

GENERAL  
ASSEMBLYASSEMBLEE  
GENERALEA/666  
5 October 1948  
ENGLISH  
ORIGINAL: FRENCHDual Distribution

Third Session

THIRD COMMITTEE

DRAFT 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 JULY 1946

Report of the Third Committee

Rapporteur: Mr. Emile ST.- LOT (Haiti)

1. The Economic and Social Council, during its seventh session, approved a draft Protocol bringing under international control certain 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 (Resolution 159 (VII)).
2. The Third Committee of the General Assembly, at its 86th and 87th meetings on 29 September 1948, and at its 88th meeting on 30 September 1948, examined this draft and after slight drafting changes unanimously accepted both it and a draft resolution expressing the General Assembly's approval of the Protocol and recommending all Members and non-Members mentioned in Economic and Social Council Resolution 159(VII) to become parties to it.
3. The Third Committee also unanimously approved a supplementary draft resolution urging all parties to the Protocol to communicate to the Secretary-General any material information in their possession regarding certain drugs on which the World Health Organization would be asked to give an opinion.

This draft resolution is intended, in accordance with the Economic and Social Council Resolution, to complete the provisions of the Protocol. After its adoption by the General Assembly it will therefore be communicated to the Governments concerned, together with the text of the Protocol.

4. The Third Committee, therefore, submits for the approval of the General Assembly the following texts:

## I

DRAFT 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

Projet de résolution

THE GENERAL ASSEMBLY

TAKING NOTE of the recommendations contained in resolution 159(VII)  
of the Economic and Social Council,

APPROVES the attached Protocol to bring under international control  
drugs outside the scope of the Convention of 13 July 1931;

REQUESTS the Secretary-General to fix the earliest possible date on  
which the Protocol will be opened for signature during the present session  
of the General Assembly;

URGES all States Members of the United Nations to sign or accept this  
Protocol at the present session;

URGES any State Member of the United Nations not signing or accepting  
the Protocol to communicate to the Secretary-General its reasons therefor;

INVITES all States non Members, in accordance with the wish expressed  
by the Economic and Social Council in the above-mentioned resolution and  
in accordance with the provisions of resolution 54(I) of the General  
Assembly, to sign or accept this Protocol at the earliest possible date;

URGES all States signing or accepting the Protocol to take as soon as  
possible the necessary steps in order to extend the application of this  
Protocol to territories for which they have international responsibility,  
subject, where necessary for constitutional reasons, to the consent of the  
Governments of such territories;

URGES that every State signing or accepting the Protocol which does not  
make the declaration under Article 8 thereof in respect of any territories  
for which it has international responsibilities, shall communicate to the  
Secretary-General before 31 August 1949 the names of all such territories  
together with the reasons for not making the declaration.

DRAFT 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

Preamble

CONSIDERING that the progress of modern pharmacology and chemistry has resulted in the discovery of drugs, particularly synthetic drugs, capable of producing addiction, but not covered by 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,

DESIRING to supplement the provisions of that Convention and to place these drugs, including their preparations and compounds containing these drugs under control in order to limit by international agreement their manufacture to the world's legitimate requirements for medical and scientific purposes and to regulate their distribution,

REALIZING the importance of the universal application of this international agreement and of its earliest possible entry into force,

HAVE RESOLVED to conclude a Protocol for that purpose.

Chapter I. - Control

Article 1

1. Any State Party to the present Protocol which considers that a drug which is or may be used for medical or scientific purposes and to which the Convention of 13 July 1931 does not apply, is liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs specified in article 1, paragraph 2, of the said Convention, shall send a notification to that effect, with all material information in its possession, to the Secretary-General of the United Nations, who shall transmit it immediately to the other States Parties to the present Protocol, to the Commission on Narcotic Drugs of the Economic and Social Council and to the World Health Organization.

2. If the World Health Organization finds that the drug in question is capable of producing addiction or of conversion into a product capable of producing addiction, this Organization shall decide whether the drug shall fall:

(a) Under the regime laid down in the 1931 Convention for drugs specified in article 1, paragraph 2, group I, of that Convention; or

(b) Under the regime laid down in the 1931 Convention for the drugs specified in article 1, paragraph 2, group II, of that Convention.

3. Any decision or finding in accordance with the preceding paragraph shall be notified without delay to the Secretary-General of the United Nations, who shall transmit it immediately to all States Members of the United Nations, to non-member States Parties to this Protocol, to the Commission on Narcotic Drugs, and the Permanent Central Board.

4. Upon receipt of the communications from the Secretary-General of the United Nations notifying a decision under paragraph 2 (a) or (b) above, the States Parties to this Protocol shall apply to the drug in question the appropriate regime laid down by the 1931 Convention.

#### Article 2

The Commission on Narcotic Drugs, upon receipt of the notification from the Secretary-General of the United Nations in accordance with paragraph 1 of article 1 of this Protocol, shall consider as soon as possible whether the measures applicable to drugs specified in article 1, paragraph 2, group I, of the 1931 Convention should provisionally apply to the drug in question, pending receipt of the decision or finding of the World Health Organization. If the Commission on Narcotic Drugs decides that such measures should provisionally apply, this decision shall be communicated without delay by the Secretary-General of the United Nations to the States Parties to this Protocol, the World Health Organization and the Permanent Central Board. The said measures shall thereupon be applied provisionally to the drug in question.

#### Article 3

Any decision or finding taken under article 1 or article 2 of this Protocol may be revised in the light of further experience, in accordance with the procedure provided in this chapter.

### Chapter III. - General Provisions

#### Article 4

The present Protocol does not apply to raw opium, medicinal opium, coca leaf or Indian hemp as defined in article 1 of the International Convention signed at Geneva on 19 February 1935, or prepared opium as defined in chapter II of the International Opium Convention signed at The Hague on 23 January 1912.

#### Article 5

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature or

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acceptance on behalf of any Member of the United Nations and also of any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. Any such State may:

- (a) Sign without reservation as to acceptance;
- (b) Sign subject to acceptance and subsequently accept; or
- (c) Accept.

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

#### Article 6

The present Protocol shall come into force upon the expiration of thirty days following the day on which twenty-five or more States have signed it without reservation, or accepted it in accordance with article 5, provided that such States shall include five of the following: China, Czechoslovakia, France, Netherlands, Poland, Switzerland, Turkey, United Kingdom, United States of America, Union of Soviet Socialist Republics, Yugoslavia.

#### Article 7

A State which has signed without reservation as to acceptance, or accepted pursuant to article 5, shall become a Party to this Protocol upon its entry into force or upon the expiration of thirty days following the date of such signature or acceptance, if executed after its entry into force.

#### Article 8

Any State may at the time of signature or the deposit of its formal instrument of acceptance or at any time thereafter declare by notification addressed to the Secretary-General of the United Nations that the present Protocol shall extend to all or any of the territories for which it has international responsibility, and this Protocol shall extend to the territory or territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of this notification.

#### Article 9

After the expiration of five years from the date of the coming into force of the present Protocol, any State Party to the present Protocol may, on its own behalf or on behalf of any of the territories for which it has  
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international responsibility, denounce this Protocol by an instrument in writing deposited with the Secretary-General of the United Nations.

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.

#### Article 10

The Secretary-General of the United Nations shall notify all Members of the United Nations and non-member States referred to in articles 5 and 6 of all signatures and acceptances received in accordance with these articles, and of all notifications received in accordance with articles 8 and 9.

#### Article 11

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments.

Done at Paris this ..... day of .....  
one thousand nine hundred and forty-eight, in a single copy,  
which shall remain deposited in the archives of the United Nations,  
and certified true copies of which shall be delivered to all the Members  
of the United Nations and to the non-member States referred to in  
articles 5 and 6.

II

TRANSMISSION OF INFORMATION RELATING TO ANY DRUG NOTIFIED TO THE  
SECRETARY-GENERAL UNDER ARTICLE 1 OF THE PROTOCOL

Projet de résolution complémentaire

THE GENERAL ASSEMBLY

RECOMMENDS that all Parties to this Protocol, on receipt of a notification under its article 1, paragraph 1, communicate any material information in their possession regarding the drug or drugs mentioned in the notification to the Secretary-General of the United Nations, who shall transmit it to all Parties to the present Protocol, to the Commission on Narcotic Drugs and to the World Health Organization.

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