, paragraph 1 of the Second Draft.

(214) See Article 48, paragraph 4 of the Second Draft.



579 2. Without prejudice to the special provisions of Article 35 relating to  
opium and poppy straw the Parties shall either

580 (a) destroy drugs not listed in Schedule II which are confiscated  
from the illicit traffic and are no longer required for judicial  
proceedings or other action on the part of the authorities; or

581 (b) convert such drugs into use such drugs in the manufacture of  
drugs listed in Schedule II or substances not subject to this  
Convention; or

582 (c) appropriate such drugs for medical or scientific use, either by  
the Government or under its control.

583 In all cases diacetylmorphine drugs listed in Schedule IV shall  
either be destroyed or converted used in the manufacture mentioned  
above. (215)

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(215) See Article 18 of the 1931 Convention.

Chapter X. DRUG ADDICTION

Article 50<sup>(216)</sup>

Treatment of Drug Addicts

- 584 1. The Parties shall give special attention to the importance of creating facilities for the medical treatment, care and rehabilitation of drug addicts.
- 585 2. If they have a serious problem of drug addiction and their economic resources permit, they shall use their best endeavours to establish facilities for the compulsory treatment of drug addicts in closed institutions administered or licensed by public authorities.

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(216) IX, 67 and 88; Annex D, p.41, Comments on Section 41 of the First Draft.

# Chapter XI. GENERAL PROVISIONS

## Article 51<sup>(217)</sup>

### Languages of the Convention and Procedure for Acceptance

586 1. This Convention, of which the Chinese, English, French, Russian and  
Spanish texts are equally authentic, shall be open for signature or  
acceptance on behalf of any Member of the United Nations, of any State  
invited to participate in the Conference held at .....  
on ....., and also of any other State which the Council may  
invite to become a Party.

587 2. Any such States may:

588 (a) Sign without reservation as to acceptance;

589 (b) Sign subject to acceptance and subsequently accept; or

590 (c) Accept.

591 Acceptance shall be effected by the deposit of a formal instrument  
with the Secretary-General.

## Article 52<sup>(218)</sup>

### Entry into Force

592 1. This Convention shall come into force upon the expiration of thirty  
days following the signature without reservation as to acceptance, or the  
deposit of an instrument of acceptance (Article 51), by at least twenty-  
five States including:

593 (a) three of the following

Belgium, France, Federal Republic of Germany,

Italy, Japan, Netherlands, Switzerland,

United Kingdom of Great Britain and Northern

Ireland, United States of America; and

594 (b) three of the following:

Bulgaria, Greece, India, Iran, Turkey,

Union of Soviet Socialist Republics, Yugoslavia.

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(217) IX, 89. The Commission may wish to consider whether the provisions  
of paragraphs 1 and 2 of this Article should not form two separate  
articles.

(218) IX, 90, Comments on Section 43 of the First Draft; Annex D, p.42,  
Comments on Section 43 of the First Draft; see also Article 21 of  
the 1953 Protocol.

595 2. In respect of any other State signing without reservation as to acceptance, or depositing an instrument of acceptance, after the date on which the requirements as to signature or deposit under paragraph 1 have been fulfilled, this Convention shall come into force upon the expiration of thirty days after the signature or deposit by that State.

Article 53<sup>(219)</sup>

Territorial Application

596 This Convention shall apply to all the non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of a non-metropolitan territory is required by the Constitution of the Party or of the non-metropolitan territory, or required by custom. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature or acceptance, declare the non-metropolitan territory or territories to which this Convention applies.]

Article 53

Territorial Application<sup>(220)</sup>

597 1. The Parties shall apply the provisions of this Convention to all dependent territories for the international relations of which they are responsible, except where the previous consent of the Government of such a territory is required by the Constitution of the Party or the territory, or by custom. In this case the Parties need not apply the Convention to such a territory until the consent is given.

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(219) X, 134; Annex D, p.6, Comments on Section 44 of the First Draft; see also Article 20 of the 1953 Protocol.

(220) X, 134; Annex D, p.6; Comments on Section 44 of the First Draft; see also Article 20 of the 1953 Protocol.

- 598 2. They shall endeavour to secure as soon as possible the consent of  
their territories whenever required.
- 599 3. They shall at the time of signature or acceptance (Article 51) indicate  
the territories to which the Convention will /not/ be applied under the  
terms of the first sentence of paragraph 1, and without undue delay, notify  
in writing the Secretary-General of any additional territories which may  
subsequently give their consent.]

Article 54<sup>(221)</sup>

Termination of Previous International  
Treaties

600 The provisions of this Convention shall, upon its coming into force,  
terminate and replace, in relation between Parties, the provisions of the  
following treaties:

- 601 (a) International Opium Convention, signed at The Hague on  
23 January 1912.
- 602 (b) Agreement concerning the manufacture of, internal trade in  
and use of prepared opium, signed at Geneva on 11 February  
1925.
- 603 (c) International Opium Convention, signed at Geneva on  
19 February 1925.
- 604 (d) Convention for limiting the manufacture and regulating  
the distribution of narcotic drugs, signed at Geneva  
on 13 July 1931.
- 605 (e) Agreement for the control of opium smoking in the Far East,  
signed at Bangkok on 27 November 1931.
- 606 (f) Convention for the suppression of the illicit traffic in  
dangerous drugs, signed at Geneva on 26 June 1936.
- 607 (g) Protocol signed at Lake Success, New York, on 11 December  
1946, amending the Agreements, Conventions and Protocols  
on narcotic drugs, concluded at The Hague on 23 January  
1912, at Geneva on 11 February 1925 and 19 February 1925  
and 13 July 1931, at Bangkok on 27 November 1931 and at  
Geneva on 26 June 1936.
- 608 (h) The Conventions and Agreements referred to under (b)-(f)  
as amended by the Protocol of 1946 referred to under (g).

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(221) X, Annex D, p.6, Comments on Section 45 of the First Draft.

- 609 (i) Protocol signed at Paris on 19 November 1948 bringing under international control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946.
- 610 (j) Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, signed at New York on 23 June 1953.

Article 55<sup>(222)</sup>

Transitional Provisions

- 611 1. The functions of the Board provided for in Article 14 shall, as from the date of the coming into force of this Convention (Article 52, paragraph 1) be provisionally carried out by the Permanent Central Board, constituted under Chapter VI of the International Opium Convention signed at Geneva on 19 February 1925 and amended by the Protocol signed at Lake Success, New York, on 11 December 1946.
- 612 2. The Council shall fix the date on which the new Board, referred to in Article 14, shall enter upon its duties. As from that date this Board shall, with respect to the States Parties to the treaties enumerated in Article 54 which are not Parties to this Convention, undertake the functions of the Permanent Central Board and of the Supervisory Body constituted under Chapter II of the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed in Geneva on 13 July 1931 and amended by the Protocol referred to in paragraph 1.

Article 56<sup>(223)</sup>

Denunciation

- 613 1. After the expiry of two years from the date of the coming into force of this Convention (Article 52, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with Article 53, denounce this Convention by an instrument in writing deposited with the Secretary-General.

(222) X, Annex D, p.6, Comments on Section 46 of the First Draft.

(223) X, Annex D, p.6, Comments on Section 47 of the First Draft.

- 614 2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.7
- 615 2. Such a denunciation, received by the Secretary-General between 1 July of any year and 30 June of the following year, shall take effect on the first day of January following that 30 June.7
- 616 3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in Article 52, paragraph 1, cease to exist.7

Article 57  
Amendments<sup>(224)</sup>

- 617 1. Without prejudice to the provisions of Article/s/ 3 and 12 every member of the Commission and every Party may propose an amendment to the Convention.
- 618 2. The Commission shall decide which of the following procedures shall be applied:
- 619 (a) the Secretary-General shall convene a conference of Parties to consider the proposed amendment. He shall invite to the conference such States other than Parties which have been invited to attend the conference referred to in Article 51 or whose participation would, in the opinion of the Commission, be desirable; or
- 620 (b) the Secretary-General shall place the proposed amendment on the provisional agenda of the General Assembly. The General Assembly may recommend to the Parties for acceptance a treaty incorporating the amendment in the form in which it was proposed or in a modified form, or another amendment; or

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(224) X, 135-137; Annex D, p.6; Comments on Section 48 of the First Draft. The Commission decided that this article should provisionally be included in the Second Draft and that it would review the question of amendments to the new Convention in the light of the observations which it requested from Governments (E/CN.7/308 and Addenda).

621 (c) the Commission may, by a two-thirds majority of the members present  
and voting, adopt the amendment in the form in which it was  
proposed or in a modified form   , or another amendment<sup>7</sup>. In such  
a case:

622 (i) after   completion of the procedure provided for in  
Article 11, paragraphs 1 and      review of the  
Commission's decision by the Council (Article 11<sup>7</sup>),  
the Secretary-General shall, without delay, transmit  
to all Parties a notification in accordance with  
Article 11, paragraph 3;

623 (ii) the amendment shall be binding upon each Party which has  
not rejected it within a period of ninety days from the  
date of the receipt by such a Party of the notification  
referred to under (i), provided that:

624 (aa) the Secretary-General has not received within  
three hundred and sixty days from the date   of  
the final adoption of the amendment (Article 11<sup>7</sup>)  
  of the notification referred to under (i)<sup>7</sup>   of  
the dispatch of the last notification referred  
to under (i)<sup>7</sup>, twenty-five or more such  
rejections;

625 (bb) the amendment shall not come into force in  
respect of a Party before the expiry of the  
said periods of three hundred and sixty or of  
ninety days, whichever period shall be longer;  
and

626 (iii) the rejections provided for in sub-paragraph (c)(ii)  
of this paragraph may be withdrawn at any time, in  
which case the amendment shall come into force in  
respect of the Party concerned on the date of such  
withdrawal, always provided that the said period<sup>s</sup>  
  of three hundred and sixty   and ninety<sup>7</sup> days<sup>7</sup>   has<sup>7</sup>  
  have<sup>7</sup> expired, and that such withdrawal, if made after  
the expiry of the said period of three hundred and sixty  
days, shall not be deducted from the twenty-five or more  
rejections referred to in paragraph 2(c)(ii)(aa) of this  
paragraph.



Article 58  
Disputes<sup>(225)</sup>

627 If there should arise between the Parties a dispute of any kind relating to the interpretation or application of this Convention, and if such a dispute cannot be satisfactorily settled by diplomatic means, it shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of a party to the dispute, be referred to the International Court of Justice, if all the parties to the disputes are Parties to the Statute of that Court and, if a party to the dispute is not a Party to that Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes.

Article 59  
Reservations<sup>(226)</sup>

- 628 1. No reservations other than those made in accordance with the following paragraphs shall be permitted.
- 629 2. A Party may at the time of signature or acceptance (Article 51) reserve the right to permit temporarily in any one of its territories:
- 630 (a) the quasi-medical use of opium;
- 631 (b) opium smoking;
- 632 (c) coca leaf chewing;
- 633 (d) the use of cannabis, and cannabis resin and extracts and tinctures of cannabis and their preparations for medical and non-medical purposes, including the use in indigenous medicine; and

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(225) X, 138-140; Annex D, p.6, Comments on Section 49 of the First Draft; see also E/CN.7/L.99.

(226) IX, 63; X, 84, 87, 141-148; Annex D, p.4; Comments on Section 30 and Section 32, paragraph 1, of the First Draft; p.5, Comments on Section 33; pp.6-7, Comments on Section 50 of the First Draft; see also Articles 19 and 25 of the 1953 Protocol. The Commission requested Governments to transmit their observations on the question of permitting reservations in addition to those which would be allowed under Article 59 of the Second Draft. It expressed its intention to review the matter in the light of such observations as it might receive (see E/CN.7/308 and Addenda).

- 634 (e) the production and manufacture of and trade in the drugs  
referred to under (a) to (d) for the purposes mentioned  
therein.
- 635 3. The maximum opium stocks which a Party having reserved the use of opium  
for quasi-medical purposes or for smoking may hold (Article 34), shall be  
increased by the amount consumed for such purposes in the two preceding  
years.
- 636 4. The reservations under paragraph 2 shall be subject to the following  
restrictions:
- 637 (a) the activities mentioned in paragraph 2 may be authorized only to  
the extent that they were traditional in the territories in respect  
of which the reservation is made, and were there permitted on  
. . . . . ;
- 638 (b) no export of the drugs referred to in paragraph 2 for the purposes  
mentioned therein may be permitted to a non-Party or to a territory  
to which this Convention does not apply under Article 53;
- 639 (c) only such persons may be permitted to smoke opium as were  
registered by the competent authorities to this effect on  
. . . . . ;
- 640 (d) the quasi-medical use of opium must be abolished within . . . . .  
years from the coming into force of this Convention (Article 52);
- 641 (e) coca leaf chewing must cease within twenty-five years from the  
coming into force of this Convention (Article 52);<sup>7</sup>
- 642 (f) the use of cannabis for other than scientific purposes must be  
discontinued within . . . . years from the coming into force of  
this Convention (Article 52);<sup>(227)</sup>
- 643 (g) the production and manufacture of and trade in the drugs  
referred to in paragraph 2 for any of the uses mentioned therein  
must be reduced and finally suppressed simultaneously with the  
reduction and suppression of such uses.<sup>7</sup>

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(227) X, 87 and Annex D, pp.6 and 7; Comments on Section 50 of the First Draft. The Commission decided to invite Governments which are not represented on the Commission and might have an interest in the temporary continuation of the use of cannabis to transmit their views on the period for which such use should be permitted (E/CN.7/308).

- 644 5. A Party making a reservation under paragraph 2 shall:
- 645 (a) include in the annual report to be furnished to the Secretary-General, in accordance with Article 27   , paragraph 2(a)   , an account of the progress made in the preceding year towards the abolition of the use, production   , manufacture    or trade referred to under paragraph 2;
- 646 (b) furnish to the Board separate estimates (Article   29     29(a)-(c)  ) and statistical returns (Article 28) in respect of the reserved activities in such a manner and form as the Board may determine.
- 647 6. (a) If a Party which makes a reservation under paragraph 2 fails to furnish:
- 648 (i) the report referred to in paragraph 5(a) within six months after the end of the year to which the information relates;
- 649 (ii) the estimates referred to in paragraph 5(b) within three months after the date fixed for that purpose by the Board in accordance with Article 21, paragraph 2;
- 650 (iii) the statistics referred to in paragraph 5(b) within three months after the date on which they are due in accordance with Article 28, paragraph 4    or Article 34, paragraph 6   ,

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

- 651 (b) If the Party fails to comply within this period with the request of the Board or the Secretary-General, the reservation in question made under paragraph 2 shall cease to be effective.

652   7  . Any State may at the time of signature or acceptance also make reservations in respect of the following provisions:

.....   

653   7  . A State which desires to become a Party but wishes to be authorized to make reservations other than those listed in paragraph 2 may inform in writing the Secretary-General of such intention. The Secretary-General

shall immediately communicate the proposed reservation to all States which have signed or accepted this Convention and ask whether they have any objections. If none of these States makes an objection in writing within a period of one hundred and eighty days from the date of this communication, the reservation concerned shall be deemed to be accepted, provided, however, that after the coming into force of this Convention only objections from Parties shall be considered.]

- 654 7. Any State which is prepared to become a Party but which may wish to be authorized to make reservations as to the application of this Convention other than those enumerated in paragraph 2 may inform the Secretary-General of its intention. The Secretary-General shall immediately communicate such reservations to all Parties and ask whether they have any objections. If no Party makes an objection within a period of one hundred and eighty days from the date of the said communication, the reservation concerned shall be deemed to be accepted].
- 655 8. A State which has made reservations may at any moment by a notification in writing waive withdraw all or part of its reservations.

# Article 60<sup>(228)</sup>

## Notifications

- 656 The Secretary-General shall notify to all the Members of the United Nations and to the other States referred to in Article 51, paragraph 1:  
 . . . . .  
 . . . . .
- 657 In faith whereof, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.  
 . . . . .  
 . . . . .
- 658 Done at . . . . . this . . . . . day of . . . . .  
 195.. in a single copy, which shall be deposited in the archives of the United Nations, and of which certified true copies shall be delivered to all the Members of the United Nations and to the other States referred to in Article 51, paragraph 1.

(228) If it is decided to retain this list of notifications, it is proposed to draft the list after a more definite text of the Draft Convention will have been established; X, Annex D, p.7, Comments on Section 51 of the First Draft.

Schedules (229)

Schedule I

- 659 This Schedule will consist of two parts. The first part will list all drugs falling under international control; the second part will enumerate the opium poppy, coca bush and cannabis plant.

Schedule II

- 660 This Schedule will list such drugs as codeine and ethyl-morphine i.e. drugs which will be subject to a more lenient régime than other drugs e.g. morphine.

Schedule III

- 661 This Schedule will list the preparations which will be exempted from international control.

Schedule IV<sup>(230)</sup>

- 662 This Schedule will enumerate particularly dangerous drugs the prohibition of which will be mandatory or recommended.<sup>(231)</sup>

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(229) VII, Annex C, p.20, paragraph 3 and Comments on Section 2 of the First Draft. The Schedules will be drawn up at a later stage in order to reflect more accurately the situation of international narcotics control at the time at which the Conference referred to in Article 51, paragraph 1 of the Second Draft, will convene.

(230) VII, Annex C, p.20, paragraph 7; Comments on Schedule IV, X, 149-154; Annex D, p.8; Comments on "Schedules".

(231) See the two alternatives of paragraph 5 of Article 2 and paragraph 3 of Article 3 of the Second Draft.



Annex A  
MODEL FORM OF IMPORT CERTIFICATE  
  
INTERNATIONAL DRUG CONVENTION

No. \_\_\_\_\_

Certificate of Official Approval of Import

I hereby certify that the Ministry of . . . . .  
being the Ministry charged with the administration of the law  
relating to the drugs to which the International Drug Convention  
applies, has approved the importation by

(a) Name, address  
and business of  
importer.

(a) . . . . .  
of (b) . . . . .  
from (c) . . . . .

(b) Exact descrip-  
tion and amount of  
drug or drugs to  
be imported.

subject to the following conditions

(c) Name and  
address of firm in  
exporting country  
from which the  
drug is to be  
obtained.

(d) . . . . .  
and is satisfied that the consignment proposed to be imported is  
required:

(d) State any  
special conditions  
to be observed, e.g.  
not to be imported  
through the post.

- (1) Solely for medical and scientific purposes.
- (2) For medical, scientific and other legitimate  
purposes (in the case of coca leaves).
- (3) Solely for scientific purposes (in the case of drugs  
listed in Schedule IV, cannabis, cannabis resin,  
extracts and tinctures of cannabis /and their  
preparations/
- (4) For quasi-medical purposes (opium)  
" smoking (opium)  
" chewing (coca leaves)  
" medical and non-medical (cannabis, /and/ cannabis  
purposes including the resin /extracts and  
use in indigenous tinctures of cannabis/  
medicine /and their preparations/

as the case may be (in the case of reservations made  
under Article 59, paragraph 2).

Signed on behalf of the Ministry of . . . . .

(Signature) . . . . .

(Official Rank) . . . . .

(Date) . . . . .





ANNEX B

Draft Text Proposed by the Permanent Central Opium Board  
and Drug Supervisory Body for Provisions Governing  
Estimates and Limitation of Manufacture and Import (232)

Article ..... (The Estimate System)

Obligations of parties

- (1) The Parties undertake to furnish the Board, in respect of each of their territories, with the estimates described below.
- (2) The estimates shall be based on the medical and scientific needs for a year and must relate to each substance mentioned in Schedules I (Part I) and II:
  - (a) The quantity to be consumed, including the quantity to be used for the compounding of preparations for the export of which export authorizations are not required, whether such preparations are intended for domestic consumption or for export;
  - (b) The quantity to be used for the manufacture of other substances, whether such substances are intended for domestic consumption or for export;
  - (c) The amount of the reserve stock at the end of the year;
  - (d) Where appropriate, the same data under separate headings for quasi-medical needs;
  - [(e)] The quantity required for government purposes.]

The above list of the estimates to be furnished by the Parties may be increased or reduced by the Commission on the recommendation of the Board.

- (3) By total of the estimates of each substance for each country or territory is meant the sum of the amounts specified under sub-paragraphs (a), (b), [(e)], and where appropriate (d), of the preceding paragraph together with any amount which may be necessary to bring the reserve stock up to the desired level.

- (4) States may, if necessary, in any year furnish in respect of any of their territories supplementary estimates for that territory for that year, with an explanation of the circumstances which necessitate such supplementary estimates.
- (5) Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been determined. If these amounts are determined so as to include a margin allowing for possible fluctuations and demands, the estimates must indicate the extent of the margin so included.
- (6) The Parties undertake not to exceed the estimates as confirmed or amended by the Board unless or until they shall have been duly modified by supplementary estimates.

Article ..... (Limitation of Manufacture and Import)

(1) There shall not be manufactured and/or imported, insofar as circumstances permit, in any country or territory in any one year a quantity of any substance mentioned in Schedules I (Part I) or II greater than the total of the following quantities:

- (a) The quantity consumed for medical and scientific purposes, and if any, for quasi-medical purposes, within the limit of the estimate for that country or territory for that year, including the quantity used for the compounding of preparations for the export of which export authorizations are not required, whether such preparations were intended for domestic consumption or for export;
- (b) The quantity used within the limit of the estimate for that country or territory for that year, for the manufacture of other substances, whether such substances were intended for domestic consumption or for export;
- (c) The quantity exported or re-exported by that country or territory during that year;
- (d) The quantity added to the reserve stock during that year by that country or territory for the purpose of bringing that stock up to the level specified in the estimates for that year;

[(e) The quantity required by that country or territory for government purposes.]

(2) From this total there shall be deducted any quantity of the substance in question that has been seized and released for licit use.

(3) It shall be understood that if, at the end of a given year, the Board finds that the quantity manufactured and/or imported exceeds the total of the quantities specified in paragraph 1 after any deduction required under paragraph (2), any amounts remaining in excess at the end of the year shall be deducted the following year from the total of the estimates as defined in paragraph 3 of ..... (233) and from the quantity to be manufactured and/or imported.

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(233) Refers to paragraph 3 of the preceding draft Article reproduced in Annex B.