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COMMISSION ON NARCOTIC DRUGS

Committee on a Single Convention on Narcotic Drugs

Committee of the Whole

PREPARATORY DOCUMENTATION ON THE
SINGLE CONVENTION

Note by the Secretary-General

1. In compliance with the request of the Commission on Narcotic Drugs during its fourth session (E/1361:E/CN.7/186: Annex B: Section 15 (3)), which was approved by the Economic and Social Council in resolution 246 D (IX), the Secretary-General is continuing the publication in printed form of the general preparatory documentation on the single convention.
2. The present document, accordingly, contains the text of the first draft of the proposed new treaty which has been prepared by the Secretary-General, and which is at present being studied by the Commission on Narcotic Drugs.
3. In connexion with the draft text, attention is drawn to the following points:
 - (a) Square brackets ([]) have been used to indicate alternative texts.
 - (b) To facilitate reference to individual paragraphs and sub-paragraphs of the text, each has been allotted an individual "paragraph reference number". Such numbers are given on the extreme left-hand side of each page (except where there are alternative paragraphs, when they are given on both the extreme left- and right-hand sides of the page), and should not be confused with the numbering of paragraphs within the text of the instrument itself.

THE INTERNATIONAL DRUG CONVENTION

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PREAMBLE

(To be drafted subsequently.)¹

Chapter I. DEFINITIONS

SECTION 1²

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention:

- (a) "Board" denotes the International Drug Board constituted under Section 14.
- (b) "Coca bush" denotes the plants *Erythroxylon Coca Lamarck* and *Erythroxylon novo-granatense (Morris) Hieronymus* and their varieties.
- (c) "Coca leaf" denotes the leaf of the coca bush except a leaf from which all [cocaine and ecgonine have been extracted] [cocaine, ecgonine and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, have been extracted].
- (d) "Commission" denotes the International Drug Commission.³
- (e) "Council" denotes the Economic and Social Council of the United Nations.
- (f) "Drug" denotes any of the substances enumerated or defined in Schedules A or C or any substance which shall be added to these Schedules in accordance with the procedure provided for in the present Convention because it is or may be liable to similar abuse and productive of similar ill-effects as the substances so enumerated or defined. 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.
- (g) "Illicit traffic" denotes the cultivation of plants (Schedule B), the production of parts of plants (Schedule B), the manufacture of drugs, or the trade in drugs [,] [or] [, parts of plants] [or substances (Schedule B)] by unauthorized persons.
- (h) "Illicit trafficker" denotes any person who carries on or participates in illicit traffic [in violation of the provisions of the present Convention relating to the international or domestic control of the international trade in drugs].
- (i) "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.
- (j) "Indian hemp" denotes the [dried] flowering or fruiting tops of the plant *Cannabis sativa L.* from which the resin has not been extracted, by whatever name they may be designated in commerce.
- (k) "Indian hemp plant" denotes *Cannabis sativa L.*
- (l) "International trade" denotes a transaction involving the movement of drugs over a border of a country or territory.
- (m) "Manufacture" denotes all processes other than production by which drugs may be obtained and includes the transformation of drugs by chemical processes (conversion).
- (n) "Opium poppy" denotes the plant *Papaver somniferum L.*
- (o) "Party" denotes a High Contracting Party which has either signed without reservation as to acceptance or has accepted the present Convention in accordance with Sections 42 and 43.

¹ The Preamble will, *inter alia*, emphasize the aims of the Convention to ensure that the world medical and scientific requirements of the substances covered by the Convention are satisfied and that these substances are not produced for any other purpose.

² The definitions now contained in this Section are not necessarily intended to be an exhaustive list.

³ It is proposed that the Commission on Narcotic Drugs should recommend to the Economic and Social Council that, when the Convention comes into force, its name be changed to "International Drug Commission". Should this proposal or such recommendation not be adopted, this definition will require amendment.

- 19 (p) "Poppy chaff" denotes all parts except the seeds of the opium poppy after mowing, from which opium alkaloids can be extracted.
- 20 (q) "Production" denotes the separation of opium, coca leaves, Indian hemp, and the resin of the Indian hemp plant from the plants from which they are obtained.
- 21 (r) "Schedule" denotes any one of the several lists annexed to the present Convention and forming an integral part thereof.
- 22 (s) "Secretariat" denotes the single secretariat which serves the Board and the Commission, as provided for in Section 27.

Chapter II. SCOPE OF THE CONVENTION

SECTION 2

Substances under Control

- 24 1. The drugs [and groups of drugs] enumerated in Schedule A shall be subject to all measures of international and/or domestic control provided for by the present Convention, except where otherwise expressly indicated.⁴
- 25 2. The plants [,] [and] [parts of plants] [and other substances] listed in Schedule B shall each be subject to such control measures as are expressly provided for them.⁵
- 26 3. There shall be no trade in or production or manufacture of the drugs or groups of drugs which are listed in Schedule C except for small amounts for use in scientific experiments, provided that the special provisions relating to particular prohibited drugs shall prevail. The provisions of the Convention relating to drugs shall also apply in so far as they are compatible with the provisions of this paragraph.⁶

SECTION 3

Changes in the Scope of Control

- 27 1. The Commission may decide:⁷
- 28 (a) to include additional drugs in Schedule A or C providing for such control measures within the framework of the present Convention or for such adaptation of these control measures as it may deem fit in the light of the particular circumstances affecting the drug in question;
- 29 (b) to transfer drugs from Schedule A to Schedule C;
- 30 (c) to add control measures within the framework of the present Convention to the régime applying to individual drugs, and, in the light of experience, to adapt the control measures (sub-paragraph (a)) which apply to the drug in question;
- 31 (d) to transfer drugs from Schedule C to Schedule A, providing, if desirable, for such control measures as it may deem fit (sub-paragraph (a));
- 32 (e) to remove, by means of the addition of an exemption clause if necessary, any drug from Schedules A or C;
- 33 (f) to exempt individual drugs [or] [,] plants [or] [,] [parts of plants] [or substances] from measures of control.
- 34 2. The decisions listed under paragraph 1 of this Section may apply to the drug [,] [or] plant [,] [,] [part of plant] [or substance] in question in all its forms (botanical varieties), or only to designated mixtures and/or forms (botanical varieties).

⁴ Schedule A will enumerate all drugs other than those listed in Schedule C, which, at the time of the conclusion of this Convention, have been placed under international control by virtue of the existing international instruments, or which it will at that time be desirable to place under international control.

⁵ Schedule B will list the opium poppy, the coca bush, the Indian hemp plant and perhaps certain substances which may be used in the manufacture of drugs and which it may be desirable to place under some limited measures of control. If such substances are included the Convention will provide for the particular control measures which it may be desirable to apply to them. It will also list poppy-chaff if Section 31 is adopted.

⁶ Schedule C may, if desirable, enumerate such groups of drugs as the alkaloids of opium and of the coca leaf which will not be in use on the date of this Convention, drugs obtained from the resin of the Indian hemp plant (either all of them or only those which will not be in use on that date), and the resin of the Indian hemp plant in general. Which of these drugs if any shall be included in Schedule C may depend on future medical research as a result of which some of the differences of opinion relating to these substances may have been resolved at the time of the conclusion of this Convention.

⁷ When taking decisions under this Section the Commission will seek the advice of the World Health Organization: see Section 12, paragraph 2.

- 35 3. Decisions taken under paragraph 1 (a) to (c) of this Section shall be binding on each Party upon the
expiry of sixty days from the date of the receipt thereby of a notification as provided for in Section 12,
paragraph 3, or of whatever longer period may be specified in the decision, provided that such decision
shall not be binding upon a Party which shall notify the Secretariat within the said period of its rejection
of the said decision. Such rejection may be withdrawn, in which event the decision shall come into force
in respect of the Party in question on the date of withdrawal [provided that the period specified above
shall have expired].
- 36 4. Each Party which shall reject a decision taken in accordance with the provisions of paragraph 1 (a)
to (c) of this Section shall maintain a régime in respect of the drug concerned not less drastic than that
required under this Convention before the rejection in question until that régime shall have been changed
in respect of that Party in accordance with the provisions of this Convention.
- 37 5. Decisions taken under paragraph 1 (d) to (f) of this Section shall not be obligatory but merely per-
missive, provided that no Party shall replace a régime of prohibition by any régime less drastic than that
required by a decision taken under sub-paragraph (d) of the paragraph.

Chapter III. OBLIGATIONS OF PARTIES: GENERAL

SECTION 4

38 With a view to preventing the misuse of drugs [,] [and] plants [and] [,] [parts of plants] [and sub-
stances] referred to in Sections 2 and 3 to the detriment of human health, the Parties shall take all neces-
sary and appropriate measures:

- 39 (a) to carry out the provisions of this Convention in their own territories, and
40 (b) to assist other States in the execution of its provisions.

SECTION 5

41 Without prejudice to the generality of their obligations under the preceding Section the Parties shall:

- 42 (a) maintain the international organs necessary for the execution of the present Convention (Sec-
tions 6-28);
- 43 (b) maintain national organs in accordance with the requirements of the present Convention (Sec-
tion 29);
- 44 (c) adopt the necessary legislative and administrative measures relating to:
- 45 (i) the cultivation
- 45A (aa) of the opium poppy (Sections 30, 31),
- 45B (bb) of the coca bush (Section 32), and
- 45C (cc) of the Indian hemp plant (Section 33),
- 45D in order to ensure that drugs obtained from these plants are not employed for other than
medical or scientific purposes;
- 46A (ii) (aa) the production of (Sections 30, 32-33),
- (bb) the manufacture of (Section 34),
- 47 (cc) the international trade in (Sections 35 and 36), and
- 48 (dd) the internal trade in and use of (Sections 37 and 38)
- 49 drugs to ensure that such production, manufacture, trade and use are limited exclusively
to medical and scientific purposes;
- 50 (d) provide in particular for appropriate measures of supervision and inspection (Section 39);
- 51 (e) obtain the information necessary for the execution of the provisions of the present Convention
in their own territories, as well as for the performance of the functions of the international control
organs (Sections 39, 43, 23, 24, 26 and 28);
- 52 (f) adopt the legislative and administrative measures of a penal nature necessary to ensure the
observance of laws and regulations enacted in pursuance of the present Convention (Section 40);
and
- 53 (g) carry out decisions of the international control organs which are binding upon them under this
Convention, and consider sympathetically for acceptance and execution recommendations which
may be adopted by these organs or by other organs of the United Nations relating to the aims
of this Convention. States which are not Parties are requested to carry out the provisions of

this Convention in so far as may be necessary to render effective the international control of drugs or the domestic control thereof within any territory of a Party, and to this end the Commission and the Board may call upon such States to carry out decisions and recommendations adopted under this Convention.

Chapter IV. INTERNATIONAL CONTROL ORGANS

SECTION 6

The International Control Organs

54 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 the present Convention:

- 55 (a) The International Drug Commission;
- 56 (b) The International Drug Board; and
- 57 (c) The Secretariat.

SECTION 7

Expenses of the International Control Organs

58 The expenses of the international 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. Parties which are not Members of the United Nations shall refund their share of the expenses in accordance with a scale to be drawn up in agreement with the United Nations.

THE COMMISSION⁸

SECTION 8

Continuity of Function

59 Every Member of the Commission shall continue to perform its functions under the present Convention until the eve of the first meeting of the Commission which its duly elected successor shall be entitled to attend and every officer of the Commission shall do likewise until his successor shall have been duly elected or until his term of office shall have expired whichever shall be the later.

SECTION 9

Privileges and Immunities

60 Representatives of States serving as members on the Commission, their deputies, assistants and advisers shall enjoy such privileges and immunities as shall be necessary for the fulfilment of their functions under the present Convention.

SECTION 10

Committees

61 The Commission may, under such conditions as it shall determine, delegate to a Committee of its Members such functions as it may see fit.

⁸ Experience has shown that the international control of drugs requires a Commission composed of representatives of States which are either important growers of plants from which drugs are produced, or which are important manufacturers of drugs, or in the territory of which illicit traffic in drugs constitutes

a serious social problem. The international conference which will convene to conclude this Convention may therefore desire to adopt a recommendation to the Council to maintain a Commission constituted on these lines.

SECTION 11

Voting on Urgent Matters

69

62 When the Commission is not in session its Members may vote on urgent matters by letter or other appropriate means of communication.

SECTION 12

Decisions and Recommendations

63 1. The coming into force of each decision or recommendation adopted by the Commission pursuant to the present Convention shall be subject:

64 (a) to the right of the Council to set aside, or modify such decision or recommendation within one hundred and eighty days after its adoption. The Council may waive this right or may lengthen or shorten the period for any or all decisions or recommendations or for designated classes thereof;

65 (b) at the request of the Commission, to approval by the Council; and

66 (c) when the Council shall so decide, either on its own initiative or on the proposal of the Commission, to approval by the General Assembly of the United Nations and to modification if the General Assembly shall so decide.

67 2. Whenever the medical or pharmaceutical properties of a drug [,] [or] plant [,] [or] [part of plant] [or substance] may have a bearing on its decision or recommendation the Commission or Council shall consult the World Health Organization or a body of that Organization set up or designated for that purpose.

68 3. Provided always that the special provisions (Sections 3, 24 and 48) of this Convention shall have been satisfied, each decision or recommendation shall come into force in respect of each Party upon the receipt thereby of a notification that the provisions of this Section have been satisfied and of a copy of the final text of the decision or recommendation in question.

SECTION 13

Functions of the Commission and Related Obligations of Parties

69 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:

70 (a) (i) consider what changes may be required in the Convention;

71 (ii) prepare draft instruments;

72 (iii) select the amendment procedure and adopt amendments to the Convention in accordance with its provisions (Section 48);

73 (iv) decide on changes in the scope of the Convention, and

74 (v) modify the control provisions applying to individual drugs (Sections 3 and 24);

75 (b) obtain such information as it may find necessary for the performance of the functions of the international control organs. To this end the Commission shall:

76 (i) request the Governments of all States to supply such necessary information. Without prejudice to the generality of this provision, each Party shall be required to forward to the Secretariat:

77 (aa) an annual report on the working of the Convention within each of its territories, and such additional reports on the working of the Convention or of specific provisions thereof as the Commission may find necessary;

78 (bb) the texts of all laws and regulations promulgated in order to give effect to provisions of the Convention;

79 (cc) such particulars as the Commission shall determine concerning cases of illicit traffic discovered by the Party;

80 (dd) such statistical information covering such periods as the Commission shall request as being necessary to enable the international control organs to fulfil their functions;⁹

⁹ The nature and scope of the statistical information which a Party to this Convention will be required to supply is indicated in Articles 22 and 23 of the Convention of 19 February 1925 and Articles 13 (2) (c), 17 and 22 of the Convention of 13 July 1931, modified as may be necessary to take into account the extension of control under the single Convention to certain raw materials.

- 81 (ee) the names and addresses of authorized importers and exporters (including author-
ized government agencies) of drugs the import or export of which is subject to
international control in accordance with the provisions of the Convention and the
names of the particular drugs each of them is authorized to import or export ;
- 82 (ff) the names and addresses of manufacturers authorized to manufacture drugs (except
for the names and addresses of makers of drugs who compound them exclusively
for retail distribution to their own customers or patients) and a list of the drugs
which each is authorized to manufacture showing for each drug whether the manu-
facture is for domestic use only or also for export ;
- 83 (gg) information on every change in the particulars to which sub-paragraphs (ee) and
(ff) refer, including the date on which such change shall take effect ;
- 84 (hh) information on the execution of the provisions of the Convention relating to the
organization of its national control machinery ; and
- 85 (ii) the names and addresses of the governmental authorities empowered to issue export
and import authorizations ;
- 86 (ii) at its discretion, require that information provided for in sub-paragraph (i) above be
furnished in such manner and at such times as it may from time to time determine. In this
connexion the Commission may prescribe the use of forms which shall be distributed to
all States ;
- 87 (iii) arrange visits of members of the Commission or of the Secretariat or of other persons
designated by the Commission provided always that the State concerned shall give its
consent to the visit in question ; and
- 88 (iv) recommend exchanges of information of a scientific or technical nature, which might be
of importance for the achievement of the aims of the Convention ;
- 89 (c) discuss and appraise in the light of the provisions of this Convention and of its aims any informa-
tion at its disposal ;
- 90 (d) call the attention of the Board to any facts which may have a bearing on actions that organ
may take ;
- 91 (e) 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 ;
- 92 (f) make such other recommendations as it may consider useful for the execution of the Conven-
tion or of its aims ;
- 93 (g) at its discretion, decide on the communication to Governments and on the publication of informa-
tion at its disposal ; and
- 94 (h) perform such other functions under the Charter of the United Nations as the Council may
direct.

THE BOARD: ORGANIZATIONAL PROVISIONS

SECTION 14

Composition

- 95 1. The Board shall consist of nine members.
- 96 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 six persons nominated by the World Health Organization.
- 97 3. Members of the Board shall, by their technical competence, impartiality and disinterestedness, com-
mand general confidence, and while in office, 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.
- 98 4. The Council shall give consideration to the importance of including on the Board, in equitable propor-
tion, 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.

SECTION 15

Terms of Office

- 99 1. The Members of the Board shall serve for a period of five years and be eligible for re-election.
100 2. Every member of the Board shall continue to perform his functions until the eve of the first meeting
which his duly elected successor shall be entitled to attend and every officer shall do likewise until his
successor shall have been elected or until his term of office shall have expired whichever shall be the
later.

SECTION 16

Dismissal of Members

- 101 A member of the Board can only be dismissed if, on the recommendation of the Board, he shall be
found by a three-fourths majority of the Council not to fulfil the conditions required for membership.

SECTION 17

Privileges, Immunities and Remuneration

- 102 1. Members of the Board shall enjoy such privileges and immunities as are necessary for the independent
exercise of their functions under the present Convention.
103 2. They shall receive an adequate remuneration as determined by the General Assembly of the United
Nations on the recommendation of the Council.

SECTION 18

Rules of Procedure

- 104 1. The Board shall elect its own President and such other officers as it may consider necessary and
shall adopt its rules of procedure.
105 2. The Board shall meet as often as, in its opinion, shall be necessary for the proper discharge of its
functions.

SECTION 19

Delegation of Authority

- 106 The Board may, under such conditions as it shall determine, delegate to one or several of its members
forming a committee, and in appropriate cases to members of the Secretariat, such of its functions as it
may see fit.

SECTION 20

Voting on Urgent Matters

- 107 When the Board is not in session its members may vote on urgent matters by letter or other appro-
priate means of communication.

SECTION 21

Decisions

- 108 Every decision of the Board shall come into force in respect of each Party upon the receipt thereby
of a notification of such decision.

THE BOARD: FUNCTIONS

SECTION 22

- 109 The Board shall:
110 (a) administer the estimate system (Section 23);
111 (b) function as a clearing house for international transactions (Section 24);
112 (c) adopt the measures provided for by the present Convention in order to ensure the execution of
its provisions by all States (Section 26); and
113 (d) report on the execution of the Convention to the Council (Section 25).

SECTION 23

The Estimate System

- 114 1. The Parties undertake to forward to the Secretariat at the time and in the manner prescribed by the Board such estimates as the Board shall determine in respect of each of their territories of such economic phases (e.g., cultivated area, production, manufacture, export, import, stocks, consumption), relating to each drug [,] [or] plant [,] [or] [part of plant] [or substance] as are within the scope of the present Convention and to the extent to which they are within that scope. For the establishment of estimates, only medical and scientific requirements shall be taken into consideration.
- 115 2. The Board shall request estimates for territories to which this Convention does not apply to be made in accordance with the provisions thereof. In the event of any State failing to furnish by the date specified by the Board an estimate in respect of any of its territories, an estimate will, as far as possible, be established by the Board.
- 116 3. 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.
- 117 4. The Board may at its discretion prescribe the use of forms which shall be distributed to all States for the estimates to be furnished in accordance with paragraphs 1 to 3 of this Section.
- 118 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 in demand, the estimates must indicate the extent of the margin so included.
- 119 6. The estimates will be examined by the Board, which may require any further information or details 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.
- 120 7. The Board shall then, as expeditiously as possible, either confirm the estimate or, after consultation with the Government concerned, amend it in accordance with any information or details so obtained.
- 121 8. Estimates, as confirmed or amended by the Board, shall [be binding upon] [not be exceeded by] the Parties unless or until they shall have been duly modified by supplementary estimates.
- 122 9. 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.

SECTION 24

The International Clearing House

- 123 1. The Parties undertake to forward without delay to the Secretariat a copy of:
- 124 (a) every application for an authorization of an export or import falling within the scope of the Convention ;
- 125 (b) every authorization of such import or export ; and of
- 126 (c) the record taken by the customs authorities of the exit or entry of drugs (Section 53, paragraph 11).
- 127 2. The Board shall draw up forms for such applications, authorizations and records which shall be distributed to all States in accordance with its directives.
- 128 3. The Secretariat shall, on the basis of these documents, maintain such records of all international transactions falling within the scope of the present Convention as the Board will direct and as will enable the Board to inform the Government concerned that a given transaction would or would not exceed the estimates concerned.
- 129 4. The Parties undertake not to authorize any export falling within the scope of the present Convention, unless and until they shall have been notified by the Board that such export does not exceed the estimates of the importing country or territory.
- 130 5. The provisions of paragraph 4 of this Section shall not apply to an authorization for the export of the drugs listed in Schedule D¹⁰ if the maximum amount indicated therein is not exceeded.
- 131 6. The Commission may change the list and the maximum amounts given in Schedule D, provided that onerous changes may be rejected by any Party in accordance with the provisions of Section 3.

¹⁰ Schedule D will enumerate the drugs and their maximum amounts which may be exported without previous notification by the Board that the export in question will not exceed the estimates of the importing country or territory.

132 7. The Board shall on its own initiative or on inquiry notify a Government concerned that its records
show that a given export has exceeded or would exceed the estimates of the importing country or territory.

SECTION 25

Report to the Council

133 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.

134 2. The reports shall be published. The Parties undertake to permit their unrestricted distribution
within the territories under their control.

SECTION 26

Measures to Ensure the Execution of the Provisions of the Convention

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

136 (a) Request for explanations

If the information at its disposal leads the Board to the conclusion that a country or territory
is not carrying out any of the provisions of the present Convention 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.

137 (b) Local inquiry

If the Board has reasons to assume that a local inquiry would contribute to the elucidation of the
situation it may decide to send a person or a committee of inquiry, designated to this end by the Board,
to the country or territory concerned, provided that the Government concerned shall not, within a
period set by the Board, object to such an inquiry.

138 (c) Calling the attention of a Government to the matter

If the Board shall think fit, it may, either confidentially or publicly, call the attention of a Gov-
ernment to its failure to carry out any of the provisions of the Convention and/or to an unsatisfactory
drug situation in any of the territories under its control.

139 (d) Formal request for remedial measures

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.

140 2. If the Board shall find that the failure of a State to carry out provisions of the present Convention is
seriously impeding the control of drugs in the country or any territory of another State or is interfering
substantially with the functioning of a public international organization, if any, concerned with inter-
national transactions in drugs it may adopt one or several of the following measures if it shall consider
that they will or may prove effective to improve the drug situation in the country or territory concerned:

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

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

142 (b) Public declaration

The Board may issue a declaration that a Party has violated its obligations under the Conven-
tion or that any other State has failed to take the measures necessary to prevent the drug situation in
any of its territories from becoming a danger to the effective control in one or several of the terri-
tories of other Parties.

143 (c) Announcement of the intention to impose an import and/or export embargo

The Board may announce its intention to impose an embargo on the import and/or export of
any or all drugs, from or to the country or territory concerned, unless the State concerned shall adopt
the necessary remedial measures, or such measures as, in the opinion of the Board, shall 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.

(d) Imposition of an import and/or export embargo

144 (i) The Board may impose such import and/or export embargo either for a definite period or
until it shall be satisfied as to the situation in the country or territory concerned in regard
to the drug or drugs under embargo.

- 144A (ii) The Board may equally direct the Secretariat to cease the distribution of forms for import and/or export authorizations (Section 24) to the country concerned, either for an indefinite or for a definite period.
- 145 (iii) Parties undertake to carry out such embargo.
- 146 3. The Board may publish in the cases mentioned under paragraphs 1 and 2 of this Section 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 territories under their control.

THE SECRETARIAT

SECTION 27

Single Secretariat

- 147 1. A single Secretariat shall serve the Commission and the Board.
- 148 2. This Secretariat shall be provided by the Secretary-General of the United Nations and shall be an integral part of the Secretariat of the United Nations.
- 149 3. In this connexion the Secretary-General shall, in agreement with the Board, take all measures necessary to ensure the technical independence of the Board.

SECTION 28

Functions of the Secretariat

- 150 1. The Secretariat shall perform all administrative tasks necessary for the functioning of the Commission and of the Board and such other tasks as may be entrusted to it under this Convention.
- 151 2. The Secretariat shall in particular and without prejudice to the generality of the provisions of paragraph 1 of this section:
- 152 (a) ensure close collaboration between the Commission, Board, other organs of the United Nations and other public international organizations¹¹ concerned with the control of drugs;
- 153 (b) receive from Parties and other states all information, notifications, estimates, explanations and other communications made pursuant to the present Convention;
- 154 (c) ask Governments to furnish explanations of, or additional information regarding such communications whenever this shall be necessary for the performance, or for the avoidance of undue delay in the performance of the functions of the Commission or of the Board;
- 155 (d) prepare this information (sub-paragraphs (b) and (c)) for the use of the Commission, the Board and other appropriate organs of the United Nations;
- 156 (e) transmit to all States:
- 156A (i) copies of
- 157 (aa) annual reports (Section 13, (b) (i) (aa));
- 158 (bb) texts of laws and regulations (Section 13, (b) (i) (bb)); and
- 159 (cc) reports of cases of illicit traffic (Section 13, (b) (i) (cc)) or/and such information on these reports, laws, regulations and cases of illicit traffic as the Commission may direct;
- 160 (ii) the names and addresses of governmental authorities empowered to issue import and export authorizations, of authorized importers, exporters and manufacturers, and the names of the drugs they are authorized to import, export or manufacture (Section 13 (b) (i) (ee)-(gg), (ii));
- 161 (iii) a periodical publication giving information on all aspects of the international and national control of drugs;
- 162 (iv) reports of the Commission and the Board to the Council;
- 163 (v) Such information on estimates as the Board shall determine in accordance with Section 23, paragraph 9;
- 164 (vi) notifications by the Board that an export exceeds or would exceed the estimates of the importing country (Section 24, paragraphs 4 and 7);

¹¹ E.g., The Universal Postal Union and the World Health Organization.

- 165 (vii) decisions and recommendations of the Commission, of the Board, and of other organs of the
United Nations when their decisions or recommendations relate to the control of dangerous
drugs, as well as notifications connected therewith; and
- 166 (viii) any other communication made in virtue of the provisions of the present Convention, or which
the Secretariat may consider would further the aims of the Convention;
- 167 (f) distribute to Governments the forms provided for under the present Convention (Sections 13,
23 and 24); and
- 167A (g) undertake such tasks as shall be requested by the Commission or the Board in pursuance of
their functions under the Convention.

Chapter V. NATIONAL CONTROL ORGANS

SECTION 29

- 168 1. If they have not already done so the Parties shall create a special administration for the purpose of:
- 169 (a) applying the provisions of the present Convention;
- 170 (b) regulating, supervising and controlling the cultivation, production, manufacture of, and trade in
drugs [,] [and] plants [,] [and] [parts of plants] [and substances] in so far as these operations
fall within the scope of this Convention; and
- 171 (c) organizing the campaign against the drug habit by taking all useful steps to prevent its develop-
ment and to suppress the illicit traffic;
- 172 2. Without prejudice to the generality of the provisions of paragraph 1, sub-paragraph (c) of this Sec-
tion, the special administration shall function as a central office which shall:
- 173 (a) in close contact with other official institutions or bodies dealing with drugs centralize all informa-
tion of a nature to facilitate the investigation and prevention of the illicit traffic; and
- 174 (b) be in close contact and co-operate with, and may correspond direct with the special administrations
(central offices) of other states to secure such information and to facilitate the prevention of illicit
traffic and the punishment of illicit traffickers.
- 175 3. In States, the constitutional régime and administrative organization of which allows of such a pro-
cedure, the functions of the special administration and the central office shall be in the hands of a single
authority.

Chapter VI. ECONOMIC PHASES

OPIUM POPPY, COCA BUSH AND INDIAN HEMP PLANT¹²

SECTION 30

Limitation of the Production of Opium

- 176 1. The Parties agree to limit the production of opium exclusively to medical and scientific purposes.
- 177 2. To this end they shall:
- 178 (a) either prohibit the cultivation of the opium poppy, or
- 179 (b) prohibit the cultivation of the opium poppy for the purpose of producing opium, or
- 180 (c) only permit such an area to be planted with opium poppy for the production of opium as is
expected to yield not more opium than they shall be authorized to produce in accordance with the
provisions of the present Convention.

¹² The production of opium for smoking or eating is not permitted under the terms of this Convention. In so far as, at the time of the conclusion of this Convention, small amounts of opium may still be needed for addicts to opium smoking, they may perhaps be included in the amounts required for medical needs provided that such use of opium is justified in accordance with recognized standards of medical science and takes place on medical prescription and under medical supervision. It is suggested that no reservation shall be permitted in favour of opium smoking.

The case of the so-called quasi-medical use of opium by eating is somewhat different. It is assumed that States which, because of insufficient medical services, feel compelled to permit this use, are engaged in a quick extension and improvement of their medical services (see summary record of the eighty-

fourth meeting of the Commission on Narcotic Drugs: E/CN.7/SR.78-99). It may therefore be concluded that the quasi-medical use of opium represents a temporary exception which will soon be discontinued. It is consequently proposed to permit a Party to make a reservation regarding the quasi-medical use of opium provided that it is made in accordance with paragraphs 1 and 2 of Section 50 of the draft Convention and that such a reservation should cease to be effective unless it should be renewed by annual notification made to this effect and accompanied by a description of the progress in the preceding year towards the abolition of the quasi-medical use of opium and by an explanation of the continuing reasons for the temporary retention of such use. The reservation should also be limited to such use of domestic opium.

- 181 3. Every Party which shall permit the production of opium in any of its territories shall establish in
such territory a monopoly owned and administered by the State to which all cultivators shall be bound to
surrender their total opium crops, and which shall have the exclusive right of
- 182 (a) licensing the cultivators (either individual farmers, corporations or co-operatives) who shall
alone be permitted to grow the opium poppy for the purpose of the production of opium;
- 183 (b) designating the state farms which shall have this right;
- 184 (c) determining the extent and location of the areas (licensing the areas) on which the opium poppy
may be grown for this purpose;
- 185 (d) importing, exporting and wholesale trading in opium; and
- 186 (e) keeping opium in stock, with the exception that necessary stocks may be kept by manufacturers
of drugs, by medical practitioners for administration or dispensation for medical needs, by
retailers for dispensation or for preparation of medicines to be dispensed on medical prescrip-
tions and by licensed scientists and scientific institutions for purposes of research.
- 187 4. Parties referred to in paragraph 3 of this Section shall, in so far as is feasible, concentrate in one or a
few regions the areas sown with the opium poppy (for the production of opium).
- 188 5. Whenever the prevailing conditions in a country or territory render the prohibition of the cultivation
of the opium poppy for any purpose the most suitable measure for preventing the diversion of opium into
the illicit traffic, the Parties undertake to introduce and/or maintain such prohibition in such country or
territory, provided that such measure can be reasonably expected as a contribution towards the inter-
national welfare.¹³
- 189 6. Parties which either import or export opium undertake to use their best endeavours to conclude peri-
odically international agreements¹⁴ for the regulation of the international trade in opium, with a view to
establishing and/or maintaining an international monopoly of public law for the international trade in
opium. Such agreements shall also contain such provisions of control supplementary to those contained
in the present Convention as shall prove necessary in the light of experience and of changing conditions.

SECTION 31

*Poppy Chaff*¹⁵

- 190 1. The Parties undertake to apply to poppy chaff the sections of the present Convention providing for
control of the international trade in drugs.
- 191 2. If they permit the use of poppy chaff in the manufacture of opium alkaloids they shall also apply to
poppy chaff the domestic control régime required for drugs under this Convention, provided that they may
exempt such poppy chaff as is, and as long as it is in the possession of the original cultivators, or of
owners or managers of poppy seed mills. They shall not permit cultivators, or owners or managers of
poppy seed mills to surrender poppy chaff except to licensed manufacturers of drugs, licensed exporters
of poppy chaff or appropriate government agencies (state monopolies of the manufacture of and/or the
trade in drugs). The term "surrender" as used in this section shall not include the transfer of poppy chaff
by its original cultivator to a nearby farmer for fodder and/or straw, to the owner or manager of a poppy
seed mill, or to the return of such poppy chaff by the owner or manager of a mill to the original cultivator.

SECTION 32

*Cultivation of the Coca Bush*¹⁶

- 192 1. The Parties undertake to limit the production of coca leaves¹⁷ exclusively to medical and scientific
purposes, except as specified in paragraph 6 of this Section.

¹³ The part played by the production of opium in a State's economy will be an important factor in determining what "can be reasonably expected".

¹⁴ If the proposed Interim Agreement on Opium (document E/CN.7/188: E/CN.7/AC.1/1) is concluded, it will be an agreement within the meaning of this Section.

¹⁵ If this Section is adopted, poppy chaff will have to be listed in Schedule B.

¹⁶ At the time of drafting this Section, the report of the United Nations Commission of Inquiry on the Coca Leaf was not available. The draft proceeds from the following two assumptions which may turn out to be erroneous and which may either be abandoned or modified in the light of the Commission's report:

(a) the habit of chewing the coca leaf is harmful to human health and should therefore be suppressed, and

(b) in view of the difficult social and economic problems involved, a gradual approach to the suppression of the chewing habit is advisable.

Parties which may desire temporarily to permit the chewing of the coca leaf would be allowed to make a reservation to this effect, provided that they adopt the Commission's recommendations, if any. It is suggested that such reservation should be made in accordance with paragraphs 1 and 2 of Section 50, and should cease to be effective unless annually renewed and the renewal accompanied by a report on the measures taken during the preceding year for the suppression of the chewing habit and by explanations of the continued need for the reservation.

¹⁷ Coca Leaves will be listed in Schedule A, the Coca Bush in Schedule B.

- 193 2. To this end they shall, if feasible, enforce the uprooting of all coca bushes which grow wild or are
illegally cultivated.
- 194 3. They shall also :
- (a) either prohibit the cultivation of the coca bush, or
- (b) only permit such an area to be planted with the coca bush as is expected to yield not more coca
leaves than they shall be authorized to produce in accordance with the provisions of the present
Convention.
- 195 4. Every Party which shall permit the cultivation of the coca bush in any of its territories shall establish
in such territory a monopoly owned and administered by the State, to which all cultivators shall be bound
to surrender their total coca leaf crops, and which shall have the exclusive right of :
- 196 (a) licensing the cultivators (either individual farmers, corporations or co-operatives) who shall
alone be permitted to grow the coca bush ;
- 197 (b) designating the state farms which shall have this right ;
- 198 (c) determining the extent and location of the areas (licensing the areas) on which the coca bush
may be grown ;
- 199 (d) importing, exporting, and wholesale trading in coca leaves ;
- 200 (e) keeping coca leaves in stock, with the exception that necessary stocks may be kept by manufac-
turers of drugs, by medical practitioners and by pharmacists for the preparation of medicines to
be dispensed on medical prescription, and by licensed scientists and scientific institutions for
purposes of research.
- 201 5. Parties referred to in paragraph 4 of this Section shall, in so far as is feasible, concentrate in one or a
few regions the areas planted with the coca bush.
- 202 6. The state monopoly may subject to the provisions of paragraphs 4 and 5 of this Section, permit the
production of such amounts of coca leaves as may be needed for the purpose of flavouring [beverages],
provided that the state monopoly shall :
- 203 (a) extract from such leaves and destroy all [cocaine and ecgonine] [cocaine, ecgonine and all salts,
derivatives and preparations from which cocaine or ecgonine may be synthesized or made], or
- 204 (b) extract from the leaves the flavouring substance, which must not contain any [cocaine or
ecgonine] [cocaine, ecgonine, salts, derivatives or preparations from which cocaine or ecgonine
may be synthesized or made] and destroy the remains, or
- 205 (c) export the coca leaves to a country the Government of which prescribes extraction and destruc-
tion as provided for in sub-paragraphs (a) and (b) of this paragraph under the supervision of
the appropriate authorities.
- 206 7. 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, pro-
vided that such a measure can be reasonably expected as a contribution to the international welfare.¹⁸

SECTION 33

*Prohibition of the Production
of Indian Hemp*

207 [1. The Parties undertake to prohibit the pro-
duction of Indian hemp and of the resin of
the Indian hemp plant, provided, however,
that the Government of each Party may

SECTION 33

*Control of the Production
of Indian Hemp*¹⁹

[1. The Parties agree to limit the production 208
of Indian hemp and the resin of the Indian
hemp plant exclusively to medical and scien-
tific purposes.

¹⁸ The part played by the production of coca leaves in a State's economy will be an important factor in determining what "can be reasonably expected".

¹⁹ 1. If at the time of the conclusion of this Convention the opinion should prevail that the use of Indian hemp for medical purposes can be satisfactorily replaced by other less dangerous substances, the version of Section 33 given in the *left* column above is proposed. Otherwise, the version given in the *right* column is suggested.

2. If the former version is adopted, Indian hemp and the resin of the Indian hemp plant will be included in Schedule C: if the latter version, in Schedule A.

3. Whichever version be adopted, it is proposed that every Party shall be allowed to make a reservation in regard to the non-medical use of Indian hemp, provided that such reservation shall apply only to domestic Indian hemp; that it shall be made in accordance with paragraph 1 and 2 of Section 50 of the Convention; and that it shall cease to be effective unless renewed by annual notification made to this effect and accompanied by a description of the progress in the preceding year towards the abolition of such non-medical use and by an explanation of the continuing reasons for the temporary retention of such use.

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 Indian hemp and of the resin of the Indian hemp plant as may be needed for the purpose of scientific research.]

- 2. To this end they shall: 209
 - (a) either prohibit the cultivation of the Indian hemp plant for the production of Indian hemp and of the resin of the Indian hemp plant; and such production; or 210
 - (b) only permit such an area to be planted with the Indian hemp plant for the production of Indian hemp and the resin of the Indian hemp plant as is expected to yield not more Indian hemp and resin than they shall be authorized to produce in accordance with the provisions of this Convention. 211
- 3. Every Party which shall permit the cultivation of the Indian hemp plant for the purpose of the production of Indian hemp or of the resin of the Indian hemp plant shall establish a monopoly owned and administered by the State which shall have the exclusive right of: 212
 - (a) cultivating the Indian hemp plant for the purpose of producing Indian hemp and the resin of the Indian hemp plant; 213
 - (b) producing Indian hemp and the resin of the Indian hemp plant; 214
 - (c) exporting, importing and wholesale trading in Indian hemp and the resin of the Indian hemp plant; and 215
 - (d) keeping Indian hemp and the resin of the Indian hemp plant in stock, with the exception that necessary stocks may be kept by manufacturers of drugs, medical practitioners for administration or dispensation for medical needs, by retailers for dispensation or for the preparation of medicines to be dispensed on medical prescription and by licensed scientists and scientific institutes for purposes of research.] 216

- 217 2 [4]. Whenever the prevailing conditions in a country or territory shall render any of the following measures necessary for preventing the diversion of Indian hemp or of the resin of the Indian hemp plant into the illicit traffic, the Parties undertake to introduce and/or maintain such of those measures as can reasonably be expected of them as a contribution to the international welfare:²⁰
- 218 (a) the licensing of cultivators (either individual farmers, corporations or co-operatives) who shall alone be permitted to grow the Indian hemp plant;
- 219 (b) the designation of State farms which shall have this exclusive right;
- 220 (c) the determination of the extent and location of the areas (licensing the areas) on which the Indian hemp plant may be cultivated;
- 221 (d) the concentration in one [or a few] region [s] of the areas on which the Indian hemp plant may be grown;
- 222 (e) the requiring of cultivators to destroy, preferably by burning, the Indian hemp;
- 223 (f) the prohibiting of cultivators from removing any part of the Indian hemp plant, except its mature stalks and seeds, from the field where it is grown;
- 224 (g) the prohibition of the cultivation of the Indian hemp plant; and
- 225 (h) the uprooting of Indian hemp plants which grow wild.

²⁰ The part played by the cultivation of the Indian hemp plant in a State's economy will be an important factor in determining what "can reasonably be expected".

MANUFACTURE

SECTION 34

- 226 1. Without prejudice to the special provisions of the present Convention, the Parties undertake to limit
the manufacture of drugs exclusively to medical and scientific purposes.
- 227 2. To this end they shall either establish a monopoly owned and administered by the State which shall
have the exclusive right of manufacturing such drugs, or to the extent that the manufacture is not subject
to such monopoly :
- 228 (a) control and in particular license the persons, co-operatives, or corporations which shall alone be
entitled to manufacture such drugs ;
- 229 (b) control and in particular license the establishments and premises in which such manufacture may
take place ;
- 230 (c) require that such licensed manufacturers obtain periodical (if feasible quarterly or more frequent)
permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture
in each of their establishments in the ensuing period ;
- 231 (d) prevent the accumulation in the possession of manufacturers of quantities of raw materials, in
so far as they are within the scope of the present Convention, and of drugs in excess of those
required for the economic conduct of business, having regard to the prevailing market conditions ;
and
- 232 (e) require manufacturers to manufacture the drugs, if feasible, in accordance with national and with
international standards which may be set by the World Health Organization, or a body designated
to this end by that Organization, and to furnish manufactured drugs with standard wrappings,
labels and inscriptions which should, if feasible, be those, if any, which the said Organization or
body may consider it desirable to prescribe.

DOMESTIC CONTROL OF INTERNATIONAL TRADE

SECTION 35

- 233 1. The Parties undertake to limit exclusively to medical and scientific purposes the import and export
of drugs.
- 234 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. In addition, each Party which shall have rejected a decision of the Commission to place a drug
under control (Section 3) shall nevertheless be bound to observe the provisions of the present Convention
in respect of the export of such a drug to a Party which shall not have rejected the said decision or to a
State not bound by the said decision which shall have furnished estimates for the drug in question.
- 235 3. They shall require that consignments which are imported or exported or moved in transit, be furnished
with such wrappings, labels and inscriptions as shall be instrumental in preventing the diversion of drugs
into the illicit traffic and as shall conform with standards, if any, as may be established by the Commission
which shall take into account the standards prescribed, pursuant to Sections 34 and 37, by the World
Health Organization or by a body designated by that Organization.
- 236 4. They shall limit and designate the number of towns, ports (including airports) and other localities
through which the import or export of drugs shall be permitted.
- 237 5. They shall exercise in free ports and zones the same supervision and control in respect of drugs [,]
[and] plants [,] [and] [parts of plants] [and substances] as in other parts of their territories, provided
however that they may apply more drastic provisions.
- 238 6. They shall either :
- 239 (a) establish a monopoly which is owned and administered by the State and which shall have the
exclusive right of importing and exporting drugs, or
- 240 (b) control all persons, corporations and co-operatives engaged in the import and/or export of drugs
and, in particular, require them to obtain a licence to engage in such operations.
- 241 7. (a) Without prejudice to its obligations under other Sections of this Convention, each Party shall
require a separate import or export authorization to be obtained for each importation or exporta-
tion of any of the drugs to which the present Convention applies.
- 242 (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 expor-
tation must be effected.

- 243 (c) The import authorization may allow the importation in more than one consignment.
- 244 (d) The export authorization shall state the number and date of the import authorization and the
authority by whom it has been issued.
- 245 8. The Party shall use for import and export authorizations, and shall require importers and exporters
when applying for such authorizations to use the forms distributed in accordance with Sections 24 and 28
of the Convention.
- 246 9. Before issuing an export authorization the Party shall require an official copy of the import authoriza-
tion to be produced by the person or establishment applying for the export authorization.
- 247 10. An official copy of the [import and] export authorization[s] shall accompany the consignment, and
the Government issuing the export authorization shall send a copy to the Government of the importing
country or territory.
- 248 11. The Customs authorities of the exporting country or territory, of the importing country or territory
and of each country and/or territory of transit shall record the exit and entry of the drugs on forms dis-
tributed in accordance with Sections 24 and 28 of this Convention, indicating the drugs, their amounts,
the authorit[y] [ies] which issued the [import and] export authorization[s], the number and date of the
authorization[s]. The Customs authorities shall send copies of such records of entry or exit with the
consignment.
- 249 12. 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, accompanied by copies
of each record of entry prepared by the Customs authorities.
- 250 13. Exports of consignments to a post office box or to a bank [to the account of a third party] are
prohibited.
- 251 14. Exports of consignments to a bonded warehouse are prohibited unless the Government of the
importing country certifies on the official copy of the import authorization 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 the bonded warehouse shall require
a permit from the authorities having jurisdiction over the warehouse and, in case of a foreign destination,
shall be treated as if it were a new export within the meaning of the present Convention.
- 252 15. Ships, aircraft and other conveyances shall not be permitted to carry consignments of drugs to a
foreign destination unless each consignment is accompanied by a copy of the [import and] export auth-
orization[s].
- 253 16. Consignments crossing any border, not accompanied by an [import and] export authorization[s]
shall be seized by the Customs authorities.

SECTION 36

- 254 1. The Parties undertake not to permit the transit of any consignment of drugs whether or not the con-
signment is removed from the conveyance in which it is carried unless a copy of the [import and] export
authorization[s] which accompanies [accompany] the consignment is produced to the competent authori-
ties of the transit country or territory.
- 255 2. No consignments of drugs while in transit or whilst being stored in a bonded warehouse may be sub-
jected to any process which would alter the nature of the drugs in question, or without the permission of
the competent authorities, the packing.
- 256 3. The competent authorities of any country or territory through which a consignment 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 shall
authorize 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 terri-
tory of new destination. If the diversion shall be authorized, the provisions of Section 35, paragraph 12
shall also apply between the country or territory of transit and the country or territory which originally
exported the consignment.
- 257 4. The provisions of this Section relating to the transit of drugs do not apply if the consignment in ques-
tion is transported by air, provided that the aircraft shall pass over the territory of the country or territory
of transit without landing. If the aircraft shall make a non-traffic or unscheduled landing in such country
or territory, the said provisions shall be applied so far as the circumstances shall permit.

INTERNAL TRADE

SECTION 37

- 258 1. Without prejudice to special provisions of the present Convention the Parties undertake to limit exclu-
sively to medical and scientific purposes the internal trade in, the distribution and use of drugs.
- 259 2. To this end they shall either:
- 260 (a) establish a monopoly owned and administered by the State 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 licensed medical practitioners in the course of their professional practice, or
- 261 (b) (i) control and in particular license the persons, co-operatives, or corporations which shall alone
be entitled to trade in and distribute such drugs; and
- 262 (ii) control and, in particular, license the establishments and premises in which such trade and
distribution may take place, provided that licensed medical practitioners may dispense and
administer drugs outside of such establishments or premises in the course of their profes-
sional practice.
- 263 3. The requirement of licensing as provided for in paragraph 2 (b) of this Section does not apply to
state monopolies which have the exclusive right of wholesale trade in and distribution of drugs.
- 264 4. The Parties shall also:
- 265 (a) prevent the accumulation in the possession of traders and of medical practitioners, of drugs in
excess of those required for the economic conduct of their business or profession;
- 266 (b) require that drugs be furnished with such wrappings, labels, and inscriptions as may be instru-
mental in preventing their diversion into the illicit traffic, and as shall, if feasible, conform with
standards, if any, as may be established by the World Health Organization or a body designated
to this end by that Organization.
- 267 (c) 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 medical practitioners may dispense or administer to their
patients or dispense to owners or holders of animals or administer to such animals in the course
of their professional practice on their own prescription, or as licensed scientists may acquire for
purpose of research.

POSSESSION OF DRUGS

SECTION 38

- 268 The Parties undertake to prohibit the delivery of drugs to or the possession of drugs by any person
or corporate body except government agencies; licensed hospitals; producers, manufacturers, traders or
medical practitioners in their occupational or professional capacity; licensed scientists or scientific insti-
tutes for the purpose of research; or such other persons for the purpose of medical treatment on prescrip-
tion by licensed medical practitioners.

MEASURES OF SUPERVISION

SECTION 39

- 269 1. The Parties undertake to require:
- 270 (a) that all persons who shall obtain licenses under the provisions of this Convention or shall have
managerial or supervisory positions in a state monopoly established in accordance with the
Convention, shall have the technical and moral qualifications necessary for the effective and
faithful execution of the provisions of such laws and regulations as shall have been enacted
pursuant to the Convention;
- 271 (b) that governmental authorities, manufacturers, traders, scientists, scientific institutions, hospitals,
and medical practitioners shall maintain and preserve for a minimum period of two years such
records as will show the quantities of each drug manufactured and/or of each individual transac-
tion in drugs (purchase, sale, dispensation, administration), and as will facilitate the verification
of each entry (except an entry made by a medical practitioner of dispensation or administra-
tion of drugs) by comparing it with the corresponding entry in a record maintained by an-
other agency, corporate body or person,²¹ and

²¹ Records of manufacturers may be compared with those of wholesale traders; records of wholesale traders with those of pharmacists; original medical prescriptions or their copies, retained by pharmacists, with records of medical practitioners, etc.

- 272 (c) that state monopolies, manufacturers, traders, hospitals and medical practitioners shall submit
periodical reports giving such information as may be required for purposes of domestic and/or
of international control.
- 273 2. The 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
shall take place, and in particular of the records maintained in accordance with the provisions of para-
graph 1 of this Section.

Chapter VII. PENAL PROVISIONS AND CURE OF THE DRUG HABIT

SECTION 40

Penal Provisions

- | | | | |
|-----|---|--|------|
| 274 | [1. The Parties undertake to adopt such legislative and administrative measures as will ensure: | [1. ²² Parties undertake to adopt such legislative and administrative measures as will in- | 289 |
| 275 | (a) that violations of their laws and regulations enacted to implement the provisions of the present Convention shall be effectively punished; and | sure that the cultivation, production, manufacture, possession, distribution, purchase, sale, delivery on any terms whatsoever, despatch, transport, importation and exportation of drugs contrary to the provisions of the present Convention shall be effectively punished. | |
| 276 | (b) that illicit traffickers in drugs shall not escape punishment solely because of territorial limits of criminal jurisdiction. | 2. Without prejudice to the generality of the provisions of paragraph 1 of this Section they shall, within the framework of their different constitutional and legal systems, adopt such measures as will ensure: | 290. |
| 277 | 2. Parties shall define the term "illicit trafficker" in accordance with their constitutional requirements in order to implement the provisions of sub-paragraph (b) of paragraph 1. | (a) that attempts and preparatory acts shall be punished and that accessory acts such as instigation, counselling, aiding, abetting, conspiring and other actions or omissions involving intentional participation in the said offenses shall likewise be punished and treated if necessary as separate offenses to ensure that no such act knowingly committed shall remain unpunished; | 291 |
| 278 | 3. Without prejudice to the generality of the provisions of paragraphs 1 and 2 of this Section they shall adopt such of the following or other measures as may be compatible with their different constitutional and legal systems; | (b) that each of the offenses enumerated in paragraphs 1 and 2 of this section, if committed in different countries shall be considered as a distinct offense; | 292 |
| 279 | (a) punishing attempts, preparatory and other accessory acts; | (c) that foreign convictions for the offenses shall be taken into account for the purpose of: | 293 |
| 280 | (b) treating each offense and each such act, if committed in different countries, as a distinct offense; | (i) establishing recidivism; and | 294 |
| 281 | (c) taking into account foreign convictions for the purpose of | (ii) disqualifying the offender from the exercise of civil rights; | 295 |
| 282 | (i) establishing recidivism; and | (d) that such offenses if serious and knowingly committed shall be deemed to be included as extradition offenses in any extradition treaty which has been or may hereafter be concluded between any of the Parties and be recognized by those of the Parties which do not make extradition conditional on the existence of a treaty as cases of extradition between themselves; | 296 |
| 283 | (ii) disqualifying the offender from the exercise of civil rights; | | |
| 284 | (d) including illicit traffic among the offenses for which they grant extradition; | | |
| 285 | (e) deporting (expelling) alien illicit traffickers; | | |
| 286 | (f) punishing offenses committed abroad: | | |
| 287 | (i) by nationals, and | | |
| | (ii) by foreigners; | | |
| 287 | (g) imposing on illicit traffickers prison terms or other penalties of deprivation of liberty; and | | |

²² This alternative is a shortened version of many provisions of the Convention of 26 June 1936, modified to take account of the control of cultivation.

288	(h) seizing and confiscating drugs as well as any substances and instruments intended for the illicit traffic.]	(e) that offenses if serious and knowingly committed abroad [either] by nationals [or by foreigners] shall be prosecuted and punished by the State in which the offender may be found if otherwise the offender might escape prosecution and/or punishment; and	297
		(f) that serious offenses shall be severely punished particularly by imprisonment or other penalties of deprivation of liberty.	298
		3. Any drugs as well as any substances and instruments intended for the commission of the offenses referred to in this Section shall be liable to seizure and confiscation.	299
		4. Nothing in this Section shall be prejudicial to the attitude of a Party towards the general question of the limits of national criminal jurisdiction under international law.	300
		5. The provisions of this Section shall also not affect the principle that the offenses to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.]	301

SECTION 41

Cure of the Drug Habit

302 Parties undertake to use their best endeavours to limit the use of drugs for the cure of the drug habit to treatment in closed [licensed] [state] institutions.

Chapter VIII. GENERAL PROVISIONS

SECTION 42

Languages of the Convention and Procedure for Acceptance

303 1. The present 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 by resolution declare to be eligible.

304 2. Any such States may:

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

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

SECTION 43

Entry into Force

309 1. The present Convention shall come into force upon the expiration of thirty days following the day on which twenty-five or more States shall have signed it without reservation as to acceptance, or accepted it in accordance with Section 42, provided that such States shall include five of the following:

310 (Here insert the names of twelve States.)

311 2. After the twenty-five States referred to in paragraph 1 of this Section shall have signed the present Convention without reservation as to acceptance or accepted it, the Convention shall come into force in respect of a State which shall subsequently take such action in accordance with Section 42, upon the expiration of thirty days following that on which the said State shall have signed the Convention or deposited its instrument of acceptance thereof.

SECTION 44

Territorial Clause

- 312 1. A State may, at the time of signature or the deposit of its instrument of acceptance or at any time thereafter, declare, by notification addressed to the Secretary-General of the United Nations, that the provisions of the present Convention shall extend to all or any of the territories for which it has international responsibility. The provisions of the present Convention shall extend to the territory or territories named in the notification after the expiration of thirty days, following the day of receipt of this notification by the Secretary-General, provided that the Convention shall have come into force by that date.
- 313 2. The competent organ of the United Nations may decide that the provisions of the present Convention shall apply to any territory for which that organization has international responsibility.

SECTION 45

Termination of Previous International Instruments

- 314 1. The provisions of the present Convention shall, upon its coming into force, terminate and replace, in relations between Parties, the provisions of the following instruments:
- 315 (Here insert a list of the instruments to be replaced.)

SECTION 46

Transitional Provisions

- 316 1. As from the date of the coming into force of the present Convention, in accordance with the provisions of Section 43, the Permanent Central Board constituted under Chapter VI of the Convention of 19 February 1925 shall provisionally carry out the functions of the Board provided for in Section 14 of the present Convention.
- 317 2. The Council shall fix the date on which that Board shall enter upon its duties. As from that date, the Board shall, with respect to the States Parties to the instruments enumerated in Section 45 which are not Parties to the present Convention, undertake the functions of the Permanent Central Board and of the Supervisory Body constituted under Chapter II of the Convention of 13 July 1931.

SECTION 47

Denunciation

- 318 1. After the expiry of two years from the date of the coming into force of this Convention, any Party may, on its own behalf or on behalf of any of the territories for which it has international responsibility, denounce the present Convention by an instrument in writing deposited with the Secretary-General of the United Nations.
- 319 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.

SECTION 48

Amendments

- 320 1. Without prejudice to the provisions of Sections 3 and 24 every Member of the Commission and every Party may propose an amendment to the Convention.
- 321 2. An amendment thus proposed shall be deposited with the Secretary-General of the United Nations, who shall transmit the text thereof, immediately, to all Parties to the Commission, to the Council and to the World Health Organization.
- 322 3. The Commission shall decide whether such proposed amendment comes within the scope of Section 3 or 24, paragraph 6. In that event, the procedure laid down therein shall be followed.
- 322A 4. If the Commission shall find that the proposed amendment does not come within the scope of Section 3 or 24, paragraph 6, it shall decide which of the following procedures shall be applied:
- 323 (a) The Secretary-General of the United Nations shall convene a conference of Parties to consider the proposed amendment. The Secretary-General shall invite to the conference such States, other than Parties, which have been invited to attend the Conference referred to in Section 42 or whose participation would, in the opinion of the Commission, be desirable.

- 324 (b) The Secretary-General shall place the proposed amendment on the provisional agenda of the
General Assembly of the United Nations. The General Assembly may decide whether it desires
to recommend the Parties to sign a protocol of acceptance of the said amendment in the form in
which it was proposed or in a modified form.
- 325 (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. In such a case
- 326 (i) the Secretary-General of the United Nations shall without delay, transmit to all Parties a
notification in accordance with Section 12, paragraph 3;
- 327 (ii) the amendment shall be binding upon each Party which shall not have rejected it within a
period of ninety days from the date of the receipt by such Party of a notification in accord-
ance with Section 12, paragraph 3, provided that
- 328 (aa) the Secretary-General of the United Nations shall not have received within three
hundred and sixty days from the date of the adoption of the amendment twenty-five
or more such rejections; and
- 329 (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 date shall be
the later; and
- 330 (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 con-
cerned on the date of such withdrawal, always provided that the said period[s] [of three
hundred and sixty days] shall have 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 sub-paragraph (c) (ii) (aa) of this paragraph.

SECTION 49

Disputes

- 331 Any dispute between any two or more Parties concerning the interpretation or application of the
present Convention which the Parties are unable to settle by negotiation or by another mode of settlement,
may be referred by written application from any of the Parties concerned to the International Court of
Justice for decision.

SECTION 50

Reservations

- 332 1. Any State may, at the time of signature or the deposit of its instrument of acceptance, make its par-
ticipation in the present Convention conditional upon the reservations enumerated in the following
paragraph:
- 333 2. (Here insert list of reservations.)
- 334 3. Any State which is prepared to become a Party, but which may wish to be authorized to make
reservations as to the application of the Convention other than those enumerated in paragraph 2 of this
Section may inform the Secretary-General of the United Nations of its intentions. The Secretary-General
shall immediately communicate such reservations to all Parties and ask whether they have any objections.
If no Party shall make 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.
- 335 4. A Party which has made reservations may, at any moment, by means of a simple declaration, waive
all or part of its reservations.

SECTION 51

Notifications

- 336 1. The Secretary-General of the United Nations shall notify to all the Members of the United Nations
and to the other States referred to in Section 42:
- 337 (a) the signatures and acceptances received in accordance with Section 42;
- 338 (b) the notifications with regard to the territorial application of the convention in accordance with
Section 44;
- 339 (c) the date of coming into force of the present Convention in accordance with paragraph 1 of
Section 43;

- 340 (d) the date of coming into force of the present Convention with respect to each of the States referred
to in paragraph 2 of Section 43;
- 341 (e) the denunciations of the Convention in accordance with Section 47;
- 342 (f) the notifications and rejections made in accordance with paragraph 4 (c) of Section 48;
- 343 (g) the coming into force of amendments made in accordance with paragraph 4 (c) of Section 48;
- 344 (h) reservations to the Convention made in accordance with paragraphs 1 and 2 of Section 50;
- 345 (j) reservations to the Convention made in accordance with paragraph 3 of Section 50, and entry
into force thereof;
- 346 (k) declarations of withdrawal of reservations in accordance with paragraph 4 of Section 50; and
- 347 (l) the date on which the Board shall enter upon its duties in accordance with paragraph 2 of
Section 46.

348 IN FAITH WHEREOF, the undersigned, duly authorized, have signed the present Convention on behalf
of our respective Governments.

349 DONE AT . . . , this . . . day of . . . in a single copy, which shall remain 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 Section 42.

SCHEDULES

SCHEDULE A

350 (This schedule will contain a list of all drugs, other than those listed in Schedule C, which at the
time of the conclusion of the Convention, it will be desirable to place under international control.)

SCHEDULE B

450 (This schedule will include the opium poppy, the coca bush, the Indian hemp plant and perhaps
certain substances which may be used for the manufacture of drugs and which it may be desirable to
place under some limited measures of control.

It will also include poppy chaff if the present text of Section 31 is adopted.)

SCHEDULE C

460 (If the opinion should prevail that the production or manufacture of, and trade in one or more
drugs should be prohibited, such drug or drugs would be included in this schedule.)

SCHEDULE D

470 (This schedule will include the drugs and their maximum amounts for the export of which a previous
notification by the Board in accordance with paragraph 4 of Section 24 will not be necessary.)