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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Accession to drug control treaties

Report of the Secretary-General

1. At its 2201st plenary meeting, on 14 December 1973, the General Assembly adopted resolution 3147 (XXVIII) entitled "Accession to drug control treaties".
2. In the first preambular paragraph of the resolution, the General Assembly referred to its resolution 3013 (XXVII) of 18 December 1972 calling for adherence to the following three treaties concerning drug control:
 - (a) The Single Convention on Narcotic Drugs, 1961; 1/
 - (b) The 1971 Convention on Psychotropic Substances; 2/
 - (c) The 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961. 3/
3. In paragraph 4 of resolution 3147 (XXVIII), the General Assembly requested the Secretary-General to report to the General Assembly at its twenty-ninth session on the progress made towards universal acceptance of all three treaties.
4. In accordance with this request, the Secretary-General submits this report to the General Assembly. The report covers the acceptance of these three treaties as at 15 August 1974.
5. The Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961 entered into force on 13 December 1964. The following 98 States are parties to this Convention:

1/ United Nations, Treaty Series, vol. 520, No. 7515, p. 151.

2/ E/CONF.58/6 and Corr.1 and 2.

3/ E/CONF.63/9.

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| Afghanistan | Honduras | Portugal |
| Algeria | Hungary | Republic of Korea |
| Argentina | India <u>8/</u> | Republic of Viet-Nam |
| Australia <u>4/</u> | Iran | Romania |
| Belgium | Iraq | Saudi Arabia |
| Brazil | Israel | Senegal |
| Bulgaria | Ivory Coast | Singapore |
| Burma | Jamaica | South Africa |
| Byelorussian Soviet Socialist Republic | Japan | Spain |
| Canada | Jordan | Sri Lanka |
| Chad | Kenya | Sudan |
| Chile | Kuwait | Sweden |
| Costa Rica | Laos | Switzerland |
| Cuba | Lebanon | Syrian Arab Republic |
| Cyprus | Luxembourg | Thailand |
| Czechoslovakia | Madagascar | Togo |
| Dahomey | Malawi | Tonga <u>5/</u> |
| Denmark | Mali | Trinidad and Tobago |
| Dominican Republic | Malaysia | Tunisia |
| Ecuador | Mauritius <u>5/</u> | Turkey |
| Egypt | Mexico | Ukrainian Soviet Socialist Republic |
| Ethiopia | Monaco | Union of Soviet Socialist Republics |
| Fiji <u>5/</u> | Morocco | United Kingdom of Great Britain and Northern Ireland <u>11/</u> |
| Finland | Netherlands <u>9/</u> | United Republic of Cameroon |
| France <u>6/</u> | New Zealand <u>10/</u> | United States of America <u>12/</u> |
| Gabon | Nicaragua | Upper Volta |
| Germany, Federal Republic of | Niger | Venezuela |
| Ghana | Nigeria | Yugoslavia |
| Greece | Norway | Zaire |
| Guatemala | Pakistan | Zambia |
| Guinea | Panama | |
| Haiti | Paraguay | |
| Holy See | Peru | |
| | Philippines | |
| | Poland | |

6. The 1971 Convention on Psychotropic Substances, done at Vienna on 21 February 1971, has not yet entered into force. This Convention will come into

4/ See also annex, para. 1.

5/ Ibid., para. 9.

6/ Ibid., para. 2.

7/ Ibid., para. 3.

8/ Ibid., para. 4.

9/ Ibid., para. 5.

10/ Ibid., para. 6.

11/ Ibid., para. 7.

12/ Ibid., para. 8.

force on the ninetieth day after 40 of the States referred to in paragraph 1 of its article 25 have signed it without reservation of ratification or have deposited their instruments of ratification or accession with the Secretary-General. Only the following 19 States have done so:

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| Brazil | Nicaragua |
| Bulgaria | Panama |
| Chile | Paraguay |
| Cyprus | Philippines |
| Dahomey | South Africa |
| Ecuador | Spain <u>13/</u> |
| Egypt | Sweden |
| Finland | Venezuela |
| Madagascar | Yugoslavia |
| Mauritius | |

7. The 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, done at Geneva on 25 March 1972, has also not yet entered into force. This Protocol, together with the amendments which it contains, will come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited with the Secretary-General in accordance with its article 17. In the meantime the following 32 States have done so:

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| Argentina | Kuwait |
| Australia | Madagascar |
| Brazil | Malawi |
| Costa Rica | Niger |
| Cyprus | Norway |
| Dahomey | Panama |
| Ecuador | Paraguay |
| Egypt | Philippines |
| Fiji | Republic of Korea |
| Finland | Romania |
| Haiti | Senegal |
| Israel | Sweden |
| Ivory Coast | Syrian Arab Republic |
| Japan | Tonga |
| Jordan | United Republic of Cameroon |
| Kenya | United States of America |

8. It is to be noted from the foregoing that out of these three most recent international treaties on drug abuse control only one, namely the Single Convention on Narcotic Drugs, 1961, has entered into force.

9. As far as progress made towards universal acceptance is concerned, it is to be highly appreciated that considerable progress has been achieved with regard to the Single Convention on Narcotic Drugs, 1961, to which - about 10 years after its entry into force - 98 States are Parties. It is hoped and

13/ Ibid., para. 10.

can even be expected with good reason that the number of Parties to this Convention will still increase constantly, thus bringing it very close to universal acceptance.

10. The status of the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, is also very encouraging. Out of the 98 States which are Parties to the Single Convention and which alone can become Parties to that Protocol, 32 States have already - within two and a half years after its adoption - deposited their instruments of ratification or accession with the Secretary-General. Its entry into force can therefore reasonably be expected for the end of the year or for the beginning of 1975 at the latest. Compared with the development which took place with regard to the Single Convention, for which, within two and a half years after its adoption, only 21 instruments of ratification or accession had been deposited and which had waited three years and eight months for its entry into force, the progress made with the 1972 Protocol is rather satisfying. It certainly has to be taken into account that this Protocol only amends the main instrument. This facilitates to a certain extent its acceptance by Parties to the Single Convention. Furthermore, it can be expected that, after its entry into force, the number of Parties to this Protocol will constantly increase. Although the 1972 Protocol is thus still far from universal acceptance, it cannot be denied that, within the period which has elapsed since its adoption, considerable progress has been made.

11. Contrary to the two treaties dealt with in paragraphs 9 and 10 above the situation with regard to the 1971 Convention on Psychotropic Substances is much less encouraging. Three and a half years after its adoption - this means after a similar period of time by which the Single Convention on Narcotic Drugs, 1961, had almost entered into force - the 1971 Convention is still far from its entry into force, not to speak of its universal acceptance. Out of the 40 deposits of instruments of ratification or accession needed for its entry into force, there are at present only 19 with the Secretary-General, thus not half of the number required. It will be noted from the list of States enumerated in paragraph 6 above that the most important countries manufacturing psychotropic substances have not yet ratified, or acceded to this Convention. There may be various reasons why only so few countries have ratified, or acceded to the 1971 Convention up to now. Unlike the Single Convention, which had been preceded since 1912 by a number of international treaties concerning the international control of narcotic drugs, the 1971 Convention is the first legal instrument aiming at bringing under international control substances other than those considered narcotic drugs, namely the psychotropic substances (for example, hallucinogens, amphetamines, barbiturates and tranquillizers) which had not been put under any form of international control until the adoption of this Convention. The international control of these substances is certainly a very complex and difficult matter and a number of conflicting factors involved might exist which have prevented many Governments from adhering to this Convention. This, however, cannot derogate from the vital interest of the international community to protect public health by bringing as soon as possible the psychotropic substances under an international control system akin to the one existing for narcotic drugs in the Single Convention. Nevertheless,

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it must be mentioned that a number of Governments, without having themselves ratified or acceded to this Convention, are actually following resolution I, adopted by the United Nations Conference for the Adoption of a Protocol on Psychotropic Substances, 14/ and are inviting "States, to the extent that they are able to do so, to apply provisionally the measures of control provided in the Convention on Psychotropic Substances pending its entry into force for each of them"; these States have already sent relevant data and information on psychotropic substances to the Secretary-General and the International Narcotics Control Board. In view of the importance of the 1971 Convention for complementing the international drug control - which is not met by the present legal and official status of this Convention with regard to the adherence of Governments to it - every effort possible should be made by the General Assembly to urge Governments to adhere to this Convention in order, first of all, to bring it into force as soon as possible and, by doing so, to prepare the way for its universal acceptance, from which it is still very far.

12. In conclusion, it may be stated that the progress made towards universal acceptance of the Single Convention on Narcotic Drugs, 1961, and the 1972 Protocol amending the Convention, on the one hand, is considerable and may be looked at as rather satisfying. On the other hand, very little progress has been made with regard to the 1971 Convention. It is most regrettable that at present no international instrument is at hand to protect public health by providing internationally a means of control for psychotropic substances, as is the case for narcotic drugs by virtue of the Single Convention. In the opinion of the Secretary-General international efforts should be concentrated on the 1971 Convention in order to ensure its earliest possible entry into force, bringing it soon as close to universal acceptance as possible or at least to the status which the Single Convention on Narcotic Drugs, 1961, already has today.

14/ Official Records of the United Nations Conference for the Adoption of a Protocol on Psychotropic Substances, Vienna, 11 January-21 February 1971, volume I (United Nations publication, Sales No.: E.73.XI.3), part four, section C.

ANNEX

Territorial application

1. In accordance with article 42 of the Single Convention on Narcotic Drugs, 1961, the Government of Australia, in a notification received by the Secretary-General on 1 December 1967, declared that "the Convention shall apply to all non-metropolitan territories for the international relations of which Australia is responsible, namely the territories of Papua, Norfolk Island, Christmas Island, Cocos (Keeling) Islands, Heard and MacDonal'd Islands, Ashmore and Cartier Islands, the Australian Antarctic Territory and the Trust Territories of New Guinea and Nauru". a/
2. In accordance with article 42 of the Single Convention, the Government of France, in a notification received by the Secretary-General on 19 February 1969, declared that this Convention applied to "the whole of the territory of the French Republic". a/
3. In a letter dated 3 December 1973 and accompanying the instrument of acceptance of the Single Convention, the Permanent Representative of the Federal Republic of Germany to the United Nations made the following declaration on behalf of his Government: "The said Convention shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany". b/
4. In accordance with article 42 of the Single Convention, the Government of India, in a notification received by the Secretary-General on 13 December 1964, declared that "the Convention shall apply to Sikkim". a/
5. In accordance with article 42 of the Single Convention, the Government of the Netherlands, in a notification received by the Secretary-General on 16 July 1965, declared that "the Convention is ratified for the Kingdom in Europe, Surinam and the Netherlands Antilles". a/
6. In accordance with article 42 of the Single Convention, the Government of New Zealand, in a notification received by the Secretary-General on 26 March 1963, declared that "the Convention shall apply to the Cook Islands (including Niue) and the Tokelau Islands, being non-metropolitan territories for the international relations of which the Government of New Zealand is responsible". a/
7. In accordance with article 42 of the Single Convention, the Government of the United Kingdom of Great Britain and Northern Ireland, in three notifications received by the Secretary-General on 26 January 1965, 27 May 1965 and 3 May 1966

a/ Multilateral Treaties in Respect of which the Secretary-General Performs Depositary Functions: List of Signatures, Ratifications, Accessions, etc., as at 31 December 1972 (United Nations publication, Sales No.: E.73.V.7), p. 155.

b/ See communication by the Legal Counsel of 2 January 1974 (C.N.252.1973. TREATIES-8).

respectively, declared that the Convention would apply to "Antigua, Aden and the Protectorate of South Arabia, Bahamas, Barbados, Basutoland, Bechuanaland Protectorate, Bermuda, British Guiana, British Honduras, British Solomon Islands, Brunei, Cayman Islands, Dominica, Falkland Islands, Fiji, c/ Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, c/ Montserrat, St. Helena, St. Lucia, St. Christopher-Nevis-Anguilla, St. Vincent, Seychelles, Southern Rhodesia, Swaziland, Tonga, c/ Turks and Caicos Islands, Virgin Islands". a/

8. In accordance with article 42 of the Single Convention, the Government of the United States of America, in a notification received by the Secretary-General on 25 May 1967, declared that "the Convention shall apply to all areas for the international relations of which the United States is responsible". a/

9. Out of the territories mentioned in paragraphs 1-8 of this annex, the Governments of the following countries have notified the Secretary-General that, after their attainment of independence, they consider themselves bound by, or that they succeeded to, the Single Convention: Fiji, Mauritius and Tonga. These States are therefore listed above in paragraph 5 of the report.

10. In a communication received by the Secretary-General on 20 December 1973, the Permanent Representative of Spain to the United Nations made the following statement with respect to the 1971 Convention on Psychotropic Substances: "Spain considers itself to be internationally responsible for the territory of the Sahara; consequently, the provisions of the 1971 Vienna Convention on Psychotropic Substances shall also apply to that territory". d/

c/ See, also paragraph 9 below.

d/ See communication by the Legal Counsel of 22 February 1974 (C.N.271.1973.TREATIES-11).