



United Nations Conference for the adoption of a Protocol on Psychotropic Substances

Vienna — 11 January - 19 February 1971

Official Records

Volume I:

Organizational documents

Texts of the revised draft Protocol
and of the Convention

Record of the work of the Conference

Final Act

Convention on Psychotropic Substances
and Schedules

Resolutions



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INTRODUCTORY NOTE

The Official Records of the United Nations Conference for the adoption of a Protocol on Psychotropic Substances are published in two volumes. Volume I (E/CONF.58/7) contains the preliminary (organizational) and the concluding (Final Act, resolutions, etc.) documents of the Conference, the texts of the revised draft Protocol on Psychotropic Substances and the 1971 Convention on Psychotropic Substances, and a record of the work of the Conference leading up to the adoption of the Convention, set out article by article. The volume also contains a complete list of the documents of the Conference.

Volume II (E/Conf.58/7/Add.1) contains the summary records of the plenary meetings of the Conference and the minutes of the meetings of the General Committee and the Committee on Control Measures, incorporating the corrections requested by delegations and any other editorial changes.

* * *

In the present publication, references to "China" and to the "representative(s) of China" are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971. By that resolution, the General Assembly *inter alia* decided:

"to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

* * *

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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PART ONE

- A. Resolution 1474 (XLVIII) of the Economic and Social Council, convening the Conference**
- B. List of representatives and secretariat of the Conference**
- C. Report of the Credentials Committee**
- D. Organization of the Conference and plan of work**
- E. Rules of procedure**

A. RESOLUTION 1474 (XLVIII) OF THE ECONOMIC AND SOCIAL COUNCIL, CONVENING THE CONFERENCE

The Economic and Social Council,

Reiterating its conviction that the problem of the widespread abuse of psychotropic substances not under international control urgently requires to be regulated by international agreement in the form of a treaty,

Recalling its resolutions 1293 (XLIV) and 1294 (XLIV) of 23 May 1968 and 1401 (XLVI) of 5 June 1969, and World Health Assembly resolutions WHA 18.47 of 20 May 1965, WHA 20.42 and WHA 20.43 of 25 May 1967 and WHA 21.42 of 23 May 1968, and also General Assembly resolution 2433 (XXIII) of 19 December 1968, which refer to this problem,

Convinced that the objectives and aim of this Protocol are of interest to the international community as a whole,

Recalling also its resolution 1402 (XLVI) of 5 June 1969 in which it had noted the progress made by the Commission on Narcotic Drugs in elaborating a draft Protocol for the control of the psychotropic substances, and had authorized the Commission to meet as early as possible in 1970 to prepare a revised draft Protocol for submission to the Council,

Recalling also that the General Assembly, by resolution 2584 (XXIV) of 15 December 1969, had requested the Council to call upon the Commission on Narcotic Drugs at its special session to proceed without delay to complete the draft Protocol for the control of the psychotropic substances,

Having received the report of the Commission on Narcotic Drugs on its first special session,¹

Noting that this report contains the text of the revised draft Protocol referred to in Council resolution 1402 (XLVI) and General Assembly resolution 2584 (XXIV),

1. *Requests* the Secretary-General to transmit the revised draft Protocol on Psychotropic Substances

¹ *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 8 (E/4785).*

adopted by the Commission on Narcotic Drugs at its first special session, the report and the summary records of that session, and such background documentation as he considers pertinent, to all States Members of the United Nations and members of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and also to the World Health Organization, other specialized agencies, the International Atomic Energy Agency, the International Narcotics Control Board and to the International Criminal Police Organization;

2. *Decides* to convene, in accordance with Article 62, paragraph 4, of the Charter of the United Nations and with the provisions of General Assembly resolution 366 (IV) of 3 December 1949, a conference of plenipotentiaries for the adoption of the Protocol on Psychotropic Substances;

3. *Requests* the Secretary-General:

(a) To call such a conference early in 1971;

(b) To invite to the Conference:

(i) The States mentioned in paragraph 1 above;

(ii) The World Health Organization and other specialized agencies interested in the matter, with the same rights they have at sessions of the Economic and Social Council;

(iii) The International Narcotics Control Board, with the same rights as it has at sessions of the Economic and Social Council;

(iv) The International Criminal Police Organization, with the same rights as this organization has at sessions of the Commission on Narcotic Drugs;

(c) To prepare provisional rules of procedure for the conference;

(d) To provide summary records for the Conference and the committees.

B. LIST OF REPRESENTATIVES

Delegations

ALGERIA

Representative:

M. N. BOULBINA, conseiller juridique au Ministère des affaires étrangères, Alger.

Alternate Representative:

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Adviser:

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Adviser:

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 Mr. C. E. MACKENZIE, Assistant Director, Department of Customs and Excise, Canberra;
 Mr. F. D. POTTS, Chief Pharmaceutical Inspector, Department of Health Services, Tasmania;
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AUSTRIA

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Alternate Representatives:

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 Mr. F. LANG, Director, Federal Ministry of Trade, Vienna.

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 Mr. A. WASILEWSKI;
 Mr. P. HAUSNER, Director, Federal Ministry of Justice, Vienna;
 Mr. G. KUNST, Director, Federal Ministry of Justice, Vienna;
 Mr. A. KRISTA, Director, Federal Ministry of the Interior, Vienna;
 Dr. E. LINGENS, Director, Federal Ministry of Social Affairs, Vienna;
 Mr. R. HAVLASEK, Director, Federal Ministry of Social Affairs, Vienna;
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 Mr. W. KIENSCHER, Director, Federal Ministry of Trade, Vienna;
 Mr. W. ANREITER, Director, Federal Ministry of Trade, Vienna;

Mr. R. MARSCHIK, Counsellor, Federal Ministry of Foreign Affairs, Vienna;

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Mr. C. MAYERHOFER, Federal Ministry of Justice, Vienna;

Mr. K. FUCHS, Federal Ministry of Finance, Vienna;

Mr. G. KALLINGER, Federal Ministry of Finance, Vienna;

Mr. K. ZUSER, Federal Ministry of Trade, Vienna;

Mr. E. HOFFMANN, Federal Police Board, Drugs Branch, Vienna;

Mr. P. JANN, Federal Ministry of Justice, Vienna;

Mr. H. WINKLER, Federal Ministry for Foreign Affairs, Vienna.

BELGIUM

Representative:

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Alternate Representatives:

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Alternate Representative :

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¹ See reference to designation "China" in the Introductory Note.

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Alternate Representative :

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PANAMA

Representative :

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Alternate Representative :

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Alternate Representative :

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Representative :

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Alternate Representative :

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Advisers :

Mr. G. KROOK, Court Apothecary, National Board of Health and Welfare, Stockholm;
 Mr. C. E. STURKELL, Head of Department, Ministry of Health and Social Affairs, Stockholm;
 Mr. E. ESPJÖRNSON, Head of Division, National Police Board, Stockholm;
 Mr. S. BRATTSTRÖM, First Secretary of Embassy, Permanent Delegation of Sweden, Geneva;
 Mr. G. ZETTERQVIST, Head of Section, Ministry for Foreign Affairs, Stockholm;
 Mr. I. E. STJERNBERG, Head of Section, Ministry for Foreign Affairs, Stockholm.

SWITZERLAND

Representative :

Le docteur J. P. PERTSCHINGER, chef de la Section pharmaceutique, Service fédéral de l'hygiène publique, Berne.

Alternate representatives :

M. P. FISCHER, directeur de l'Office intercantonal de contrôle des médicaments, Berne;
 M. H. J. RENK, troisième secrétaire à l'Ambassade de Suisse, Vienne.

Advisers :

M. E. LANG, Société suisse de pharmacie;
 M. W. P. von WARTBURG, Technical and Legal Adviser, Basel;

M. H. ZUMSTEIN, adjoint du directeur de l'Office intercantonal de contrôle des médicaments, Berne;
 Le professeur P. KIELHOLZ, directeur de l'Institut de psychiatrie à l'Université de Bâle;
 Le professeur C. R. B. JOYCE, pharmacologue;
 M. P. LIECHTI, chef de section, Direction générale des douanes, Berne;
 M. F. HIPPENMEIER, pharmacien-chef cantonal, Zürich;
 M. N. CAMPANINI, pharmacien cantonal, Genève;
 M. J. BENOIT, adjoint juridique au Ministère public de la Confédération, Berne;
 Le docteur D. LADEWIG, médecin en chef, Clinique psychiatrique universitaire, Bâle.

THAILAND

Representative :

Dr. K. PENGSRITONG, Under-Secretary of State, Ministry of Public Health, Bangkok.

Alternate Representatives :

Mr. C. POSAYANONDA, Counsellor, Central Bureau of Narcotics, Bangkok;
 Mr. S. BAMRUNGPHONG, First Secretary of Embassy, Vienna;
 Pol. Lt. Col. S. VICHAILAK, Investigation Division, Central Bureau of Narcotics, Bangkok.

TOGO

Representative :

Le docteur F. JOHNSON-ROMUALD, directeur de la Division de pharmacie, Ministère de la santé publique, Lomé.

TRINIDAD AND TOBAGO

Representative :

Mr. G. H. ARCHIBALD, Permanent Representative of Trinidad and Tobago to the Office of the United Nations, Geneva.

Adviser :

Mr. M. ST-JOHN.

TUNISIA

Representative :

M. M. KCHOUK, sous-directeur de l'Institut Pasteur, Tunis.

Alternate Representative :

Mr. M. SLAMA, Counsellor of Embassy in Vienna.

TURKEY

Representative :

S.E. M. A. C. KIRCA, ambassadeur, représentant permanent de la Turquie auprès de l'Organisation des Nations Unies, Genève.

Alternate Representatives :

Dr. T. ALAN, directeur général des relations extérieures, Ministère de la santé, Ankara;
 Mr. A. A. AKYAMAC, Director-General, Department of United Nations Affairs, Ministry of Foreign Affairs, Ankara;

M. R. ARIM, directeur-général adjoint, Département des affaires de l'ONU, Ministère des affaires étrangères, Ankara;

M. N. KANDEMIR, représentant permanent adjoint de la Turquie auprès de l'Organisation des Nations Unies, Genève.

Adviser:

M. A. ÖZPAY, deuxième secrétaire, Ambassade de Turquie, Vienne.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Representative:

Mr. V. TSYBENKO, Ukrainian Foreign Ministry.

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:

Dr. E. BABAIAN, Ministry of Health, Moscow.

Alternate Representatives:

Prof. V. VASILYEVA, Ministry of Health, Moscow;

Mr. E. SVIRIDOV, Foreign Ministry, Moscow.

Adviser:

Mr. Y. KLUKIN, Foreign Ministry, Moscow.

UNITED ARAB REPUBLIC

Representative:

Dr. A. W. SADEK, Under-Secretary of State, Ministry of Health, Cairo.

Alternate Representative:

Dr. H. EL HAKIM, Director-General of Pharmaceutical Administration and Control Laboratories, Cairo.

Advisers:

Mr. G. EL-GUINDY, Ministry of Foreign Affairs, Cairo;

Mr. M. S. NASSAR, Director, Anti-Narcotics Administration, Ataba, Cairo.

UNITED KINGDOM

Representative:

Mr. P. BEEDLE, Head of Drugs Branch, Home Office, London.

Alternate Representatives:

Mr. F. STEWART, Secretary, Poisons Board, London;

Mr. E. GIBBS, First Secretary, British Embassy, Vienna.

Advisers:

Mr. J. D. SEMKEN, Legal Adviser, Home Office, London;

Mr. D. A. CAHAL, Department of Health and Social Security, London.

UNITED STATES OF AMERICA

Representative:

Mr. J. E. INGERSOLL, Director of the Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C.

Alternate Representatives:

Mr. C. I. BEVANS, Assistant Legal Adviser, Department of State, Washington, D.C.;

Mr. D. E. MILLER, Chief Legal Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C.;

Mr. H. R. WELLMAN, Special Assistant to the Secretary of State for Narcotics Matters, Department of State, Washington, D.C.

Advisers:

The Hon. H. E. HUGHES, United States Senate;

The Hon. C. MCC. MATHIAS, Jr., United States Senate;

Mr. R. H. A. BLUM, Stanford University;

Mr. W. P. CLARKE, Congressional Staff Adviser, Legal Counsel to the Special Sub-Committee on Alcoholism and Narcotics and Committee on Labour and Public Welfare, United States Senate;

Mr. L. H. HOOVER, Jr., Legal Officer, United States Permanent Mission, Geneva;

Mr. J. JENNINGS, Associate Commissioner for Medical Affairs, Food and Drug Administration, Department of Health and Welfare, Washington, D.C.;

Mr. S. N. KIEFFER, Associate Director, National Institute of Mental Health, Washington, D.C.;

Mr. A. LANDE, Legal Consultant, Pharmaceutical Manufacturers' Association, Washington, D.C.;

Mr. W. R. MARTIN, Chief, Addiction Research Centre, National Institute of Mental Health, Washington, D.C.;

Mr. B. F. MURPHY, Jr., Regional Customs Representative, Bureau of Customs, Department of the Treasury, Rome.

VENEZUELA

Representative:

Dr. R. D. BERTI, Jefe de la División de Farmacia del Ministerio de Sanidad y Asistencia Social, Caracas.

Alternate Representatives:

Dr. G. R. CARVALLO, Supervisor de Farmacia del Ministerio de Sanidad y Asistencia Social, Caracas;

Dr. S. HOLZ, Miembro de la Junta Revisora de Especialidades Farmaceuticas, Caracas;

Sr. E. BECKER, Encargado de Negocios a.i. en Austria.

YUGOSLAVIA

Representative:

M. D. NIKOLIĆ, directeur adjoint, Secrétariat fédéral du commerce extérieur, Belgrade.

Advisers:

Mr. V. VARAGIĆ, Professor of Pharmacology, Department of Pharmacology, Faculty of Medicine, Belgrade;

Miss L. BUJAS, Secretariat of State for Foreign Affairs, Belgrade.

Members of the United Nations Represented by observers**CZECHOSLOVAKIA**

Mr. J. GABRIEL, Acting Permanent Representative of the Czechoslovak Socialist Republic to IAEA and UNIDO, Vienna.

Dr. J. POGÁDY, Director of the Institute of Psychiatry, Chief Consultant on Psychiatry to the Ministry of Health of the Slovak Socialist Republic, Bratislava;

Mr. J. SKALA, Head Physician, Antialcoholic Department, Clinic of Psychiatry of the Charles University, Consultant to the Ministry of Health of the Czech Socialist Republic, Prague.

REPUBLIC OF VIET-NAM

Mr. X. NGUYEN TU, Permanent Mission of the Republic of Viet-Nam, Geneva.

ROMANIA

Mr. D. BIRCEA, Counsellor, Embassy of Romania, Vienna.
Mr. V. TODOR, Secretary, Embassy of Romania, Vienna.

URUGUAY

H.E. Mr. G. DENIS-BARREIRO, Ambassador of Uruguay.

Specialized agencies**WORLD HEALTH ORGANIZATION***Representatives :*

Dr. V. FATTORUSSO, Director, Division of Pharmacology and Toxicology;
Dr. D. C. CAMERON, Chief, Drug Dependence Unit;
Dr. T. L. CHRUSCIEL, Medical Officer, Drug Dependence Unit.

International Narcotics Control Board*Representatives :*

Sir Harry GREENFIELD, President;
Mr. L. STEINIG, Rapporteur;
Mr. J. DITTERT, Secretary;
M. S. STEPCHYNSKI, secrétaire adjoint.

Non-Governmental Organizations*Category B***INTERNATIONAL CRIMINAL POLICE ORGANIZATION
(INTERPOL)***Representatives :*

Mr. E. ROECK;
Mr. F. WEINGART.

**Organizations not referred to in Economic and Social Council resolution 1474 (XLVIII)
represented at the Conference****Inter-Governmental organizations****CUSTOMS CO-OPERATION COUNCIL***Representatives :*

M. K. FUCHS, secrétaire, Ministère fédéral des finances, Conseil autrichien de coopération;
M. G. KALLINGER, secrétaire, Ministère fédéral des finances, Vienne.
M. L. ERIKSSON, président du Conseil, directeur-général des douanes, Stockholm.

LEAGUE OF ARAB STATES*Representative :*

Général A. A. EL HADEKA, directeur général du Bureau panarabe des stupéfiants de la Ligue des Etats Arabes, Le Caire.

Non-Governmental organizations**INTERNATIONAL COUNCIL ON ALCOHOL AND ADDICTIONS***Representatives :*

Mr. A. TONGUE, Executive Director;
Mrs. Eva J. TONGUE, Assistant Director;
Dr. K. KRYSPIN-EXNER, Chief Physician, University Psychiatric Clinic, and Director Kalksburg Foundation;
Prof. H. HALBACH, Technical Adviser;
Mrs. S. IMBACH, Legal Adviser;
Mr. D. ARCHIBALD, Executive Director, Addiction Research Foundation;
Mr. N. L. CHAYET, Attorney.

INTERNATIONAL PHARMACEUTICAL FEDERATION*Representatives :*

M. J. BIDER, Société suisse de pharmacie;
M. E. LANG, Société suisse de pharmacie.

Secretariat

Mr. V. WINSPEARE-GUICCIARDI, Under Secretary-General, Director-General of the United Nations Office at Geneva, Representative of the Secretary-General (on 11 January 1971);
 Mr. V. KUŠEVIĆ, Representative of the Secretary-General (from 12 January 1971), and Executive Secretary;
 Mr. G. WATTLES, Legal Adviser, and Secretary of Credentials Committee;
 Mr. ANSAR KHAN, Deputy Executive Secretary and

Secretary of Plenary Conference, General Committee and Committee on Control Measures;
 Mr. S. P. SOTIROFF, Secretary of Drafting Committee;
 Mr. O. BRAENDEN, Secretary of Technical Committee;
 Mr. I. BAYER, Joint Secretary of Technical Committee and Committee on Control Measures;
 Mr. R. LAVALLE-VALDES;
 Miss L. WALDHEIM;
 Mr. J. L. GOMEZ del PRADO.

C. REPORT OF THE CREDENTIALS COMMITTEE¹

1. At its fifth plenary meeting, held on 13 January 1971, the United Nations Conference for the adoption of a Protocol on Psychotropic Substances, in accordance with rule 16 of its rules of procedure, appointed a Credentials Committee consisting of the following States: Australia, Ecuador, Ghana, Ireland, Liberia, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and United States of America.

2. The Credentials Committee met on 12 February 1971. Representatives of the following States participated in the meeting: Australia, Ecuador, Ghana, Ireland, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and United States of America.

3. Dr. P. A. Jennings (Ireland) was unanimously elected Chairman.

4. The secretariat reported to the Committee that the following States had submitted to the Executive Secretary credentials in respect of their representatives issued by the Head of State or Government or by the Minister for Foreign Affairs, as provided in rule 3 of the rules of procedure of the Conference:

Algeria	El Salvador
Argentina	Federal Republic
Australia	of Germany
Austria	Finland
Belgium	France
Brazil	Gabon
Bulgaria	Ghana
Burma	Greece
Byelorussian Soviet	Guatemala
Socialist Republic	Guyana
Cameroon	Holy See
Canada	Honduras
Chile	Hungary
China ²	India
Congo	Iran
(Democratic Republic of)	Iraq
Costa Rica	Ireland
Denmark	Israel
Ecuador	Japan

Lebanon	Switzerland
Liberia	Thailand
Luxembourg	Togo
Mexico	Tunisia
Monaco	Turkey
Netherlands	Ukrainian Soviet
New Zealand	Socialist Republic
Nicaragua	Union of Soviet
Norway	Socialist Republics
Paraguay	United Arab Republic
Poland	United Kingdom
Portugal	of Great Britain
Republic of Korea	and Northern Ireland
Rwanda	United States of America
South Africa	Venezuela
Spain	Yugoslavia
Sweden	

5. The secretariat further reported that the following States had furnished provisional credentials in respect of their representatives which did not fully meet the requirements of rule 3 of the rules of procedure:

Colombia	Panama
Dominican Republic	San Marino
Italy	Trinidad and Tobago
Pakistan	

6. The representative of the Union of Soviet Socialist Republics raised the question of the representation of China and stated that the participation in the Conference of representatives of the Chiang Kai-shek régime was illegal. He stated that only representatives appointed by the Government of the Chinese People's Republic³ had the right to represent China at the Conference. He further stated that the delegation of the USSR could not recognize the credentials submitted in the name of China by any other persons, and he proposed that the Committee find that such credentials were not in order.

7. The representative of the Ukrainian SSR supported the opinion expressed by the representative of the USSR and his proposal.

8. The representative of the United States of America, speaking on a point of order, stated that the motion

¹ Circulated as document E/CONF.58/L.52.

² See reference to the designation "China" in the Introductory Note.

³ See foot-note 2.

proposed by the representative of the Union of Soviet Socialist Republics was out of order because it went beyond the requirements of the rules of procedure.

9. The representatives of Australia, Ecuador, Ghana and Spain expressed the view that the task of the Committee was to decide whether credentials had been submitted in accordance with rule 3 of the Conference's rules of procedure, and that the Committee should not go into the political question of which Government was entitled to represent a State, since rule 16 of the rules of procedure merely provided that the Committee should examine the credentials of representatives and report without delay.

10. The point of order raised by the representative of the United States was put to the vote, and was sustained by 5 votes to 2, with 1 abstention.

11. The representative of the United States then moved that the Committee accept all the credentials mentioned by the secretariat as having been issued in accordance with rule 3 of the rules of procedure, and report to the Conference that those credentials had been found to be in order.

12. The representative of the USSR proposed a separate vote on the credentials of, as he said, the representatives of the Chiang Kai-shek régime. This motion for a separate vote was rejected by 5 votes to 2, with 1 abstention.

13. The motion proposed by the representative of the United States was then carried by 5 votes to 2, with 1 abstention. The Committee accordingly submits the present report to the Conference.

D. ORGANIZATION OF THE CONFERENCE AND PLAN OF WORK¹

I. Organisation

A. TERMS OF REFERENCE

1. The Conference of Plenipotentiaries was called by the Economic and Social Council to adopt "the Protocol on Psychotropic Substances" (operative paragraph 2 of resolution 1474 (XLVIII) of 24 March 1970).

2. The revised draft Protocol which is before the Conference is the text that was adopted by the Commission on Narcotic Drugs at its first special session in January 1970,² which had been convened for the purpose under Economic and Social Council resolution 1402 (XLVI) of 5 June 1969. The General Assembly, in its resolution 2584 (XXIV) of 15 December 1969, requested the Council to call upon the Commission at the special session "to proceed without delay to complete the draft Protocol ...".

B. RULES OF PROCEDURE

3. The rules of procedure for the Conference³ are based generally on those applied at previous plenipotentiary conferences called by the United Nations for the adoption of treaties, including the 1961 Conference for the adoption of a Single Convention on Narcotic Drugs. The rules cover certain fundamental organizational matters such as the credentials of delegations, the election of officers, the appointment of the principal committees, including a General Committee and a Credentials Committee, the power to appoint other committees, the manner in which the Conference shall conduct its business, how its records shall be kept and the functions of the secretariat. The present paper is concerned with the organizational structure of the Conference and the method of work to be followed, within these rules.

¹ This is an abbreviated version of Conference document E/CONF.58/2/Rev.1.

² See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 8 (E/4785)*, chapter III.

³ See below, section E.

C. CREDENTIALS COMMITTEE

4. It is suggested that, as is usual, the Credentials Committee of the Conference should consist of nine members, who will examine the credentials of delegations to the Conference and report to the plenary Conferences.

D. GENERAL COMMITTEE

5. Rule 13 of the rules of procedure provides for the setting up of a General Committee to assist in the general conduct of the business of the Conference and to ensure the co-ordination of its work. It will not be concerned with the substance of the draft Protocol, but will seek to bring about the orderly progress of the work of the Conference with a view to the attainment of its objective.

6. The General Committee will comprise the President and Vice-Presidents of the Conference, together with the Chairmen of the Drafting Committee, the Technical Committee and the Committee on Control Measures. In its choice of Vice-Presidents the Conference should ensure a balanced geographical distribution among its office-holders and should, in addition, provide for the representation of countries which manufacture psychotropic substances, consuming countries, and of those where the abuse of and illicit traffic in such substances are important problems.

E. DRAFTING COMMITTEE

7. The work of the Drafting Committee is to give shape to the decisions of substance taken by the Conference. It will not itself take such decisions and it will not, therefore, be necessary for all members of the Conference to participate in its work; a small membership would be desirable for practical reasons. The Committee should, in particular, include legal advisers to delegations, and all the official languages should be represented among its members.

8. The Drafting Committee may, in the light of any discussion that takes place in plenary, propose new texts of whole articles or parts of articles for renewed consideration by the Conference.

F. TECHNICAL COMMITTEE

9. The function of the Technical Committee will be to make recommendations to the Conference on matters within the Protocol touching upon chemistry, pharmacy, pharmacology, medicine, etc. The Committee should be small in membership and should consist essentially of technical advisers to delegations. Representatives of the World Health Organization and the International Narcotics Control Board will assist the Committee in its work.

10. The Technical Committee might be entrusted with the following tasks:

(a) Consideration of the lists of substances in the Schedules attached to the revised draft Protocol with a view to making recommendations, in particular, for the addition of entries to or the deletion of entries from the Schedules or the transfer of entries from one Schedule to another. This work is particularly important as the Commission on Narcotic Drugs considered these schedules "to be of a provisional nature".⁴

(b) Examination of the following articles or parts of articles of the revised draft Protocol:

Article 1, Use of terms: the final wording of the definitions in sub-paragraphs (e), (f), (h), (k) and (l);

Article 2, Scope of control of substances, paragraph 4, the important question of "precursors";

Article 2 *bis*, Special provisions regarding the control of preparations, paragraph 2: the criteria for exemption;

Article 3, Other special provisions regarding the scope of control;

Article 4, Limitation of use to medical and scientific purposes;

Article 8, Prescriptions.

G. COMMITTEE ON CONTROL MEASURES

11. The revised draft Protocol contains a number of articles which, although they were adopted by the Commission on Narcotic Drugs at its first special session, had been the subject of considerable discussion and call for further close examination. Together they constitute the substance of the control system established by the Protocol. It is therefore suggested that the Conference should appoint a Committee on Control Measures to undertake a careful study of these parts of the Protocol, namely, articles 2 to 15, and in particular the following:

Article 2, Scope of control of substances;

Article 2 *bis*, Special provisions regarding the control of preparations (except paragraph 2);

Article 7, Licences;

Article 10, Records;

Article 11, Provisions relating to international trade;

Article 12, Prohibition of and restrictions on the import and export of psychotropic substances;

Article 14, Reports to be furnished by Parties; and Article 15, Reports of the Board.

12. The Committee might also consider Article 27, Reservations, before it is discussed in plenary.

13. The Committee should have a wide membership, consisting of at least 30 participating States, together with any others wishing to take part. It might set up sub-committees to examine specific articles.

H. OTHER COMMITTEES

14. The Conference may decide to establish other subsidiary bodies, as necessary.

I. THE PLENARY CONFERENCE

15. The subsidiary bodies established by the Conference will work under its authority and submit reports and/or recommendations to be considered and decided on in plenary.

16. Those parts and articles of the revised draft Protocol not referred to a committee will be examined and decided on directly in plenary. They are as follows:

(a) The Preamble;

(b) Articles 16 to 20:

Article 16, Measures against the abuse of psychotropic substances;

Article 17, Action against the illicit traffic;

Article 18, Penal provisions;

Article 19, Application of stricter national control measures than those required by this Protocol;

Article 20, Expenses of international organs incurred in administering the provisions of the Protocol;

(c) The Final Provisions, namely:

Article 21, Procedure for signature, ratification and accession;

Article 22, Entry into force;

Article 23, Territorial application;

Article 23 *bis*, Territories for the purposes of articles 6, 11, 12 and 14;

Article 24, Denunciation;

Article 25, Amendments;

Article 26, Disputes;

Article 27, Reservations (after examination by the Committee on Control Measures);

Article 28, Notifications.

17. Final decisions on each article of the Protocol, and on the text of the Protocol as a whole, will be taken by the Conference meeting in plenary.

II. Proposed sequence of work

A. PRELIMINARY ACTIONS

1. Election of President and adoption of agenda.
2. Adoption of rules of procedure.
3. Election of Vice-Presidents and establishment of Technical Committee, Committee on Control Measures, Drafting Committee and Credentials Committee.

⁴ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 8 (E/4785)*, para. 21.

4. Election of Committee Chairmen and constitution of General Committee.
5. Consideration by General Committee and plenary Conference of organization of work and order of business of Conference.

B. SUBSTANTIVE WORK

1. Opening statements.
2. Examination of Schedules by Technical Committee and report to plenary.
3. Examination of "control" articles by Committee on Control Measures and report to plenary.
4. Examination of article 2, para. 4, and article 2 *bis*, para. 2, by Technical Committee and report to plenary.
5. Consideration by plenary of articles not referred to committee.
6. Conclusion of work of Committee on Control Measures with examination of article 27.
7. Examination by Drafting Committee of texts transmitted to it by plenary.
8. Adoption of Preamble and Final Provisions.
9. Review of entire Protocol as provisionally adopted.
10. Adoption of Protocol article by article and as a whole, and adoption of Final Act of the Conference.
11. Preparation of texts for signature in all official languages.
12. Ceremony of signature.
13. Closure of Conference.

E. RULES OF PROCEDURE ¹

Chapter I

REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1. The delegation of each State participating in the Conference shall consist of an accredited representative and such alternate representatives and advisers as may be required.

Alternates or advisers

Rule 2. An alternate representative or an adviser may act as a representative upon designation by the Chairman of the delegation.

Submission of credentials

Rule 3. The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary if possible not later than twenty-four hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of the State or Government, or by the Minister for Foreign Affairs.

Provisional participation in the Conference

Rule 4. Pending a decision of the Conference upon their credentials, representatives shall be entitled provisionally to participate in the Conference.

Chapter II

OFFICERS

Elections

Rule 5. The Conference shall elect a President and eleven Vice-Presidents. These officers shall be elected on the basis of ensuring the representative character of the General Committee provided for in Chapter III. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

Rule 6. The President shall preside at the plenary meetings of the Conference.

Rule 7. The President, in the exercise of his functions, remains under the authority of the Conference.

Acting President

Rule 8. If the President is absent from a meeting or any part thereof, he shall appoint one of the Vice-Presidents to take his place.

Rule 9. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 10. If the President is unable to perform his functions, a new President shall be elected.

The President shall not vote

Rule 11. The President, or Vice-President acting as President, shall not vote but may appoint another member of his delegation to vote in his place.

¹ Circulated as document E/CONF.58/4, after adoption of the provisional rules of procedure at the second plenary meeting.

Application to committees

Rule 12. The rules of this Chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

Chapter III

COMMITTEES OF THE CONFERENCE

General Committee—composition

Rule 13. There shall be a General Committee, which shall comprise the President and Vice-Presidents of the Conference and the Chairmen of the Drafting Committee, the Technical Committee and the Committee on Control Measures (see below). The President of the Conference, or, in his absence, a Vice-President designated by him, shall serve as Chairman of the General Committee.

General Committee—substitute members

Rule 14. 1. If the President or a Vice-President of the Conference finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee.

2. If the Chairman of the Drafting Committee, of the Technical Committee or of the Committee on Control Measures finds it necessary to be absent during a meeting of the General Committee, he shall designate a member of his Committee to take his place in the General Committee. A member thus designated shall not have the right to vote if he is of the same delegation as another member of the General Committee.

General Committee—functions

Rule 15. The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the co-ordination of its work.

Credentials Committee

Rule 16. A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of nine members, who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Drafting Committee

Rule 17. The Conference shall appoint, on the proposal of the President, a Drafting Committee consisting of fifteen members. The Drafting Committee shall prepare drafts and give advice on drafting as requested by the Conference. It shall co-ordinate and review the drafting of all texts adopted.

Technical Committee

Rule 18. The Conference shall appoint a Technical Committee on the proposal of the President. The Techni-

cal Committee shall give technical advice on such questions with a substantial scientific element as are referred to it by the Conference.

Committee on Control Measures

Rule 19. The Conference shall appoint a Committee on Control Measures composed of those representatives who wish to take part in its work and so notify the Executive Secretary.

Other committees

Rule 20. 1. In addition to the Committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Each committee may set up sub-committees and working groups.

Rule 21. 1. The members of the committees and working groups of the Conference referred to in rule 20, paragraph 1, shall be appointed by the President, subject to the approval of the Conference, unless the Conference decides otherwise.

2. Members of sub-committees and working groups of committees shall be appointed by the Chairman of the Committee in question, subject to the approval of that Committee, unless the Committee decides otherwise.

Chapter IV

SECRETARIAT

Duties of the secretariat

Rule 22. 1. The Executive Secretary, appointed by the Secretary-General of the United Nations, shall act in that capacity at all meetings. He may appoint another official to act in his place in his absence.

2. The Executive Secretary shall provide and direct such staff as is required by the Conference, shall be responsible for making necessary arrangements for meetings and generally shall perform other work which the Conference may require.

Statements by the secretariat

Rule 23. The Executive Secretary or an official designated by him may make oral or written statements concerning any question under consideration.

Chapter V

CONDUCT OF BUSINESS

Quorum

Rule 24. 1. A quorum shall be constituted by the representatives of a majority of the States participating in the Conference.

2. In a Committee, sub-committee or working group the quorum shall be constituted by a majority of the members of the Committee, sub-committee or working group concerned.

General powers of the President

Rule 25. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference, direct the discussions at such meetings, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order, and subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the debate on the question under discussion.

Speeches

Rule 26. No person may address the Conference without having previously obtained the permission of the President. Subject to rules 27 and 28 the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

Rule 27. The Chairman or Rapporteur of a committee, or the representative of a sub-committee or working group, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee, sub-committee or working group.

Points of order

Rule 28. During the discussion of any matter, a representative may raise a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative raising a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 29. The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. When the debate is limited and a representative has spoken for his allotted time, the President shall call him to order without delay.

Closing of list of speakers

Rule 30. During the course of a debate the President may announce the list of speakers and, with the consent

of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Adjournment of debate

Rule 31. During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of and two against the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of debate

Rule 32. A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Suspension or adjournment of the meeting

Rule 33. During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment.

Order of procedural motions

Rule 34. Subject to rule 28, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) For the closure of the debate on the question under discussion.

Proposals and amendments

Rule 35. Proposals and amendments thereto shall normally be introduced in writing and handed to the Executive Secretary of the Conference, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though these amendments and motions have not been circulated, or have only been circulated the same day.

Decisions on competence

Rule 36. Subject to rule 34, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Withdrawal of motions

Rule 37. A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be re-introduced by any representative.

Reconsideration of proposals

Rule 38. When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

Invitations to technical advisers

Rule 39. The Conference may invite to one or more of its meetings any person whose technical advice it may consider useful for its work.

Application to committees

Rule 40. The rules of this chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

Chapter VI

VOTING

Voting rights

Rule 41. Each State represented at the Conference shall have one vote.

Required majority

Rule 42. 1. Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. Any appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. All decisions of a committee, sub-committee or working group shall be taken by a majority of the members present and voting.

Meaning of the expression "representatives present and voting"

Rule 43. For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Method of voting

Rule 44. The Conference shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President.

Conduct during voting

Rule 45. 1. After the President has announced the beginning of voting no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations.

2. For the purpose of this rule, "voting" refers to the voting on each individual proposal or amendment.

Division of proposals and amendments

Rule 46. A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 47. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an

amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 48. If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Elections

Rule 49. All elections shall be held by secret ballot unless otherwise decided by the Conference.

Rule 50. 1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot the votes of a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If in the second ballot a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with paragraph 1 above.

Rule 51. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the votes of a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice that of the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 52. If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Application to committees

Rule 53. The rules of this Chapter shall be applicable, *mutatis mutandis*, to the proceedings of committees, sub-committees and working groups.

Chapter VII

LANGUAGES AND RECORDS

Official and working languages

Rule 54. Chinese, English, French, Russian and Spanish shall be the official languages of the Conference. English, French and Spanish shall be the working languages.

Interpretation from official languages

Rule 55. Speeches made in any of the official languages shall be interpreted into the other official languages.

Interpretation from other languages

Rule 56. Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the secretariat may be based on the interpretation given in the first official language.

Summary records and minutes

Rule 57. Summary records of the plenary meetings of the Conference, and minutes of the meetings of the General Committee and the Committee on Control Measures, shall be kept by the secretariat. They shall be sent as soon as possible to all representatives, who shall inform the Secretariat, within three working days after their circulation, of any changes they wish to make in the summary records and of factual corrections in the case of minutes.

Language of documents and summary records

Rule 58. Documents, summary records and minutes shall be made available in the working languages.

Chapter VIII

PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of committees

Rule 59. The plenary meetings of the Conference and meetings of the committees shall be held in public unless the body concerned decides otherwise.

Meetings of sub-committees or working groups

Rule 60. As a general rule meetings of a sub-committee or working group shall be held in private.

Communiqué to the press

Rule 61. At the close of any private meeting a communiqué may be issued to the press through the Executive Secretary.

*Chapter IX***OBSERVERS FOR STATES NOT
PARTICIPATING IN THE CONFERENCE***Rights of observers for States*

Rule 62. A State which has been invited to the Conference but which is not participating in it by an accredited representative may appoint an observer to it. The name of the observer shall be communicated without delay to the Executive Secretary, if possible not later than twenty-four hours after the opening of the Conference. Such observers shall have the right to participate in the deliberations of the Conference and of those committees, sub-committees and working groups to which they are invited by the President, the Conference, the Chairman of the body in question, or that body itself. These observers shall not have the right to vote but may submit proposals which may be put to the vote at the request of any delegation participating in the Conference or other body as the case may be.

*Chapter X***PARTICIPATION BY SPECIALIZED AGENCIES, OTHER INTER-
GOVERNMENTAL BODIES, AND NON-GOVERNMENTAL
ORGANIZATIONS***Rights of representatives and observers for organizations*

Rule 63. 1. Representatives of the World Health Organization, other specialized agencies interested in the

matter and the International Narcotics Control Board may participate in the deliberations of the Conference and its committees, sub-committees and working groups with respect to items of concern to their respective organizations with the same rights as they have at sessions of the Economic and Social Council.

2. Observers for the International Criminal Police Organization may participate in the deliberations of the Conference and its committees, sub-committees and working groups with the same rights as they have at sessions of the Commission on Narcotic Drugs.

3. Observers for other international organizations invited to the Conference, or non-governmental organizations in consultative status with the Economic and Social Council, may also be permitted by the Conference to sit at public meetings of the Conference, its committees, sub-committees and working groups. At the invitation of the President, the Conference, the Chairman of any other body in question, or that body itself, the observers for these organizations may orally or in writing address the Conference or those bodies on any subject indicated in the invitation.

*Chapter XI***AMENDMENT***Amendment of rules of procedure*

Rule 64. These rules of procedure may be amended by a decision of the Conference taken by a majority of the representatives present and voting.

PART TWO

Comparative presentation of the text of the revised draft Protocol on Psychotropic Substances as adopted by the Commission on Narcotic Drugs (January, 1970), and the text of the Convention on Psychotropic Substances adopted by the Conference of Plenipotentiaries (February, 1971)

The revised draft Protocol on Psychotropic Substances as adopted by the Commission on Narcotic Drugs, January, 1970

PREAMBLE

The Parties,

Determined to prevent and combat abuse of psychotropic substances and the illicit traffic to which it gives rise,

Concerned at the public and social problem created by the spreading abuse of psychotropic substances not yet under international control,

Convinced that the use of psychotropic substances should be rigorously restricted to medical and scientific requirements,

Considering that effective measures against abuse of psychotropic substances require co-ordination and universal action,

Recognizing that an international treaty is necessary to achieve this end,

Hereby agree as follows:

Article 1

USE OF TERMS

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Protocol have the meanings given below:

(a) "Council" means the Economic and Social Council of the United Nations.

(b) "Commission" means the Commission on Narcotic Drugs of the Council.

(c) "Board" means the International Narcotics Control Board constituted under Article 9 of the Single Convention on Narcotic Drugs, 1961.

(d) "Secretary-General" means the Secretary-General of the United Nations.

(e) "Psychotropic substance" means any substance, natural or synthetic, or any natural material listed in Schedule I, II, III or IV.

(f) "Preparation" means:

(i) any mixture or solution, in whatever physical state, containing one or more psychotropic substances, or

(ii) one or more psychotropic substances in dosage form.

The Convention on Psychotropic Substances as adopted by the Conference of plenipotentiaries, February, 1971

PREAMBLE

The Parties,

Being concerned with the health and welfare of mankind,

Noting with concern the public health and social problems resulting from the abuse of certain psychotropic substances,

Determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise,

Considering that rigorous measures are necessary to restrict the use of such substances to legitimate purposes,

Recognizing that the use of psychotropic substances for medical and scientific purposes is indispensable and that their availability for such purposes should not be unduly restricted,

Believing that effective measures against abuse of such substances require co-ordination and universal action,

Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

Recognizing that an international convention is necessary to achieve these purposes,

Agree as follows:

Article 1

USE OF TERMS

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

(a) "Council" means the Economic and Social Council of the United Nations.

(b) "Commission" means the Commission on Narcotic Drugs of the Council.

(c) "Board" means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961.

(d) "Secretary-General" means the Secretary-General of the United Nations.

(e) "Psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV.

(f) "Preparation" means:

(i) any solution or mixture, in whatever physical state, containing one or more psychotropic substances, or

(ii) one or more psychotropic substances in dosage form.

(g) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered lists of psychotropic substances annexed to this Protocol, as altered from time to time in accordance with article 2.

(h) "Schedule V" means the list or description of preparations and groups of preparations exempted from certain provisions of this Protocol in accordance with paragraph 4 of article 2 *bis* and annexed to this Protocol, as altered from time to time in accordance with that article.

(i) "Import" and "export" mean in their respective connotations the physical transfer of a psychotropic substance from one State to another State, or from one territory to another territory of the same State.

(j) "Distribution" means the transfer of a psychotropic substance from one natural or legal person to another.

(k) "Manufacture" means all processes, other than production, by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations of psychotropic substances.

(l) "Production" means the obtaining by planting, cultivation or harvesting of natural material which constitutes a psychotropic substance or from which such a substance may readily be obtained.

(m) "Stocks" means the amount of psychotropic substances held in a country or territory and intended for manufacture, consumption or export, but does not include amounts:

(i) held by retail pharmacists or other authorized retail distributors, or by institutions for hospitalization and care or qualified persons in the duly authorized exercise of therapeutic or scientific functions, or

(ii) held by the government of such country or territory for special government purposes and to meet exceptional circumstances.

(n) "Illicit traffic" means manufacture or production of or trafficking in psychotropic substances contrary to the provisions of this Protocol.

(o) "Territory" means any part of a State which pursuant to article 23 *bis* is treated as a separate entity for the purposes of articles 6, 11, 12 and 14. This definition shall not apply to the term "territory" as used in articles 23 and 24.

Article 2

SCOPE OF CONTROL OF SUBSTANCES

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substances to any of the Schedules of this

(g) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered lists of psychotropic substances annexed to this Convention, as altered in accordance with article 2.

(h) "Export" and "import" mean in their respective connotations the physical transfer of a psychotropic substance from one State to another State.

(i) "Manufacture" means all processes by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations other than those made on prescription in pharmacies.

(j) "Illicit traffic" means manufacture of or trafficking in psychotropic substances contrary to the provisions of this Convention.

(k) "Region" means any part of a State which pursuant to article 28 is treated as a separate entity for the purposes of this Convention.

(l) "Premises" means buildings or parts of buildings, including the appertaining land.

Article 2

SCOPE OF CONTROL OF SUBSTANCES

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this

Protocol, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one schedule to another among those schedules, or the deletion of a substance from the schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance meets the criteria for inclusion in Schedule I or Schedule II of this Protocol pursuant to paragraph 4 of this article,

(a) the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate; [and]

[(b) pending its decision, as provided in paragraph 5 of this article, the Commission may decide that the Parties shall apply provisionally to that substance all measures of control applicable to substances in Schedule I or to those in Schedule II.]

4. If the World Health Organization finds that the substance has the capacity to produce central nervous system stimulation or depression, or hallucinations or disturbances in perception, thinking, mood or behaviour, such that it is liable to similar abuse and productive of similar ill effects as a substance in Schedule I, II, III or IV and constitutes a public health and social problem, or is readily convertible into such a substance, the World Health Organization shall determine the degree of seriousness of the problem (especially serious, serious, substantial or significant) and the degree of usefulness of the substance in medical therapy (great, moderate or little, if any). If the liability to abuse of such a substance constitutes an especially serious public health and social problem, and if it has little, if any, usefulness in therapy, the World Health Organization shall recommend that the substance be added to Schedule I. If the liability to abuse of the substance constitutes a public health and social problem which is lesser but still serious, substantial or significant, and in the light of the degree of usefulness of the substance in therapy, the World Health Organization shall recommend that the substance be added to Schedule II, III or IV, as appropriate. The World Health Organization shall communicate its findings and recommendations to the Commission.

5. The Commission shall take account of the findings and recommendations of the World Health Organization and, bearing in mind economic, social, legal, administrative and other factors that it may consider relevant, the Commission may decide whether the substance shall be added to any one of the Schedules referred to in the preceding paragraph.

Convention, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one Schedule to another among those Schedules, or the deletion of a substance from the Schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance is suitable for inclusion in Schedule I or Schedule II pursuant to paragraph 4, the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate.

4. If the World Health Organization finds:

(a) that the substance has the capacity to produce

(i) (1) a state of dependence, and

(2) central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or

(ii) similar abuse and similar ill effects as a substance in Schedule I, II, III or IV, and

(b) that there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control, the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

6. If a notification relates to a substance already listed in Schedule I, II, III or IV, the World Health Organization shall make new findings and recommendations under paragraph 4 of this article, and shall communicate them to the Commission. In accordance with paragraph 5 of this article, the Commission may decide whether to transfer the substance to Schedule I, II, III or IV or to delete it from the Schedules.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding or transferring a substance to Schedule III or IV, has transmitted to the Secretary-General a written notice that it undertakes to apply only the measures of control listed hereafter, and stating its reasons for this exceptional action. Such a notice shall be accompanied by a statement describing the measures of control which the Party is applying or proposes to apply to the substance in question. A Party having made such a notice shall:

(a) require licences for manufacture, production, trade and distribution of the substance in accordance with article 7;

(b) require medical prescriptions for the supply or dispensation of the substance in accordance with article 8;

6. If a notification under paragraph 1 relates to a substance already listed in one of the Schedules, the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission, taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred to in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a Schedule, has transmitted to the Secretary-General a written notice that, in view of exceptional circumstances, it is not in a position to give effect with respect to that substance to all of the provisions of the Convention applicable to substances in that Schedule. Such notice shall state the reasons for this exceptional action. Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below:

(a) A Party having given such notice with respect to a previously uncontrolled substance added to Schedule I shall take into account, as far as possible, the special control measures enumerated in article 7 and, with respect to that substance, shall:

- (i) require licences for manufacture, trade and distribution as provided in article 8 for substances in Schedule II;
- (ii) require medical prescriptions for supply or dispensing as provided in article 9 for substances in Schedule II;
- (iii) comply with the obligations relating to export and import provided in article 12, except in respect to another Party having given such notice for the substance in question;
- (iv) comply with the obligations provided in article 13 for substances in Schedule II in regard to prohibition of and restrictions on export and import;
- (v) furnish statistical reports to the Board in accordance with paragraph 4 (a) of article 16; and
- (vi) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(b) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule II shall, with respect to that substance:

- (i) require licences for manufacture, trade and distribution in accordance with article 8;
- (ii) require medical prescriptions for supply or dispensing in accordance with article 9;
- (iii) comply with the obligations relating to export and

(c) comply with the obligations relating to export provided in article 11 regarding exports of the substance;

(d) comply with the obligations of paragraph 3 of article 12 in regard to prohibitions or restrictions of imports; and

(e) adopt measures in accordance with article 18 for the repression of acts contrary to the foregoing obligations; but need not apply any of the other provisions of this Protocol. The foregoing procedure of giving notice shall not apply in respect of any decision of the Commission to add or transfer a substance to Schedules I and II.

8. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based;

(b) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, to the World Health Organization and to all the Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration;

import provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import;

(v) furnish statistical reports to the Board in accordance with paragraphs 4 (a), (c) and (d) of article 16; and

(vi) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(c) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule III shall, with respect to that substance:

(i) require licences for manufacture, trade and distribution in accordance with article 8;

(ii) require medical prescriptions for supply or dispensing in accordance with article 9;

(iii) comply with the obligations relating to export provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and

(v) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(d) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule IV shall, with respect to that substance:

(i) require licences for manufacture, trade and distribution in accordance with article 8;

(ii) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and

(iii) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(e) A Party having given such notice with regard to a substance transferred to a Schedule providing stricter controls and obligations shall apply as a minimum all of the provisions of this Convention applicable to the Schedule from which it was transferred.

8. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based.

(b) The Secretary-General shall transmit copies of the request for review and the relevant information to the Commission, to the World Health Organization and to all the Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration.

(c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Protocol, to the Commission, to the World Health Organization and to the Board; and

(d) During pendency of the review, the original decision of the Commission shall, subject to the preceding paragraph, remain in effect.

Article 2 bis

SPECIAL PROVISIONS REGARDING THE CONTROL OF PREPARATIONS

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a substance only from among those listed in Schedule II, III, or IV does not constitute a public health and social problem because the preparation is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, the preparation may be exempted from certain of the measures of control provided in this Protocol in accordance with paragraphs 3 and 4 below.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its territories, from any or all of the measures of control provided in this Protocol except the requirements of:

- (i) licences for manufacture, production, trade and distribution of the preparation (article 7);
- (ii) record-keeping by manufacturers and producers (article 10);
- (iii) article 11 (international trade);
- (iv) article 12 (prohibitions and restrictions on import and export);
- (v) inspection of manufacturers and producers (article 13);
- (vi) statistical reports to the Board on manufacture, production, imports and exports (article 14); and
- (vii) penal provisions, to the extent necessary for the repression of acts contrary to the foregoing obligations (article 18).

It shall notify the Secretary-General of any such decision, of the name and composition of the preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

(c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization and to the Board.

(d) During pendency of the review, the original decision of the Commission shall, subject to paragraph 7, remain in effect.

9. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of psychotropic substances, such measures of supervision as may be practicable.

Article 3

SPECIAL PROVISIONS REGARDING THE CONTROL OF PREPARATIONS

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a psychotropic substance other than a substance in Schedule I is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, so that the preparation does not give rise to a public health and social problem, the preparation may be exempted from certain of the measures of control provided in this Convention in accordance with paragraph 3.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its regions, from any or all of the measures of control provided in this Convention except the requirements of:

- (a) article 8 (licences), as it applies to manufacture;
- (b) article 11 (records), as it applies to exempt preparations;
- (c) article 13 (prohibition of and restrictions on export and import);
- (d) article 15 (inspection), as it applies to manufacture;
- (e) article 16 (reports to be furnished by the Parties), as it applies to exempt preparations; and
- (f) article 22 (penal provisions), to the extent necessary for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

A Party shall notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

4. If a Party or the World Health Organization has information that a preparation or a group of preparations falls within the criteria for exemption stated in paragraph 2 above, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information he considers relevant, to the Parties, to the Commission and, when notification is made by a Party, to the World Health Organization. If the World Health Organization makes a finding under paragraph 2 in regard to a preparation or group of preparations, it shall transmit that finding, with a recommendation as to the measures of control from which the preparation should be exempted, to the Commission. The Commission shall take account of the findings and recommendations of the World Health Organization and, bearing in mind economic, social, legal administrative and other factors that it may consider relevant, may decide to exempt the preparation or group, in respect of all Parties, from any or all of the measures of control from which exemption may be granted pursuant to paragraph 3, and additionally may decide to exempt it from one or more of the following requirements:

- (i) licences for trade in and distribution of the preparation (article 7);
- (ii) article 11 (international trade); and
- (iii) statistical reports to the Board on imports and exports (article 14).

Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and the Board, and the preparation or group of preparations, together with the measures of control from which it is exempt, shall be added to Schedule V.

5. If a Party or the World Health Organization has information that a preparation or a group of preparations exempted pursuant to paragraph 3 or 4 above is being abused and constitutes a public health and social problem, it shall notify the Secretary-General and furnish him with information in support of the notification. The Secretary-General shall transmit such notification, and any information he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. If the World Health Organization finds that the preparation or group of preparations is being abused and constitutes a public health and social problem, it shall transmit that finding, together with a recommendation as to the measures of control from which the preparation should cease to be exempted, to the Commission. The Commission shall take account of the finding and recommendation of the World Health Organization and, bearing in mind economic, social, legal, administrative and other factors that it may consider relevant, may decide to terminate the exemption from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and to the Board. All Parties shall take measures to ter-

4. If a Party or the World Health Organization has information regarding a preparation exempted pursuant to paragraph 3 which in its opinion may require the termination, in whole or in part, of the exemption, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. The World Health Organization shall communicate to the Commission an assessment of the preparation in relation to the matters specified in paragraph 2, together with a recommendation of the control measures, if any, from which the preparation should cease to be exempted. The Commission, taking into account the communication from the World Health Organization, whose assessment shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may decide to terminate the exemption of the preparation from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. All Parties shall take measures to terminate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication.

minate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication.

Article 3

OTHER SPECIAL PROVISIONS REGARDING THE SCOPE OF CONTROL

1. Notwithstanding the provisions of this Protocol a Party may under its laws permit international travellers to carry small quantities of psychotropic substances other than those in Schedule I, when satisfied that they were legally obtained for personal use.

2. The Parties may permit the use of psychotropic substances in industry for the manufacture of non-psychotropic substances or products, but shall apply to them the measures of control required by this Protocol until either the psychotropic substance has been so transformed that no substance liable to abuse can be recovered, or the Parties have ensured by appropriate methods of denaturing or by other means that the substances are not liable to abuse and cannot in practice be recovered. The amounts of substances used for industrial purposes shall be included in the statistical reports required by paragraph 3 of article 14.

Article 4

LIMITATION OF USE TO MEDICAL AND SCIENTIFIC PURPOSES

Except as provided in article 3, a Party:

(a) shall, by such measures as it considers appropriate, limit the manufacture, production, export, import, distribution and stocks of, trade in, and use and possession of, substances in Schedules I, II, III and IV to medical and scientific purposes, having regard to the requirements of the normal course of business to the extent that trade in the substance is permitted; and

(b) shall not permit the possession of such substances except under legal authority; this provision, however, need not apply to substances in Schedules III and IV if the Party is of the opinion that in the prevailing conditions in its country such restriction in relation to substances in those Schedules is not the most appropriate means of protecting the public health and welfare.

Article 5

SPECIAL ADMINISTRATION

It is desirable that the Parties for the purpose of applying the provisions of this Protocol, establish and maintain a special administration, which may with advantage be the same as, or work in close co-operation with, special administrations established pursuant to the provisions of conventions for the control of narcotic drugs.

Article 4

OTHER SPECIAL PROVISIONS REGARDING THE SCOPE OF CONTROL

In respect of psychotropic substances other than those in Schedule I, the Parties may permit:

(a) The carrying by international travellers of small quantities of preparations for personal use; each Party shall be entitled, however, to satisfy itself that these preparations have been lawfully obtained;

(b) The use of such substances in industry for the manufacture of non-psychotropic substances or products, subject to the application of the measures of control required by this Convention until the psychotropic substances come to be in such a condition that they will not in practice be abused or recovered;

(c) The use of such substances, subject to the application of the measures of control required by this Convention, for the capture of animals by persons specifically authorized by the competent authorities to use such substances for that purpose.

Article 5

LIMITATION OF USE TO MEDICAL AND SCIENTIFIC PURPOSES

1. Each Party shall limit the use of substances in Schedule I as provided in article 7.

2. Each Party shall, except as provided in article 4, limit by such measures as it considers appropriate the manufacture, export, import, distribution and stocks of, trade in, and use and possession of, substances in Schedules II, III and IV to medical and scientific purposes.

3. It is desirable that the Parties do not permit the possession of substances in Schedules II, III and IV except under legal authority.

Article 6

SPECIAL ADMINISTRATION

It is desirable that for the purpose of applying the provisions of this Convention, each Party establish and maintain a special administration, which may with advantage be the same as, or work in close co-operation with, the special administration established pursuant to the provisions of conventions for the control of narcotic drugs.

*Article 6***SPECIAL PROVISIONS REGARDING
SUBSTANCES IN SCHEDULE I**

1. The Parties shall prohibit all use of substances in Schedule I except for medical and scientific purposes by research workers in medical or scientific institutions directly under the Parties' control or specifically approved by them.

2. The Parties shall require that the manufacture and production of, trade in, and distribution and use of substances in Schedule I, be under a special licence or authorization, and they shall provide for close supervision of those activities.

3. The Parties shall provide for close supervision by the appropriate authorities of the conditions of use of such substances, and shall require:

(a) That notice of each project involving use of such substances on animals or in other laboratory work be filed in advance with the appropriate health authorities, and

(b) That any other research project be authorized in advance by these authorities.

4. The Parties shall require that the document authorizing distribution and use of such substances for research purposes shall cover only a single delivery, except for distribution in the course of a single authorized research project.

5. The Parties shall require that persons performing medical or scientific functions involving such substances shall keep records concerning the acquisition of those substances and the details of the use.

6. The Parties shall prohibit the export and import of substances in Schedule I except when both the exporter and importer are the competent authorities of their respective countries or territories, or other government agencies or institutions specifically authorized by their Governments for the purpose. The requirements of article 11, paragraph 1, for import and export authorizations for substances in Schedule II, shall also apply to substances in Schedule I.

7. The Parties shall prohibit the unauthorized possession of substances in Schedule I for any purpose, and shall not authorize possession for personal use except in accordance with paragraphs 1 and 3 (b) of this article.

*Article 7***LICENCES**

1. The Parties shall require that the manufacture and production of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure.

2. The Parties shall:

(a) Control all duly authorized persons and enterprises carrying on or engaged in the manufacture and production

*Article 7***SPECIAL PROVISIONS REGARDING
SUBSTANCES IN SCHEDULE I**

In respect of substances in Schedule I, the Parties shall:

(a) Prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical or scientific establishments which are directly under the control of their Governments or specifically approved by them;

(b) Require that manufacture, trade, distribution and possession be under a special licence or prior authorization;

(c) Provide for close supervision of the activities and acts mentioned in paragraphs (a) and (b);

(d) Restrict the amount supplied to a duly authorized person to the quantity required for his authorized purpose;

(e) Require that persons performing medical or scientific functions keep records concerning the acquisition of the substances and the details of their use, such records to be preserved for at least two years after the last use recorded therein; and

(f) Prohibit export and import except when both the exporter and importer are the competent authorities or agencies of the exporting and importing country or region, respectively, or other persons or enterprises which are specifically authorized by the competent authorities of their country or region for the purpose. The requirements of paragraph 1 of article 12 for export and import authorizations for substances in Schedule II shall also apply to substances in Schedule I.

*Article 8***LICENCES**

1. The Parties shall require that the manufacture of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure.

2. The Parties shall:

(a) Control all duly authorized persons and enterprises carrying on or engaged in the manufacture of, trade

of, trade (including export and import trade) in, or distribution of substances referred to in paragraph 1;

(b) Control under licence or other similar control measure the establishments and premises in which such manufacture, production, trade or distribution may take place; and

(c) Provide that security measures be taken by such establishments and premises in order to prevent theft or other diversion of stocks.

3. All persons who are licensed as provided in this article, or who have managerial or supervisory positions in a licensed enterprise functioning in accordance with the provisions of this Protocol, shall have adequate qualifications properly to perform the duties and responsibilities involved.

Article 8

PRESCRIPTIONS

1. The Parties shall require medical prescriptions for the supply or dispensing of substances in Schedules II, III and IV for use by individuals excepting where individuals may lawfully obtain, use, dispense or administer such substances in the duly authorized exercise of therapeutic or scientific functions.

2. The Parties shall take measures to ensure that prescriptions for substances in Schedules II, III and IV are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they are refilled and the duration of their validity, as will protect the public health and welfare.

3. Notwithstanding the foregoing paragraph, a Party may, if in its opinion local conditions so require, authorize licensed pharmacists or other licensed retailers designated by the authorities responsible for public health in its country or part thereof to supply, at their discretion without prescription, for use by individuals, in exceptional cases, such small quantities of substances in Schedules III and IV as the Party may determine, taking into account local conditions. Such pharmacists or such other licensed retailers shall be required to maintain a record of the quantities so supplied in each case, the date of dispensing and the name and address of the recipient.

Article 9

WARNINGS ON PACKAGES, AND ADVERTISING

Each Party shall require, taking into account relevant regulations or recommendations of the World Health

(including export and import trade) in, or distribution of substances referred to in paragraph 1;

(b) Control under licence or other similar control measure the establishments and premises in which such manufacture, trade or distribution may take place; and

(c) Provide that security measures be taken with regard to such establishments and premises in order to prevent theft or other diversion of stocks.

3. The provisions of paragraphs 1 and 2 of this article relating to licensing or other similar control measures need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

4. The Parties shall require that all persons who obtain licences in accordance with this Convention or who are otherwise authorized pursuant to paragraph 1 of this article or sub-paragraph (b) of article 7 shall be adequately qualified for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance of this Convention.

Article 9

PRESCRIPTIONS

1. The Parties shall require that substances in Schedules II, III and IV be supplied or dispensed for use by individuals pursuant to medical prescription only, except when individuals may lawfully obtain, use, dispense or administer such substances in the duly authorized exercise of therapeutic or scientific functions.

2. The Parties shall take measures to ensure that prescriptions for substances in Schedules II, III and IV are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they may be refilled and the duration of their validity, as will protect the public health and welfare.

3. Notwithstanding paragraph 1, a Party may, if in its opinion local circumstances so require, and under such conditions, including record-keeping, as it may prescribe, authorize licensed pharmacists or other licensed retail distributors designated by the authorities responsible for public health in its country or part thereof to supply, at their discretion and without prescription, for use for medical purposes by individuals in exceptional cases, small quantities, within limits to be defined by the Parties, of substances in Schedules III and IV.

Article 10

WARNINGS ON PACKAGES, AND ADVERTISING

1. Each Party shall require, taking into account any relevant regulations or recommendations of the World

Organization, such directions for use, including cautions and warnings to be indicated on the labels or, when this is not practicable, on the accompanying leaflet of retail packages of psychotropic substances as in its opinion are necessary for the safety of the user, and shall prohibit the advertisement of such substances to the general public.

Article 10

RECORDS

1. In respect of substances in Schedules II, III and IV, the Parties shall require manufacturers and producers to keep records, in a form which may be determined by each Party, showing the amounts of such substances manufactured or produced. They shall also require manufacturers, producers, wholesalers, importers and exporters to keep records showing the supplier or recipient, as the case may be, and the date and quantity of each acquisition and distribution of such substances.

2. Retailers, institutions for hospitalization and care and scientific institutions shall also be required to keep records like those required in the last sentence of paragraph 1 in respect of substances in Schedule II, but in respect of substances in Schedules III and IV they need only be required to keep such records of acquisitions and distributions.

3. The records referred to in paragraphs 1 and 2 above shall be preserved for at least two years after the last acquisition or distribution recorded therein.

Health Organization, such directions for use, including cautions and warnings, to be indicated on the labels where practicable and in any case on the accompanying leaflet of retail packages of psychotropic substances, as in its opinion are necessary for the safety of the user.

2. Each Party shall, with due regard to its constitutional provisions, prohibit the advertisement of such substances to the general public.

Article 11

RECORDS

1. The Parties shall require that, in respect of substances in Schedule I, manufacturers and all other persons authorized under article 7 to trade in and distribute those substances keep records, as may be determined by each Party, showing details of the quantities manufactured, the quantities held in stock, and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

2. The Parties shall require that, in respect of substances in Schedules II and III, manufacturers, wholesale distributors, exporters and importers keep records, as may be determined by each Party, showing details of the quantities manufactured and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

3. The Parties shall require that, in respect of substances in Schedule II, retail distributors, institutions for hospitalization and care and scientific institutions keep records, as may be determined by each Party, showing for each acquisition and disposal, details of the quantity, date, supplier and recipient.

4. The Parties shall ensure, through appropriate methods and taking into account the professional and trade practices in their countries, that information regarding acquisition and disposal of substances in Schedule III by retail distributors, institutions for hospitalization and care and scientific institutions is readily available.

5. The Parties shall require that, in respect of substances in Schedule IV, manufacturers, exporters and importers keep records, as may be determined by each Party, showing the quantities manufactured, exported and imported.

6. The Parties shall require manufacturers of preparations exempted under paragraph 3 of article 3 to keep records as to the quantity of each psychotropic substance used in the manufacture of an exempt preparation, and as to the nature, total quantity and initial disposal of the exempt preparation manufactured therefrom.

7. The Parties shall ensure that the records and information referred to in this article which are required for purposes of reports under article 16 shall be preserved for at least two years.

Article 11

PROVISIONS RELATING TO INTERNATIONAL TRADE

1. (a) Every Party permitting the import or export of substances in Schedule II shall require a separate import or export authorization, on a form to be established by the Commission, to be obtained for each such import or export whether it consists of one or more substances.

(b) Such authorization shall state the international non-proprietary name, or, lacking such a name, the designation of the substance in the Schedule, the quantity to be imported or exported, the pharmaceutical form, the name and address of the importer and exporter, and the period within which the import or export must be effected. If the substance is imported or exported in the form of a preparation, the name of the preparation, if any, shall additionally be furnished. The export authorization shall also state the number and date of the import authorization and the authority by whom it has been issued.

(c) Before issuing an export authorization the Parties shall require an import authorization, issued by the competent authority of the importing country or territory and certifying that the importation of the substance or substances referred to therein is approved, and such an authorization shall be produced by the person or establishment applying for the export authorization.

(d) A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

(e) The Government of the importing country or territory, when the importation has been effected, shall return the export authorization with an endorsement certifying the amount actually imported, to the Government of the exporting country or territory.

2. The Parties shall require that exporters furnish their competent authorities with two copies of a declaration, on a form to be established by the Commission, containing the following information regarding export of a substance in Schedules III and IV:

- (i) the name and address of the exporter and importer;
- (ii) the international non-proprietary name, or, lacking such a name, the designation of the substance in the Schedule;
- (iii) the quantity and pharmaceutical form in which the substance is exported or imported, and if in the form of a preparation, the name of the preparation, if any; and
- (iv) the date of despatch or receipt.

A Party from whose territory a substance in Schedules III or IV has been exported shall, as soon as possible but not later than ninety days after the date of despatch, send to the competent authorities of the importing country or territory, by registered mail with return of receipt requested, one copy of the declaration received from the exporter.

Article 12

PROVISIONS RELATING TO INTERNATIONAL TRADE

1. (a) Every Party permitting the export or import of substances in Schedule I or II shall require a separate import or export authorization, on a form to be established by the Commission, to be obtained for each such export or import whether it consists of one or more substances.

(b) Such authorization shall state the international non-proprietary name, or, lacking such a name, the designation of the substance in the Schedule, the quantity to be exported or imported, the pharmaceutical form, the name and address of the exporter and importer, and the period within which the export or import must be effected. If the substance is exported or imported in the form of a preparation, the name of the preparation, if any, shall additionally be furnished. The export authorization shall also state the number and date of the import authorization and the authority by whom it has been issued.

(c) Before issuing an export authorization the Parties shall require an import authorization, issued by the competent authority of the importing country or region and certifying that the importation of the substance or substances referred to therein is approved, and such an authorization shall be produced by the person or establishment applying for the export authorization.

(d) A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or region.

(e) The Government of the importing country or region, when the importation has been effected, shall return the export authorization with an endorsement certifying the amount actually imported, to the Government of the exporting country or region.

2. (a) The Parties shall require that for each export of substances in Schedule III exporters shall draw up a declaration in triplicate, on a form to be established by the Commission, containing the following information:

- (i) the name and address of the exporter and importer;
- (ii) the international non-proprietary name, or, failing such a name, the designation of the substance in the Schedule;
- (iii) the quantity and pharmaceutical form in which the substance is exported, and, if in the form of a preparation, the name of the preparation, if any; and
- (iv) the date of despatch.

(b) Exporters shall furnish the competent authorities of their country or region with two copies of the declaration. They shall attach the third copy to their consignment.

(c) A Party from whose territory a substance in Schedule III has been exported shall, as soon as possible but not later than ninety days after the date of despatch, send to the competent authorities of the importing country or region, by registered mail with return of receipt requested, one copy of the declaration received from the exporter.

(d) The Parties may require that, on receipt of the consignment, the importer shall transmit the copy accompanying the consignment, duly endorsed stating the quantities received and the date of receipt, to the competent authorities of his country or region.

3. In respect of substances in Schedules I and II the following additional provisions shall apply:

(a) The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territory, provided, however, that they may apply more drastic measures.

(b) Exports of consignments to a post office box, or to a bank to the account of a person other than the person named in the export authorization, shall be prohibited.

(c) Exports to bonded warehouses of consignments of substances in Schedule I are prohibited. Exports of consignments of substances in Schedule II to a bonded warehouse are prohibited unless the Government of the importing country certifies on 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 case the export authorization shall certify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination, shall be treated as if it were a new export within the meaning of this Convention.

(d) Consignments entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

(e) A Party shall not permit any substances consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for consignment is produced to the competent authorities of such Party.

(f) The competent authorities of any country or region through which a consignment of substances 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 the country or region through which the consignment is passing authorizes the diversion. The Government of the country or region of transit shall treat any requested diversion as if the diversion were an export from the country or region of transit to the country or region of new destination. If the diversion is authorized, the provisions of paragraph 1 (e) shall also apply between the country or region of transit and the country or region which originally exported the consignment.

(g) No consignment of substances, while in transit or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the substance in question. The packing may not be altered without the permission of the competent authorities.

(h) The provisions of sub-paragraphs (e) to (g) relating to the passage of substances through the territory of a

*Article 12***PROHIBITION OF AND RESTRICTIONS ON THE IMPORT
AND EXPORT OF PSYCHOTROPIC SUBSTANCES**

1. A Party may inform the other Parties through the Secretary-General that it prohibits the import into its country or into one of its territories of one or more substances, listed in Schedules II, III or IV, specified in its communication. Such a Party may nevertheless authorize by special import licence the import of specified quantities of such substances or preparations containing such substances. Such licence shall be sent in advance to the Government of the country or territory of export, which may then authorize the exporter to make the shipment. A copy of the export licence shall accompany the shipment.

2. A Party may also inform the other Parties through the Secretary-General that it prohibits the import of one or more substances in Schedules II, III or IV to recipients in its country or in one of its territories other than those specified in its communication.

3. The Parties, informed under the preceding paragraphs, shall prohibit the export to the country or territory of the notifying Party, except under special import licence, of substances prohibited by it, and shall prohibit exports to recipients not named in communications under paragraph 2.

Party do not apply where the consignment in question is transported by aircraft which does not land in the country or region of transit. If the aircraft lands in any such country or region, those provisions shall be applied so far as circumstances require.

(i) The provisions of this paragraph are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over such substances in transit.

*Article 13***PROHIBITION OF AND RESTRICTIONS
ON EXPORT AND IMPORT**

1. A Party may notify all the other Parties through the Secretary-General that it prohibits the import into its country or into one of its regions of one or more substances in Schedule II, III or IV, specified in its notification. Any such notification shall specify the name of the substance as designated in Schedule II, III or IV.

2. If a Party has been notified of a prohibition pursuant to paragraph 1, it shall take measures to ensure that none of the substances specified in the notification is exported to the country or one of the regions of the notifying Party.

3. Notwithstanding the provisions of the preceding paragraphs, a Party which has given notification pursuant to paragraph 1 may authorize by special import licence in each case the import of specified quantities of the substances in question or preparations containing such substances. The issuing authority of the importing country shall send two copies of the special import licence, indicating the name and address of the importer and the exporter, to the competent authority of the exporting country or region, which may then authorize the exporter to make the shipment. One copy of the special import licence, duly endorsed by the competent authority of the exporting country or region, shall accompany the shipment.

*Article 14***SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF
PSYCHOTROPIC SUBSTANCES IN FIRST-AID KITS OF
SHIPS, AIRCRAFT OR OTHER FORMS OF PUBLIC TRANS-
PORT ENGAGED IN INTERNATIONAL TRAFFIC**

1. The international carriage by ships, aircraft or other forms of international public transport, such as international railway trains and motor coaches, of such limited quantities of substances in Schedule II, III or IV as may be needed during their journey or voyage for

first-aid purposes or emergency cases shall not be considered to be export, import or passage through a country within the meaning of this Convention.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the substances referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Substances carried by ships, aircraft or other forms of international public transport, such as international railway trains and motor coaches, in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board these conveyances. The administration of such substances in the case of emergency shall not be considered a violation of the requirements of paragraph 1 of article 9.

Article 13

INSPECTION

The Parties shall maintain a system of inspection of manufacturers, producers, importers and exporters, and wholesale and retail distributors of psychotropic substances and of medical and scientific institutions which use such substances. They shall provide for inspections, which shall be made as frequently as they consider necessary, of the premises and of stocks and records.

Article 14

REPORTS TO BE FURNISHED BY PARTIES

1. The Parties shall furnish to the Secretary-General annual reports, containing such information as the Commission may request as being necessary for its functions, in regard to the working of the Protocol in their territory, significant developments in their legislation and regulations, abuse of psychotropic substances and the illicit traffic in such substances.

2. The Parties shall also furnish to the Secretary-General, for consideration by the Commission, reports on seizures of psychotropic substances from the illicit traffic, as soon as possible after the event, which they consider important because of new trends disclosed, the quantities involved, the light thrown on the sources from which the substances are obtained or the methods employed by illicit traffickers.

Article 15

INSPECTION

The Parties shall maintain a system of inspection of manufacturers, exporters, importers, and wholesale and retail distributors of psychotropic substances and of medical and scientific institutions which use such substances. They shall provide for inspections, which shall be made as frequently as they consider necessary, of the premises and of stocks and records.

Article 16

REPORTS TO BE FURNISHED BY THE PARTIES

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Convention in their territories including information on:

(a) Important changes in their laws and regulations concerning psychotropic substances; and

(b) Significant developments in the abuse of and the illicit traffic in psychotropic substances within their territories.

2. The Parties shall also notify the Secretary-General of the names and addresses of the governmental authorities referred to in sub-paragraph (f) of article 7, in article 12 and in paragraph 3 of article 13. Such information shall be made available to all Parties by the Secretary-General.

3. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) In regard to the substances in Schedules I and II, on the quantities of such substances manufactured, produced, exported, imported and held in stock by manufacturers, producers and wholesalers; and

(b) In regard to substances in Schedules III and IV, the quantities of such substances manufactured, produced, imported and exported.

4. The annual reports referred to in paragraph 1 and the annual statistical reports referred to in paragraph 3 shall be furnished not later than 30 June of the year following that to which they relate.

3. The Parties shall furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic which they consider important because of:

(a) New trends disclosed;

(b) The quantities involved;

(c) The light thrown on the sources from which the substances are obtained; or

(d) The methods employed by illicit traffickers.

Copies of the report shall be communicated in accordance with sub-paragraph (b) of article 21.

4. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) In regard to each substance in Schedules I and II, on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers;

(b) In regard to each substance in Schedules III and IV, on quantities manufactured, as well as on total quantities exported and imported;

(c) In regard to each substance in Schedules II and III, on quantities used in the manufacture of exempt preparations; and

(d) In regard to each substance other than a substance in Schedule I, on quantities used for industrial purposes in accordance with sub-paragraph (b) of article 4.

The quantities manufactured which are referred to in sub-paragraphs (a) and (b) of this paragraph do not include the quantities of preparations manufactured.

5. A Party shall furnish the Board, on its request, with supplementary statistical information relating to future periods on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or region. That Party may request that the Board treat as confidential both its request for information and the information given under this paragraph.

6. The Parties shall furnish the information referred to in paragraphs 1 and 4 in such a manner and by such dates as the Commission or the Board may request.

Article 17

FUNCTIONS OF THE COMMISSION

1. The Commission may consider all matters pertaining to the aims of this Convention and to the implementation of its provisions, and may make recommendations relating thereto.

2. The decisions of the Commission provided for in articles 2 and 3 shall be taken by a two-thirds majority of the members of the Commission.

*Article 15***REPORTS OF THE BOARD**

1. The Board shall prepare annual reports on its work containing an analysis of the statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. The Board may make such additional reports as it considers necessary. These reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

*Article 18***REPORTS OF THE BOARD**

1. The Board shall prepare annual reports on its work containing an analysis of the statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. The Board may make such additional reports as it considers necessary. The reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports of the Board shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

*Article 19***MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF THE PROVISIONS OF THE CONVENTION**

1. (a) If, on the basis of its examination of information submitted by governments to the Board or of information communicated by United Nations organs, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of a country or region to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or region in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a government under this sub-paragraph.

(b) After taking action under sub-paragraph (a), the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a), or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b), it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (c), may, if it is satisfied that such a course is necessary, recommend to the Parties that they stop the export, import, or both, of particular psychotropic substances, from or to the country or region concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country

or region. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

7. The provisions of the above paragraphs shall also apply if the Board has reason to believe that the aims of this Convention are being seriously endangered as a result of a decision taken by a Party under paragraph 7 of article 2.

Article 16

MEASURES AGAINST THE ABUSE OF PSYCHOTROPIC SUBSTANCES

1. The Parties shall take all practicable measures for the prevention of abuse of psychotropic substances and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved, and shall co-ordinate their efforts to these ends.

2. The Parties shall promote as far as possible the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of psychotropic substances.

3. The Parties shall assist persons whose work requires them to gain an understanding of the problems of abuse of psychotropic substances and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such substances will become widespread.

Article 17

ACTION AGAINST THE ILLICIT TRAFFIC

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements for co-ordination of preventive and repressive action against the illicit traffic; to this end it is desirable that they designate an appropriate agency responsible for such co-ordination;

Article 20

MEASURES AGAINST THE ABUSE OF PSYCHOTROPIC SUBSTANCES

1. The Parties shall take all practicable measures for the prevention of abuse of psychotropic substances and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved, and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of psychotropic substances.

3. The Parties shall assist persons whose work so requires to gain an understanding of the problems of abuse of psychotropic substances and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such substances will become widespread.

Article 21

ACTION AGAINST THE ILLICIT TRAFFIC

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements at the national level for the co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in psychotropic substances;

(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(e) Ensure that where legal documents are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designed by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal documents be sent to it through the diplomatic channel.

Article 18

PENAL PROVISIONS

1. Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that production, manufacture, extraction, possession, offering, offering for sale, distribution, acquisition, disposal, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, import and export of psychotropic substances contrary to the provisions of this Protocol, and any other action which in the opinion of such Party may be contrary to the provisions of this Protocol, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty. Offences committed by abusers may, however, be controlled alternatively or simultaneously by measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 16.

2. Subject to the constitutional limitations of a Party, its legal system and legislation,

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by

(b) Assist each other in the campaign against the illicit traffic in psychotropic substances, and in particular immediately transmit, through the diplomatic channel or the competent authorities designated by the Parties for this purpose, to the other Parties directly concerned, a copy of any report addressed to the Secretary-General under article 16 in connexion with the discovery of a case of illicit traffic or a seizure;

(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(e) Ensure that, where legal papers are transmitted internationally for the purpose of judicial proceedings, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.

Article 22

PENAL PROVISIONS

1. (a) Subject to its constitutional limitations, each Party shall treat as a punishable offence, when committed intentionally, any action contrary to a law or regulation adopted in pursuance of its obligations under this Convention, and shall ensure that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of psychotropic substances have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 20.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) If a series of related actions constituting offences under paragraph 1 has been committed in different countries, each of them shall be treated as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by

the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(b) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (a) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. The provisions of this article shall be subject to the provisions of the criminal law of the Party concerned on questions of jurisdiction.

4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the law of a Party.

Article 19

APPLICATION OF STRICTER NATIONAL CONTROL MEASURES THAN THOSE REQUIRED BY THIS PROTOCOL

Notwithstanding anything contained in this Protocol, a Party shall not be, or be deemed to be, precluded from adopting measures of control more strict or severe than those provided by this Protocol if in its opinion such measures are necessary or desirable for the protection of the public health and welfare.

Article 20

EXPENSES OF INTERNATIONAL ORGANS INCURRED IN ADMINISTERING THE PROVISIONS OF THE PROTOCOL

The expenses of the United Nations and the World Health Organization in carrying out their respective functions under this Protocol shall be borne by those Organizations in such manner as shall be decided by the General Assembly of the United Nations and the World Health Assembly respectively. Parties which are not Members of the United Nations nor members of the World Health Organization, as the case may be, shall contribute to the respective expenses of the two Organ-

the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(b) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (a) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. Any psychotropic substance or other substance, as well as any equipment, used in or intended for the commission of any of the offences referred to in paragraphs 1 and 2 shall be liable to seizure and confiscation.

4. The provisions of this article shall be subject to the provisions of the domestic law of the Party concerned on questions of jurisdiction.

5. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

Article 23

APPLICATION OF STRICTER CONTROL MEASURES THAN THOSE REQUIRED BY THIS CONVENTION

A Party may adopt more strict or severe measures of control than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the protection of the public health and welfare.

Article 24

EXPENSES OF INTERNATIONAL ORGANS INCURRED IN ADMINISTERING THE PROVISIONS OF THE CONVENTION

The expenses of the Commission and the Board in carrying out their respective functions under this Convention shall be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly finds equitable and assesses from time to time after consultation with the Governments of these Parties.

izations such amounts as the General Assembly or the World Health Assembly may respectively find equitable and assess from time to time after consultation with the Governments concerned.

Article 21

PROCEDURE FOR SIGNATURE, RATIFICATION AND ACCESSION

1. Members of the United Nations, States not Members of the United Nations which are Members of a specialized agency of the United Nations or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice and any other State invited by the Council may become Parties to this Protocol:

- (a) By signing it; or
- (b) By ratifying it after signing it subject to ratification; or
- (c) By acceding to it.

2. The Protocol shall be open for signature until inclusive. Thereafter it shall be open for accession.

3. Ratification or accession shall be effected by the deposit of an instrument with the Secretary-General.

Article 22

ENTRY INTO FORCE

1. The Protocol shall come into force on the ninetieth day after of the States referred to in article 21, paragraph 1, have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any other State signing without reservation of ratification, or depositing an instrument of ratification or accession after the last signature or deposit referred to in the preceding paragraph, the Protocol shall enter into force on the ninetieth day following the date of its signature or deposit of its instrument.

Article 23

TERRITORIAL APPLICATION

The Protocol shall apply to all non-metropolitan territories for the international relations of which any Party is responsible except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or required by custom. In such a case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when the consent is obtained the Party shall notify the Secretary-General. The Protocol shall apply to

Article 25

PROCEDURE FOR ADMISSION, SIGNATURE, RATIFICATION AND ACCESSION

1. Members of the United Nations, States not Members of the United Nations which are Members of a specialized agency of the United Nations or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and any other State invited by the Council, may become Parties to this Convention:

- (a) By signing it; or
- (b) By ratifying it after signing it subject to ratification; or
- (c) By acceding to it.

2. The Convention shall be open for signature until 1 January 1972 inclusive. Thereafter it shall be open for accession.

3. Instruments of ratification or accession shall be deposited with the Secretary-General.

Article 26

ENTRY INTO FORCE

1. The Convention shall come into force on the ninetieth day after forty of the States referred to in paragraph 1 of article 25 have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any State signing without reservation of ratification, or depositing an instrument of ratification or accession after the last signature or deposit referred to in the preceding paragraph, the Convention shall enter into force on the ninetieth day following the date of its signature or deposit of its instrument of ratification or accession.

Article 27

TERRITORIAL APPLICATION

The Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or is required by custom. In such a case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when the consent is obtained the Party shall notify the Secretary-General. The Convention

the territory or territories named in such a notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Protocol applies.

Article 23 bis

TERRITORIES FOR THE PURPOSES OF ARTICLES 6, 11, 12 AND 14

1. Any Party may notify the Secretary-General that, for the purposes of articles 6, 11, 12 and 14, its territory is divided into two or more territories, or that two or more of its territories are consolidated into a single territory.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a single territory for the purposes of articles 6, 11, 12 and 14.

3. Any notification under paragraph 1 or 2 above shall take effect on 1 January of the year following the year in which the notification was made.

Article 24

DENUNCIATION

1. After the expiry of years from the date of the coming into force of this Protocol (article 22, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 23, denounce this Protocol by an instrument in writing deposited with the Secretary-General.

2. The denunciation if received by the Secretary-General on or before the first day of July of any year shall take effect on the first day of January of the succeeding year, and if received after the first day of July it shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. The Protocol shall be terminated if, as a result of denunciations made in accordance with paragraphs 1 and 2, the conditions for its coming into force as laid down in article 22, paragraph 1, cease to exist.

Article 25

AMENDMENTS

1. Any Party may propose an amendment to this Protocol by communicating to the Secretary-General the text of the suggested revision and the reasons therefor.

shall apply to the territory or territories named in such a notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

Article 28

REGIONS FOR THE PURPOSES OF THIS CONVENTION

1. Any Party may notify the Secretary-General that, for the purposes of this Convention, its territory is divided into two or more regions, or that two or more of its regions are consolidated into a single region.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a region for the purposes of this Convention.

3. Any notification under paragraph 1 or 2 shall take effect on 1 January of the year following the year in which the notification was made.

Article 29

DENUNCIATION

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 a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 27, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July of any year, shall take effect on the first day of January of the succeeding year, and if received after the first day of July it shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. The Convention shall be terminated if, as a result of denunciations made in accordance with paragraphs 1 and 2, the conditions for its coming into force as laid down in paragraph 1 of article 26 cease to exist.

Article 30

AMENDMENTS

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General, who shall communicate them to the Parties and to the Council. The Council may decide either:

2. The Secretary-General shall transmit such a communication to all Parties and the Council.

3. The Council may decide either:

(a) To call a conference in accordance with article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment or a revised text thereof which it may prepare; or

(b) To submit, in accordance with article 62, paragraph 3, of that Charter, to the General Assembly the proposed amendment or such a revised text; or

(c) To transmit the proposed amendment to the Parties asking them whether they accept it and also to invite them to communicate to the Council comments on the proposal.

4. An amendment which has been circulated in accordance with paragraph 3 (c) of this article and has not been rejected by any Party by a notification in writing to the Secretary-General within eighteen months after it has been circulated, shall thereupon enter into force. If the amendment is rejected by any Party the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider it, or whether it shall be submitted to the General Assembly of the United Nations (paragraph 3 (a) and (b) above), or no action shall be taken, provided however that if the rejected amendment has been endorsed by at least Parties it shall be submitted for consideration either to the General Assembly or to a conference.

Article 26

DISPUTES

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Protocol, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred, at the request of any one of the parties to the dispute, to the International Court of Justice for decision.

Article 27

RESERVATIONS

1. Any State may at the time of signature, ratification or accession make reservations in respect to the provisions of articles....

(a) That a conference shall be called in accordance with paragraph 4 of Article 62 of the Charter of the United Nations to consider the proposed amendment; or

(b) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (b) has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If, however, a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

Article 31

DISPUTES

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred, at the request of any one of the parties to the dispute, to the International Court of Justice for decision.

Article 32

RESERVATIONS

1. No reservation other than those made in accordance with paragraphs 2, 3 and 4 of the present article shall be permitted.

2. Reservations so made may be withdrawn at any time by a notification in writing addressed to the Secretary-General.

3. No other reservation shall be permitted.

Article 28

NOTIFICATIONS

The Secretary-General shall notify to the States referred to in paragraph 1 of article 21:

(enumeration of notifications)

IN WITNESS THEREOF, the undersigned, duly authorized, have signed this Protocol of which the Chinese, English, French, Spanish and Russian texts shall be equally authentic, on behalf of their respective Governments.

DONE at, this day of one thousand nine hundred and, in a single copy, which shall be deposited in the archives of the United Nations, and of which certified true copies shall be transmitted by the Secretary-General to the Members of the United Nations and to the other States referred to in article 21, paragraph 1.

2. Any State may, at the time of signature, ratification or accession, make reservations in respect of the following provisions of the present Convention:

- (a) Article 19, paragraphs 1 and 2;
- (b) Article 27; and
- (c) Article 31.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraphs 2 and 4 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have signed without reservation of ratification, ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood, however, that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State on whose territory there are plants growing wild which contain psychotropic substances from among those listed in Schedule I and which are traditionally used by certain small, clearly determined groups in magical or religious rites, may, at the time of signature, ratification or accession, make reservations concerning these plants, in respect of the provisions of article 7, except for the provisions relating to international trade.

5. A State which has made reservations may at any time by notification in writing to the Secretary-General withdraw all or part of its reservations.

Article 33

NOTIFICATIONS

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 25:

- (a) Signatures, ratifications and accessions in accordance with article 25;
- (b) The date upon which this Convention enters into force in accordance with article 26;
- (c) Denunciations in accordance with article 29; and
- (d) Declarations and notifications under articles 27, 28, 30 and 32.

IN WITNESS WHEREOF, the undersigned duly authorized, have signed this Convention on behalf of their respective Governments.

DONE AT VIENNA, this twenty-first day of February, one thousand nine hundred and seventy one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each being equally authentic. The Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies thereof to all the Members of the United Nations and to the other States referred to in paragraph 1 of article 25.

SCHEDULES

INN	Other non-proprietary or trivial names	Chemical name	INN	Other non-proprietary or trivial names	Chemical name
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List of substances in Schedule I					
1.	DET	<i>N,N</i> -diethyltryptamine	1.	DET	<i>N,N</i> -diethyltryptamine
2.	DMHP	3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol	2.	DMHP	3-(1,2-dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran
3.	DMT	<i>N,N</i> -dimethyltryptamine	3.	DMT	<i>N,N</i> -dimethyltryptamine
4. (+)-LYSERGIDE	LSD, LSD-25	(+)- <i>N,N</i> -diethyllysergamide (<i>d</i> -lysergic acid diethylamide)	4. (+)-LYSERGIDE	LSD, LSD-25	(+)- <i>N,N</i> -diethyllysergamide (<i>d</i> -lysergic acid diethylamide)
5.	mescaline	3,4,5-trimethoxyphenethylamine	5.	mescaline	3,4,5-trimethoxyphenethylamine
6.	parahexyl	3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol	6.	parahexyl	3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran
7.	psilocine, psilocin	3-(2-dimethylaminoethyl)indol-4-ol	7.	psilocine, psilocin	3-(2-dimethylaminoethyl)-4-hydroxyindole
8. PSILOCYBINE		3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate	8. PSILOCYBINE		3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate
9.	STP, DOM	2,5-dimethoxy-4-methylphenethylamine	9.	STP, DOM	2-amino-1-(2,5-dimethoxy-4-methyl)phenylpropane
10.	tetrahydrocannabinols, all isomers	3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol	10.	tetrahydrocannabinols, all isomers	1-hydroxy-3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran

List of substances in Schedule II					
1. AMPHETAMINE		(±)- <i>α</i> -methylphenethylamine	1. AMPHETAMINE		(±)-2-amino-1-phenylpropane
2. DEXAMPHETAMINE		(+)- <i>α</i> -methylphenethylamine	2. DEXAMPHETAMINE		(+)-2-amino-1-phenylpropane
3. METHAMPHETAMINE		(±)- <i>N-α</i> -dimethylphenethylamine	3. METHAMPHETAMINE		(+)-2-methylamino-1-phenylpropane
4. METHYLPHENIDATE		<i>α</i> -phenyl-2-piperidineacetic acid methyl ester	4. METHYLPHENIDATE		2-phenyl-2-(2-piperidyl) acetic acid, methyl ester
5. PHENMETRAZINE		3-methyl-2-phenylmorpholine	5. PHENCYCLIDINE		1-(1-phenylcyclohexyl)piperidine
			6. PHENMETRAZINE		3-methyl-2-phenylmorpholine

SCHEDULES (continued)

INN	Other non-proprietary or trivial names	Chemical name	INN	Other non-proprietary or trivial names	Chemical name
List of substances in Schedule III					
1. AMOBARBITAL		5-ethyl-5-isopentylbarbituric acid	1. AMOBARBITAL		5-ethyl-5-(3-methylbutyl)barbituric acid
2. CYCLOBARBITAL		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid	2. CYCLOBARBITAL		5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
3. GLUTETHIMIDE		2-ethyl-2-phenylglutarimide	3. GLUTETHIMIDE		2-ethyl-2-phenylglutarimide
4. PENTOBARBITAL		5-ethyl-5-(1-methylbutyl)barbituric acid	4. PENTOBARBITAL		5-ethyl-5-(1-methylbutyl)barbituric acid
5. SECOBARBITAL		5-allyl-5-(1-methylbutyl)barbituric acid	5. SECOBARBITAL		5-allyl-5-(1-methylbutyl)barbituric acid
List of substances in Schedule IV					
1. AMINOREK		2-amino-5-phenyl-2-oxazoline	1. AMFEPRAMONE		2-(diethylamino)propionophenone
2. AMFEPRAMONE		2-(diethylamino)-propionophenone	2. BARBITAL		5,5-diethylbarbituric acid
3. BARBITAL		5,5-diethylbarbituric acid	3.	ethchlorvynol	
4.	chloral hydrate	trichloro-2,2,2-ethanediol-1,1	4. ETHINAMATE		1-ethynylcyclohexanol-carbamate
5. CHLORDIAZEPOXIDE		7-chloro-2-methylamino-5-phenyl-3H 1,4-benzodiazepine-4-oxide	5. MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate
6. DIAZEPAM		7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepine-2-one	6. METHAQUALONE		2-methyl-3-o-tolyl-4(3H)-quinazolinone
7.	ethchlorvynol	ethyl-β-chlorovinylethynylcarbinol	7. METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenylbarbituric acid
8. ETHINAMATE		1-ethynylcyclohexanolcarbamate	8. METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidinedione
9. MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate	9. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid
10. METHAQUALONE		2-methyl-3-o-tolyl-4(3H)-quinazolinone	10. PIPRADROL		1,1-diphenyl-1-(2-piperidyl)methanol
11. METHOHEXITAL		(±)-5-allyl-1-methyl-5-(1-methyl-2-pentynyl)barbituric acid	11.	SPA	(-)-1-dimethylamine-1,2-diphenylethane
12. METHYLPHENOBARBITAL		5-ethyl-N-methyl-5-phenylbarbituric acid			
13. METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidinedione			
14.	paraldehyde	cyclic ether of acetaldehyde			
15. PHENCYCLIDINE		1-(1-phenylcyclohexyl)piperidine			
16. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid [1]			
17. PIPRADROL		α,α-diphenyl-2-piperidinemethanol			
18.	SPA	(-)-1-dimethylamino-1,2-diphenylethane			

PART THREE

**Record of the work of the Conference leading up to the adoption
of the Convention, set out article by article**

NOTE

The following analysis of the work of the Conference, article by article, contains brief summaries of the proceedings at the various meetings of the Committee on Control Measures and the plenary Conference at which each article was discussed. A fuller account of the discussion at these meetings can be found in the summary records which constitute volume II of this publication.

TITLE OF THE INSTRUMENT

Plenary Conference

20th meeting, 16 February

Document before the Conference:

E/CONF.58/L.30, amendment proposed by Switzerland, supported by Algeria, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, India, Luxembourg, Mexico, Netherlands, Sweden, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America, for the replacement of the word "Protocol" by the word "Convention" in the title of the instrument and wherever it appeared in the text thereof.

1. The representatives of Mexico and Canada explained that a protocol was an instrument annexed to a treaty or convention, whereas what the Conference was discussing was a multilateral instrument that was independent in form and content and related to a particular subject. "Convention" was the correct legal term for that kind of instrument.

2. Some delegations wondered why the question had not been raised at the first and second special sessions of the Commission on Narcotic Drugs and if the reasons for such a change were sufficient.

3. The joint amendment (E/CONF.58/L.30) was adopted by 52 votes to 1, with 6 abstentions, and the necessary changes were thereafter made throughout the instrument.

PREAMBLE

Plenary Conference

21st meeting, 16 February

Documents before the Conference:

Text of the preamble as in the revised draft Protocol.

E/CONF.58/L.15, amendment proposed by Mexico, as follows:

"The Parties,

"Concerned to safeguard the physical and moral health of mankind,

"Concerned, likewise, at the public and social problem created by the spreading abuse of psychotropic substances,

"Determined to prevent and combat abuse of psychotropic substances and the illicit traffic to which it gives rise,

"Convinced that the use of psychotropic substances should be rigorously restricted to medical and scientific requirements,

"Considering that effective measures against abuse of psychotropic substances require co-ordination and universal action,

"Recognize that an international treaty is necessary to achieve these purposes,

"Agree as follows: . . ."

E/CONF.58/L.25, amendment proposed by the representative of the United States of America, for the insertion after the third preambular paragraph of a paragraph reading:

"Recognizing also that psychotropic substances are needed for important therapeutic and scientific uses and that their availability for such uses should not be unduly restricted,"

1. The President drew attention to two further texts which had been prepared informally by the secretariat in accordance with the suggestions of various delegations.

2. The representative of the United Kingdom of Great Britain and Northern Ireland said that he wished to sponsor the second secretariat draft, reading as follows:

"The Parties

"Desirous of safeguarding the health and welfare of mankind,

"Recognizing that the use of psychotropic substances for medical, scientific and other purposes is indispensable and that their availability for such purposes should not be unduly restricted,

"Concerned at the public health and social problems resulting from the abuse of certain of these substances,

"Determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise,

"Considering that measures are necessary to restrict the use of such substances to legitimate purposes,

"Believing that effective measures against abuse of such substances require co-ordination and universal action,

"Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

"Recognizing that a treaty is necessary to achieve these purposes,

"Agree as follows: . . ."

3. The representative of the Union of Soviet Socialist Republics said that he wished to sponsor the first secretariat draft, which read as follows:

"The Parties

"Desirous of safeguarding the physical and moral health of mankind,

"Concerned at the public health and social problem created by the spreading abuse of psychotropic substances,

"Determined to prevent and combat abuse of psychotropic substances and the illicit traffic to which it gives rise,

"Convinced that the use of psychotropic substances should be restricted to medical and scientific requirements,

"Recognizing that psychotropic substances have important therapeutic and scientific uses and that their availability for such uses should not be unduly restricted,

"Believing that effective measures against abuse of psychotropic substances require co-ordination and universal action,

"Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

"Recognizing that a treaty is necessary to achieve these purposes,

"Agree as follows . . ."

However, he would like to suggest two changes: first, the opening paragraph should use wording similar to that of the opening of the Single Convention, namely, "The Parties, Concerned with the health and welfare of mankind", and secondly, in the fourth paragraph, the word "rigorously" should be inserted before the word "restricted". In the second paragraph of the draft sponsored by the United Kingdom delegation, the words "and other purposes" were quite unacceptable since they could open the way to dangerous abuses. If that draft were taken up, the word "rigorous" should be inserted before "measures" in the fifth paragraph.

4. The representative of Mexico said that he had considered it important that the aims of the instrument should be clearly defined in its preamble. However, he would not press his delegation's amendment (E/CONF.58/L.15), and was prepared to support the draft sponsored by the representative of the United Kingdom if the opening words were amended in the manner suggested by the representative of the Union of Soviet Socialist Republics.

5. The representative of the Holy See said that he wished to join the United Kingdom delegation in sponsoring the secretariat's second draft, which was a great improvement on the original text, and he was in favour of the insertion of the word "rigorous" in the fifth paragraph.

6. The representative of the United States of America said that his delegation wished to withdraw its amendment and to join the sponsors of the text introduced by the representative of the United Kingdom. He would not object to the removal of the words "and other" before "purposes" in the second paragraph so long as the expres-

sion "legitimate purposes" remained in the fifth paragraph, since the Conference had already acknowledged, in adopting article 3 of the draft Protocol, that there were legitimate uses, as for example, in industry, other than medical and scientific ones.

7. The representative of the United Kingdom proposed the following changes in the text his delegation had sponsored: the replacement of the words "Desirous of safeguarding" by the words "Concerned with" in the opening paragraph; the placing of the present second paragraph in the fifth place; in that paragraph, the replacement of the words "medical, scientific and other purposes" by "medical and scientific purposes"; in the third paragraph, which would now become the second, the replacement of the words "Concerned at" by the words "Noting with concern" and of the words "of these substances" by the words "psychotropic substances"; and, finally, the insertion of the word "rigorous" before "measures" in the fifth paragraph, which would now become the fourth.

8. The representative of Turkey suggested that the words "a treaty" in the eighth paragraph should be replaced by the words "an international convention", the expression used in the Single Convention, and the United Kingdom representative accepted that suggestion.

9. The representative of the Holy See said that he could accept the revised version of the draft he had co-sponsored, and the representative of the Union of Soviet Socialist Republics, also, said that he could accept the new wording proposed by the United Kingdom representative.

10. The revised text of the preamble as proposed by the representative of the United Kingdom and amended in accordance with the suggestion made by the representative of Turkey, was adopted and referred to the Drafting Committee.

25th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the text of the Preamble as adopted by the Conference at its 21st plenary meeting, with slight drafting changes, as follows:

"The Parties,

"Being concerned with the health and welfare of mankind,

"Noting with concern the public health and social problems resulting from the abuse of certain psychotropic substances,

"Determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise,

"Considering that rigorous measures are necessary to restrict the use of such substances to legitimate purposes,

"Recognizing that the use of psychotropic substances for medical and scientific purposes is indispensable and that their availability for such purposes should not be unduly restricted.

"Believing that effective measures against abuse of such substances require co-ordination and universal action,

"Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

"Recognizing that an international convention is necessary to achieve these purposes,

"Agree as follows: ..."

The text of the Preamble (E/CONF.58/L.4/Add.9) was adopted, and became that of the Preamble to the Convention as finally adopted.

USE OF TERMS: ARTICLE 1 (PROTOCOL)

USE OF TERMS: ARTICLE 1 (CONVENTION)

(Based on the list of terms in the revised draft Protocol)

Assigned to Technical Committee for decision on final wording of definitions in sub-paragraphs (e), (f), (h), (k) and (l).

Introductory sentence

(a) "Council"

(b) "Commission"

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

Text as in the revised draft Protocol.

The Chairman stated that the definitions in sub-paragraphs (a) and (b) were formal and did not require examination.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, containing the text of the introductory sentence and sub-paragraphs (a) ("Council") and (b) ("Commission") as in the revised draft Protocol.

The texts of the introductory sentence and sub-paragraphs (a) and (b) (E/CONF.58/L.4/Add.5 and Corr.1) were adopted.

(c) "Board"

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

Text as in the revised draft Protocol.

The Chairman stated that the definition in sub-paragraph (c) was formal and did not require examination.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, containing the text of sub-paragraph (c) as in the revised draft Protocol.

1. The representative of France considered that the reference in that sub-paragraph should be to article 5 and not to article 9 of the Single Convention.

2. The President suggested that the reference to an article should be deleted; the sub-paragraph would then read, " 'Board' means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961".

3. Sub-paragraph (c), as thus amended, was adopted.

(d) "Secretary-General"

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

Text as in the revised draft Protocol.

The Chairman said that the definition in sub-paragraph (d) was formal and did not require examination.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, containing the text of sub-paragraph (d) as in the revised draft Protocol.

Sub-paragraph (d) was adopted.

(e) "Psychotropic substance"

Technical Committee

Document before the Committee:

Text as in the revised draft Protocol.

In its report E/CONF.58/C.3/L.10, the Technical Committee recommended a definition of "Psychotropic substance" identical with that in the revised draft Protocol.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, containing the text of the sub-paragraph as in the revised draft Protocol, with the omission of the word "listed". The Committee noted that the retention of the expression "or any natural material" was contingent upon the retention of sub-paragraph (l), "Production".

1. The Conference suspended its consideration of sub-paragraph (e) and examined sub-paragraph (l), "Production". After the decision to delete that sub-paragraph it resumed its discussion of sub-paragraph (e).

2. The representative of Mexico, supported by the representative of the United Kingdom, proposed the deletion of the words "or any natural material", in accordance with the Drafting Committee's suggestion.

3. The representative of France thought that it would be useful to retain those words since they would make it

possible, if necessary, to include in one of the schedules certain plants containing psychotropic substances which now grew wild but might in the future be cultivated.

4. It was decided, by 23 votes to 21, with 6 abstentions, to retain the words "or any natural material" in sub-paragraph (e)

5. Sub-paragraph (e) was adopted by 50 votes to none, with 3 abstentions.

*Proposal for new definition (e bis)
"Precursive substance"*

Technical Committee

In its report E/CONF.58/C.3/L.10/Add.4 the Technical Committee recommended the insertion of a sub-paragraph (e bis) as follows: " 'Precursive substance' means any substance listed in schedule P "

Committee on Control Measures

25th meeting, 11 February

1. In the course of its discussion of article 2, Scope of control of substances, the Committee on Control Measures decided, by 21 votes to 9, with 12 abstentions, not to include in the Protocol any provision on precursors.

2. In its report E/CONF.58/L.5/Add.6/Rev.1 the Committee recorded this decision and noted that there should be a consequential deletion of the definition (e bis), "Precursive substance", recommended by the Technical Committee (E/CONF.58/C.3/L.10/Add.4).

Plenary Conference

19th meeting, 15 February

1. The President drew attention to the report of the Committee on Control Measures (E/CONF.58/L.5/Add.6/Rev.1) concerning the question of precursors, and invited the Conference to vote on the Committee's decision that there should be no provision regarding precursors in the Protocol, and consequently no definition of "precursive substance" in article 1.

2. The decision of the Committee on Control Measures was approved by 44 votes to 2, with 11 abstentions. Sub-paragraph (e bis) was accordingly deleted.

(f) "Preparation"

Technical Committee

Document before the Committee:

Text as in the revised draft Protocol.

In its report E/CONF.58/L.10, the Technical Committee recommended a definition of "Preparation" identical with that in the revised draft Protocol except that sub-paragraph (i) read, "any solution or mixture, . . ." instead of "any mixture or solution, . . .".

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

E/CONF.58/C.3/L.10, report of the Technical Committee to the Committee on Control

Measures, containing a definition of (f) "Preparation" (see above).

The Committee on Control Measures took note of the Technical Committee's report.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5, report of the Drafting Committee containing a definition of (f), "Preparation", identical with that recommended by the Technical Committee (E/CONF.58/C.3/L.10; see above).

Sub-paragraph (f) was adopted.

(g) "Schedule I", "Schedule II", "Schedule III"
and "Schedule IV"

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

Text as in the revised draft Protocol.

The Chairman stated that the definition in sub-paragraph (g) was formal and did not require examination.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, containing a definition of sub-paragraph (g) identical with that in the revised draft Protocol. However, the Drafting Committee drew attention to the Technical Committee's suggestion, in connexion with sub-paragraph (h), that the words "from time to time" appearing in that sub-paragraph might be deleted. Since the words also appeared in sub-paragraph (g), the Conference might consider whether to delete or retain them. The Drafting Committee considered that from a drafting point of view, the expression could be deleted or retained.

The Conference agreed to adopt sub-paragraph (g) (E/CONF.58/L.4/Add.5 and Corr.1) without the words "from time to time".

(h) "Schedule V"

Technical Committee

Document before the Committee:

Text as in the revised draft Protocol.

In its report E/CONF.58/C.3/L.10 the Technical Committee recommended a definition of (h), "Schedule V", as follows:

" 'Schedule V' means the list or description of preparations exempted from certain provisions of this Protocol in accordance with paragraph 4 of Article 2 bis and annexed to this Protocol, as altered from time to time in accordance with this article".

The Committee stated that it had considered the deletion of the words "from time to time" and it drew the Drafting Committee's attention to that possibility.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, repeating the text of sub-paragraph (h), "Schedule V", as recommended by the Technical Committee, but suggesting in addition the deletion of the words "or description". The Committee also noted that if the text of article 2 *bis* of the Protocol as approved by the Committee on Control Measures (E/CONF.58/L.5/Add.3), which contained no reference to schedule V, were adopted by the Conference, the definition in sub-paragraph (h) would be rendered superfluous.

The Conference decided to defer consideration of that sub-paragraph until it had taken a decision on article 2 *bis* of the draft Protocol.

21st meeting, 16 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1 report of the Drafting Committee (see above).

1. The President observed that since the Conference had now adopted a text for article 2 *bis* which contained no mention of Schedule V, the definition in sub-paragraph (h) had now been rendered unnecessary and should be deleted.

2. It was so decided.

22nd meeting, 17 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee (see above).

The Conference decided, by 56 votes to none, with 3 abstentions, to delete sub-paragraph (h).

Proposal for new definition (h *bis*) "Schedule P"

Technical Committee

In its report E/CONF.58/C.3/L.10/Add.4, the Technical Committee recommended the insertion of a sub-paragraph (h *bis*) as follows: "Schedule P" means the correspondingly numbered list of substances annexed to this Protocol as altered from time to time in accordance with Article 2".

Committee on Control Measures

25th meeting, 11 February

1. In the course of its discussion of article 2, Scope of control of substances, the Committee on Control Measures decided, by 21 votes to 9, with 12 abstentions, not to include in the Protocol any provision on precursors.

2. In its report E/CONF.58/L.5/Add.6/Rev.1, the Committee recorded this decision and noted that there should be a consequential deletion of the definition (h *bis*)

"Schedule P"—list of precursive substances—recommended by the Technical Committee (E/CONF.58/C.3/L.10/Add.4).

Plenary Conference

19th meeting, 15 February

1. The President drew attention to the report of the Committee on Control Measures (E/CONF.58/L.5/Add.6/Rev.1) concerning the question of precursors, and invited the Conference to vote on the Committee's decision that there should be no provision regarding precursors in the Protocol and consequently no definition of "Schedule P"—list of precursive substances—in article 1.

2. The decision of the Committee on Control Measures was approved by 44 votes to 2, with 11 abstentions. Sub-paragraph (h *bis*) was accordingly deleted.

(i) "Import" and "export"

Technical Committee

Document before the Committee:

Text as in the revised draft Protocol.

In its report to the Committee on Control Measures on the subject of precursors (E/CONF.58/C.3/L.10/Add.4) the Technical Committee recommended the insertion in sub-paragraph (i) of article 1, after the word "psychotropic", of the words "or precursive".

Committee on Control Measures

23rd meeting, 8 February

Documents before the Committee:

Text as in the revised draft Protocol.

E/CONF.58/C.4/L.57, proposal by the representative of the Netherlands for the amendment of the second and third lines of the sub-paragraph to read: "... from the Customs territory of one State to the Customs territory of another State, or from the Customs territory of one territory to the Customs territory of another territory of the same State".

1. Various objections were raised to the Netherlands proposal and it was pointed out that the definition as it stood followed that used in the Single Convention which had not given rise to any difficulties.

2. The Netherlands amendment (E/CONF.58/C.4/L.57) was rejected by 41 votes to 1, with 6 abstentions.

3. Sub-paragraph (i) was approved by 45 votes to 1, with 3 abstentions.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, recommending a definition for sub-paragraph (i) identical with that in the revised draft Protocol, except that the opening words read "Export" and "import" and not "Import" and "export". The Drafting Committee noted the Technical Committee's recommen-

dation (in E/CONF.58/C.3/L.10/Add.4; see above) for the insertion of the words "or precursive" in that sub-paragraph, but pointed out that the Committee on Control Measures, at its 25th meeting, had decided against the inclusion of any provision on precursors in the Protocol.

1. The President reminded the Conference that it had approved the decision of the Committee on Control Measures that there should be no provision regarding precursors in the draft Protocol. In accordance with that decision the words "or precursive" (see under Technical Committee, above) should not be incorporated in sub-paragraph (i).

2. The representative of India drew attention to the special meaning attached to the term "territory" in sub-paragraphs (i) and (o) and in article 23 *bis* of the draft Protocol. A decision on the use of the term in sub-paragraph (i) should perhaps be reserved until the Conference had taken a decision with respect to article 23 *bis* of the Protocol.

3. Upon the proposal of the representative of the Union of Soviet Socialist Republics, a vote was taken on the concluding words of sub-paragraph (i), "or from one territory to another territory of the same State". The result of the vote was 26 in favour and 14 against, with 12 abstentions. The words in question were rejected, having failed to obtain the required two-thirds majority.

4. Sub-paragraph (i), as amended, was adopted by 26 votes to 4, with 21 abstentions.

22nd meeting, 17 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee (see above).

1. The representatives of Togo and Denmark moved that the Conference should reconsider its decision on sub-paragraph (i) in view of the decision it had since taken on article 23 *bis* of the draft Protocol.

2. The motion was rejected by 36 votes to 11, with 14 abstentions.

(j) "Distribution"

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

Text as in the revised draft Protocol.

1. The representative of India proposed the deletion of the definition of the term "distribution"; the word was not defined in the Single Convention and its use in that connexion had never given rise to any difficulty.

2. It was decided, by 38 votes to 3, with 6 abstentions, to delete sub-paragraph (j).

Plenary Conference:

20th meeting, 16 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, in which that Committee

noted that the Committee on Control Measures had decided to delete the definition in sub-paragraph (j).

The Conference decided, by 52 votes to none, with one abstention, to endorse the decision of the Committee on Control Measures to delete sub-paragraph (j).

(k) "Manufacture"

Technical Committee

In its report E/CONF.58/C.3/L.10, the Technical Committee recommended a definition of "Manufacture" reading as follows: "'Manufacture' means all processes by which psychotropic substances may be obtained, including refining as well as the transformation of psychotropic substances into other psychotropic substances". It noted that that definition had been adopted after it had taken a decision to delete the definition of "production" in sub-paragraph (l).

Plenary Conference

20th meeting, 16 February

Documents before the Conference:

Text as in the revised draft Protocol.

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, recording the text recommended by the Technical Committee (see above), noting that Committee's proposal that the second sentence of sub-paragraph (k) (revised draft Protocol text) "The term also includes the making of preparations of psychotropic substances") should be deleted, and observing that the deletion of the words "other than production" was contingent upon the deletion of sub-paragraph (l) on production.

1. A number of delegations felt that a second sentence in the sub-paragraph was necessary, if only in order to exclude the making of preparations containing psychotropic substances by a pharmacist on medical prescription.

2. The representative of the Federal Republic of Germany proposed the retention of the second sentence as in the revised draft Protocol text with the addition, at the end, of the words "on an industrial basis".

3. The representative of New Zealand proposed the further addition of the words "... but does not include the extemporaneous compounding of a preparation for the sole purpose of executing an individual medical prescription".

4. The representative of Belgium proposed the addition to the second sentence (revised draft Protocol text) of the words "other than those made on medical prescription by the pharmacist in his dispensary".

5. A vote was taken on the oral amendment of the representative of the Federal Republic of Germany (see para. 2 above). The result of the vote was 25 in favour and 15 against, with 17 abstentions. The amendment was not adopted, having failed to obtain the required two-thirds majority.

6. A vote was taken on the New Zealand oral amendment (see para. 3 above). The result of the vote was 27 in

favour and 17 against, with 16 abstentions. The amendment was not adopted, having failed to obtain the required two-thirds majority.

7. The Belgian oral amendment (see para. 4 above) was adopted by 35 votes to 7, with 16 abstentions.

8. The representatives of the Netherlands and China¹ asked for a separate vote on the words "other than production".

9. It was decided, by 51 votes to none, with 18 abstentions, to delete those words.

10. The representative of the United Kingdom of Great Britain and Northern Ireland asked for a separate vote on the second sentence of sub-paragraph (k).

11. It was decided, by 44 votes to 9, with 5 abstentions, to retain the second sentence of sub-paragraph (k), as amended by the Belgian oral amendment.

12. Sub-paragraph (k) as a whole, as amended, was adopted by 53 votes to 1, with 5 abstentions.

25th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the following text for the definition in question:

" 'Manufacture' means all processes by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations other than those made on prescription in pharmacies."

The text of the sub-paragraph (E/CONF.58/L.4/Add.9) was adopted.

(l) "Production"

Technical Committee

In its report E/CONF.58/C.3/L.10, the Technical Committee stated that it had decided, by majority vote, that the definition of the term "production" could be deleted because, in its opinion, the definition of "manufacture" covered all the processes used to obtain the psychotropic substances actually included in the schedules attached to the Protocol.

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, recording the decision of the Technical Committee (E/CONF.58/C.3/L.10; see above).

1. Some delegations were in favour of the inclusion of a definition of production in the draft Protocol as in the Single Convention. A large number of delegations strongly supported the Technical Committee's proposal

to delete the definition. It was pointed out that the Single Convention had dealt mainly with substances derived from natural products, whereas the draft Protocol would apply principally to synthetic substances manufactured industrially.

2. The Conference decided, by 32 votes to 12, with 10 abstentions, to delete sub-paragraph (l).

(m) "Stocks"

Committee on Control Measures

23rd meeting, 9 February

Documents before the Committee:

Text as in the revised draft Protocol.

E/CONF.58/C.4/L.57, paragraph 2, amendment proposed by the representative of the Netherlands, for the replacement of the words "held in a country or territory" by the words "held in the Customs territory of a country or in the Customs territory of a territory..."

1. The representative of the Netherlands withdrew his delegation's amendment to sub-paragraph (m) (E/CONF.58/C.4/L.57, para. 2).

2. Sub-paragraph (m) (revised draft Protocol text) was approved.

Plenary Conference

20th meeting, 16 February

Document before the Conference:

E/CONF.58/L.4/Add.5, report of the Drafting Committee, containing the text of the sub-paragraph as in the revised draft Protocol.

1. Some delegations noted that that sub-paragraph reproduced the corresponding definition in the Single Convention.

2. The representative of the International Narcotics Control Board said that the Board considered the definition, while necessary in the Single Convention, superfluous in the draft Protocol. The representative of the United States of America added that the term was used only once in the draft Protocol, and its meaning there was perfectly clear.

3. The result of the vote on sub-paragraph (m) was 17 in favour and 27 against, with 16 abstentions. Sub-paragraph (m) was not adopted, having failed to obtain the required two-thirds majority.

(n) "Illicit traffic"

Committee on Control Measures

23rd meeting, 9 February

Document before the Committee:

Text as in the revised draft Protocol.

The Committee approved sub-paragraph (n), subject to the deletion of the words "or production" (in accordance with the decision on sub-paragraph (l) above).

¹ See reference to designation "China" in the Introductory Note.

*Plenary Conference**20th meeting, 16 February**Document before the Conference:*

E/CONF.58/L.4/Add.5, report of the Drafting Committee, containing a text of sub-paragraph (n) reading:

"(n) 'Illicit traffic' means [production or] manufacture of or trafficking in psychotropic substances contrary to the provisions of this Protocol".

The Drafting Committee noted that the words "production or" should be deleted in conformity with the decision to delete sub-paragraph (l).

The Conference decided to delete the words "production or". Sub-paragraph (n), as thus amended, was adopted.

(o) "Territory"

*Committee on Control Measures**23rd meeting, 9 February**Document before the Committee:*

Text as in the revised draft Protocol.

The Committee decided that discussion of the definition of the term "territory" should be adjourned until a decision had been taken by the plenary Conference on article 23 *bis* of the draft Protocol, "Territories for the purposes of articles 6, 11, 12 and 14".

*Plenary Conference**20th meeting, 16 February**Document before the Conference:*

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee, containing the text of the sub-paragraph as in the revised draft Protocol, and a note stating that the Drafting Committee had deferred its consideration of the sub-paragraph until the Conference had considered article 23 *bis* of the draft Protocol.

The Conference likewise decided to defer consideration of the sub-paragraph until a decision had been taken on article 23 *bis* of the draft Protocol.

*22nd meeting, 17 February**Document before the Conference:*

E/CONF.58/L.4/Add.5 and Corr.1, report of the Drafting Committee (see above).

1. The President stated that in consequence of the decision taken on article 23 *bis* of the draft Protocol, the word "territory", in the first sentence, should be replaced by the word "region".

2. The representative of the Union of Soviet Socialist Republics pointed out that the second sentence of sub-paragraph (o) was now redundant.

3. By 56 votes to none, with 1 abstention, it was decided to delete the second sentence of sub-paragraph (o).

4. Sub-paragraph (o), as amended, was adopted by 55 votes to none, with 6 abstentions.

*25th meeting, 18 February**Document before the Conference:*

E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the following text in place of that of the former sub-paragraph (o).
 "(k) 'Region' means any part of a State which pursuant to article 23 *bis* is treated as a separate entity for the purposes of this Convention".

Sub-paragraph (k) (replacing former sub-paragraph (o)) was adopted.

*New definition**Sub-paragraph (l) of article 1 of the Convention**"Premises"**Committee on Control Measures**23rd meeting, 9 February*

1. The representative of the Union of Soviet Socialist Republics suggested that a definition of the term "premises" might be included in article 1: the word was used frequently in the draft Protocol and it was obvious from the discussions that it was being used in different ways.

2. The President invited the representative of the Union of Soviet Socialist Republics to consult with the Legal Adviser to the Conference with a view to submitting an amendment containing the text of a definition of that term.

*Plenary Conference**20th meeting, 16 February**Document before the Conference:*

E/CONF.58/L.43, amendment proposed by the Union of Soviet Socialist Republics, suggesting the addition to article 1 of the following new definition: " 'Premises' means buildings or parts of buildings, including the appertaining land, used for activities in connexion with the psychotropic substances covered by this Protocol."

After some discussion, the Conference adopted the proposed amendment to article 1 (E/CONF.58/L.43).

*25th meeting, 18 February**Document before the Conference:*

E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the following text for the new sub-paragraph of article 1: "(l) 'Premises' means buildings or parts of buildings, including the appertaining land."

The Drafting Committee's text of the sub-paragraph was adopted.

*Article 1 as a whole**Plenary Conference*

1. The Conference considered article 1, definition by definition, at its 19th, 20th, 21st and 22nd meetings.

2. At its 22nd meeting, at the conclusion of its consideration of all the sub-paragraphs in article 1, the Conference adopted the article as a whole (E/CONF.58/L.4/Add.5 and Corr.1), as amended, by 60 votes to none, with 2 abstentions, and referred it to the Drafting Committee.

*25th meeting, 18 February**Document before the Conference:—*

E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the following text for article 1 as a whole:

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

- (a) "Council" means the Economic and Social Council of the United Nations.
- (b) "Commission" means the Commission on Narcotic Drugs of the Council.
- (c) "Board" means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961.
- (d) "Secretary-General" means the Secretary-General of the United Nations.
- (e) "Psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV.
- (f) "Preparation" means:
 - (i) any solution or mixture, in whatever physical state, containing one or more psychotropic substances or
 - (ii) one or more psychotropic substances in dosage form.
- (g) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered lists of psychotropic substances annexed to this Convention, as altered in accordance with article 2.
- (h) "Export" and "import" mean in their respective connotations the physical transfer of a psychotropic substance from one State to another State.
- (i) "Manufacture" means all processes by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations other than those made on prescription in pharmacies.
- (j) "Illicit traffic" means manufacture of or trafficking in psychotropic substances contrary to the provisions of this Convention.
- (k) "Region" means any part of a State which, pursuant to article 23 *bis*, is treated as a separate entity for the purposes of this Convention.
- (l) "Premises" means buildings or parts of buildings, including the appertaining land.

The text of article 1 as a whole (E/CONF.58/L.4/Add.9) was adopted, and became that of article 1 of the Convention as finally adopted.

SCOPE OF CONTROL OF SUBSTANCES: ARTICLE 2
(PROTOCOL)

SCOPE OF CONTROL OF SUBSTANCES: ARTICLE 2
(CONVENTION)

Assigned to Technical Committee and to Committee on Control Measures.

*Committee on Control Measures**2nd meeting, 13 January**Document before the Committee:*

Text as in the revised draft Protocol.

Paragraphs 1 to 6 of the article

1. The Committee discussed the respective roles under those paragraphs of the Commission on Narcotic Drugs and the World Health Organization. Divergent views

were expressed. Some representatives suggested that in order to avoid any risk of conflict between WHO and the Commission, there should be a clear distinction between the medical role of WHO and the control role of the Commission. Others objected to that view which, they believed, placed WHO in an inferior position.

2. The representatives of the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics believed that WHO should report its findings to the Commission but that it should be left to the Commission to take decisions in the light of all the factors, social, legal and economic as well as medical.

3. Suggestions were made for the deletion of paragraph 3 (b) and 5 and for the improvement of the text of paragraph 4.

*3rd meeting, 14 January**Document before the Committee:*

Text as in the revised draft Protocol.

Paragraph 7

1. The Committee discussed the "right of non-acceptance". Some delegations were opposed to the recognition of such a right since it could compromise the international application of the Protocol. Others pointed out that such a right was necessitated by the complexity of the situation, the differences between one country and another, and the changes that were constantly occurring.

2. Some representatives said that their countries would have no legal difficulties in applying the draft Protocol; however, they recognized that the position of other countries might be different and that exceptions must therefore be provided for in certain cases; nevertheless, they believed that the provisions of articles 10 and 14 of the draft Protocol should in any event be applied, even in such cases.

*4th meeting, 14 January**Document before the Committee:*

Text as in the revised draft Protocol.

Paragraph 8

1. The Committee discussed the proposed procedure for the review of decisions of the Commission by the Economic and Social Council.

2. The Chairman drew attention to the following alternative text for paragraph 8 which had been put forward at the time of the adoption of the revised draft Protocol, by a minority of the members of the Commission on Narcotic Drugs who believed that non-acceptance by a Party of a decision of the Commission should automatically lead to review by the Council, and that the Council's decision should be binding on non-accepting Parties:

8. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision or if a Party gives notice of non-acceptance pursuant to the previous paragraph. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based;

(b) The Secretary-General shall transmit copies of the request for review, or of the notice of non-acceptance, and relevant information to the Commission, to the World Health Organization and to all

Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration;

(c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Protocol [the USSR and some other delegations proposed communication to "all States"], to the Commission, to the World Health Organization and to the Board.

(d) If the Council confirms or alters the decision of the Commission, a Party shall comply with the decision of the Council, notwithstanding any notice of non-acceptance that it has made.

3. A number of delegations found the alternative text of paragraph 8, and particularly sub-paragraph (d) thereof, unacceptable, since provision must be made for a possible inability to comply with future decisions of the Commission. Others felt that a State party to an international instrument should be prepared to take the necessary legislative steps to permit it to comply with that instrument. The representative of India thought that any measure of non-acceptance should be merely temporary, and should end as soon as the Council confirmed the Commission's decision in accordance with paragraph 8; in practice that would give the non-accepting State a period of one to two years in which to comply with the draft Protocol. A number of delegations supported the text of paragraph 8 as it stood. At the suggestion of the representative of Sweden, it was decided to set up a working group to draft a compromise text on paragraphs 7 and 8, after the Committee had completed its consideration of all the suggested control measures.

24th meeting, 10 February

Documents before the Committee:

Text as in the revised draft Protocol.

E/CONF.58/C.3/L.10/Add.4, report of the Technical Committee of 27th January, on the subject of precursors (articles 1, 2 and 11 of the draft Protocol), containing the following recommendations with respect to article 2:

- (a) Deletion of the words "or is readily convertible into such a substance" in paragraph 4.
- (b) Insertion of a new paragraph to follow paragraph 5 of the draft article (see below, 25th meeting, under "Proposed new paragraphs 4 bis and 5 bis").
- (c) Insertion of the following sentence at the end of paragraph 6: "Where the Commission makes a new finding in relation to a precursive substance, the Commission may delete it from Schedule P."

E/CONF.58/C.4/L.58 and Add.1, amendment proposed by the delegations of Argentina, Australia, Liberia, New Zealand, Sweden, Switzerland, Turkey, the United States of America and Venezuela, for the replacement of paragraphs 4 and 5 of the article as in the revised draft Protocol (see below, under "Paragraphs 4 and 5").

Paragraphs 1 and 2

Paragraphs 1 and 2 (revised draft Protocol text) were approved.

Paragraph 3

1. It was decided, by 38 votes to none, with 6 abstentions, to delete sub-paragraph (b).

2. Paragraph 3 (revised draft Protocol text), as amended was approved by 41 votes to none, with 2 abstentions.

Paragraphs 4 and 5

1. The Committee had before it the text proposed for those paragraphs by the working group of nine delegations (E/CONF.58/L.58 and Add.1), as follows:

4. If the World Health Organization finds
 - (1) that the substance has the capacity to produce
 - (a) (i) dependence, and
 - (ii) central nervous system stimulation or depression, or hallucinations, or disturbances in perception, motor function, thinking, mood, or behaviour, or
 - (b) similar abuse or similar ill effects as a substance in Schedules I, II, III or IV and
 - (2) that there is evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control, the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.
5. The Commission, having special regard for the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.
2. The representative of the United States of America, introducing the working group's draft for paragraphs 4 and 5, said that the original text of those paragraphs had followed the corresponding provisions of article 3 of the Single Convention, under which the Commission must either accept or reject WHO recommendations. In adopting the revised draft Protocol at its first special session, the Commission had taken account of the criticisms voiced at the time, and had attempted to define more clearly the respective responsibilities of WHO and the Commission. The new text now before the Committee had been formulated with much care and after long discussion, with a view to defining the responsibilities of WHO still more clearly while allowing the necessary flexibility to the Commission for the inclusion of substances in the various schedules.

3. A number of delegations found the new text satisfactory, and expressed their support for it. The representatives of Bulgaria and the Union of Soviet Socialist Republics had some objections to the new text.

25th meeting, 11 February

Documents before the Committee:

Text as in the revised draft Protocol.

E/CONF.58/C.3/L.10/Add.4, report of the Technical Committee (see above, 24th meeting, and

see below under "Proposed new paragraphs 4 *bis* and 5 *bis*").

E/CONF.58/C.4/L.58 and Add.1, amendment for the replacement of paragraphs 4 and 5 proposed by nine delegations (see above, 24th meeting).

E/CONF.58/C.4/L.60 and Corr.1, text of paragraphs 7 and 8 proposed by the working group on those paragraphs (see below under "Paragraphs 7 and 8").

E/CONF.58/C.4/L.61, sub-amendment to the joint amendment (E/CONF.58/C.4/L.58) proposed by Turkey, as follows:

- (a) Insertion of a paragraph to follow paragraph 4 (see below, under "Proposed new paragraphs 4 *bis* and 5 *bis*").
- (b) In paragraph 5, replacement of the word "or" between "III" and "IV" by a comma and addition of the words "or P" after "IV".

1. The representative of the Union of Soviet Socialist Republics put forward the following oral proposals for sub-amendments to the joint amendment (E/CONF.58/C.4/L.58 and Add.1):

(a) In paragraph 4, sub-paragraph (1) (a) (ii), the word "or" after the word "depression" should be replaced by the words "resulting in", and the words "motor function" should be transposed to follow the word "behaviour".

(b) In paragraph 4, sub-paragraph (1) (b), the word "or" should be replaced by the word "and".

(c) In paragraph 4, sub-paragraph (2), the word "sufficient" should be inserted before the word "evidence".

(d) In paragraph 5, the words "having special regard for" should be replaced by "taking into account".

2. The representatives of the United States of America, Australia and Sweden found those suggestions acceptable.

3. The joint amendment (E/CONF.58/C.4/L.58 and Add.1), as amended by the oral sub-amendments proposed by the representative of the Union of Soviet Socialist Republics, was adopted by 41 votes to none, with 3 abstentions.

Proposed new paragraphs 4 bis and 5 bis

1. The Committee had before it the Turkish delegation's proposal (E/CONF.58/C.4/L.61, see above) for a paragraph to be inserted after paragraph 4, as follows:

"4 *bis*. If the World Health Organization finds that a substance which is readily convertible into a psychotropic substance listed in Schedules I or II can be used in the illicit manufacture of that psychotropic substance, it shall communicate its findings to the Commission, together with recommendations on control measures, if any, that would be appropriate in the light of its findings."

2. The Committee also had before it the Technical Committee's proposal (E/CONF.58/C.3/L.10/Add.4; see above, 24th meeting) for a paragraph to be inserted after paragraph 5, as follows:

"If the Commission finds that a substance which is readily convertible into a psychotropic substance listed in schedule I or II is [being/likely to be] purchased for use in the illicit manufacture of that psychotropic substance, the Commission may add that precursive substance to schedule P and may also make recom-

mendations to the Parties as to any other measures of control which would be appropriate."

3. The Technical Committee's report also contained the following observations:

"The Technical Committee considered in detail the question of precursors. A precursor is a substance which usually has no psychotropic qualities at all and exists for the purpose of being converted into some other chemical which may or may not be psychotropic. No precursors are at present included in the Protocol.

"Many of the articles of the Protocol cannot be applied to a precursor at all, having regard to its nature and purpose, namely, articles 2 *bis*, 4, 6, possibly 7, 8, 9 and 16. Of the articles which remain, some of their provisions could be applied to precursors and others not.

"In these circumstances, the Committee considers that it would be desirable for the Commission to have power to apply article 11, paragraph 2, to a precursor as a matter of international obligation. Any other measures would best be left to the Commission to deal with by way of recommendation to the national authorities so that appropriate recommendations can be devised having regard to the particular precursor under consideration."

4. The report further noted the United Kingdom delegation's opinion that "as regards precursors, the likelihood of their control is so slight, and the benefits of their control on an international basis so dubious, that it is not worth burdening the Protocol with the necessary machinery for including them."

1. The representative of Turkey said that the paragraph his delegation had proposed for insertion (E/CONF.58/C.4/L.61) followed the lines of the latter part of paragraph 4 of the joint amendment adopted earlier; its aim was to secure the placing of precursors in Schedule P and to fill a gap in the draft Protocol.

2. The Chairman of the Technical Committee said that that Committee's proposal for a paragraph 5 *bis* need not be considered by the Committee if, in the Turkish proposal, the words "can be" were replaced by "is being" and if the words "together with recommendations on control measures, if any, that would be appropriate in the light of those findings" were deleted.

3. The representative of Turkey agreed to those changes.

4. A number of delegations declared themselves in principle in favour of such a text, but they found that important aspects were left in doubt, as for example the number of substances involved, which could run into thousands, and the measures of control that could be applied, which were not specified in the text.

5. The representative of the United Kingdom said that the question of precursors was extremely complex and it did not seem practicable to control them at the present stage. Recommendations could be made regarding precursors even in the absence of any specific provisions on the subject, and it might become possible at some future time to widen the scope of the instrument to cover precursors also. In those circumstances he proposed that the Protocol should contain no provision on precursors at all.

6. That proposal was adopted by 21 votes to 9, with 12 abstentions.

Paragraph 6

1. In consequence of the above decision, the Committee did not take up the Technical Committee's recommenda-

tion with regard to paragraph 6 (E/CONF.58/C.3/L.10/Add.4; see above, 24th meeting, documents before the Committee).

2. The Chairman said that, in the opinion of the Legal Adviser, the wording of paragraph 6 would require some consequential changes following the adoption of the new text for paragraphs 4 and 5.

3. The Committee agreed to refer that paragraph to the Drafting Committee.

Paragraphs 7 and 8

1. The Chairman of the working group on paragraphs 7 and 8 introduced the text proposed by the group for paragraph 7 (E/CONF.58/C.4/L.60 and Corr.1), which read as follows:

Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a schedule, whether by transfer from another schedule or otherwise, has transmitted to the Secretary-General a written notice that it undertakes to apply only the measures of control listed hereafter, and stating its reasons for this exceptional action. Such a notice shall be accompanied by a statement describing the measures of control which the Party is applying or proposes to apply to the substances in question:

(a) A Party having made such notice with regard to a previously uncontrolled substance added to Schedules I and II shall:

- (i) require licences for manufacture, production, trade and distribution of the substance in accordance with Article 7;
- (ii) require medical prescriptions for the supply or dispensing of the substance in accordance with Article 8;
- (iii) comply with the obligations relating to export provided in Article 11, except in respect to another Party having made such notice for the same substance;
- (iv) comply with the obligations of Article 12 in regard to prohibitions or restrictions of exports;
- (v) furnish statistical reports to the Board as to the quantities of such substance manufactured, imported and exported in accordance with Article 14; and
- (vi) adopt measures in accordance with Article 18 for the repression of acts contrary to the foregoing obligations.

(b) A Party having made such notice with regard to a previously uncontrolled substance added to Schedule III shall:

- (i) require licences for manufacture, production, trade and distribution of the substance in accordance with Article 7;
- (ii) require medical prescriptions for the supply or dispensation of the substance in accordance with Article 8;
- (iii) comply with the obligations relating to export provided in Article 11, except in respect to another Party having made such notice for the same substance;
- (iv) comply with the obligations of Article 12 in regard to prohibitions or restrictions of imports; and
- (v) adopt measures in accordance with Article 18 for the repression of acts contrary to the foregoing obligations;

(c) A Party having made such notice with regard to a previously uncontrolled substance added to Schedule IV shall:

- (i) require licences for manufacture, production, trade and distribution of the substance in accordance with Article 7;
- (ii) comply with the obligations relating to export provided in Article 11 regarding exports of the substance, except in respect to other Parties having made such notice for the same substance;

(iii) comply with the obligations of Article 12 in regard to prohibitions or restrictions of imports; and

(iv) adopt measures in accordance with Article 18 for the repression of acts contrary to the foregoing obligations;

(d) A Party having made such notice with regard to a substance transferred to a schedule providing stricter controls and obligations shall apply as a minimum all of the provisions of this Protocol applicable to the schedule from which it was transferred.

2. The Chairman of the working group stated that the text proposed for paragraph 7 represented a carefully balanced compromise between the different viewpoints, arrived at on the basis of a working paper prepared by the United States delegation: it envisaged that, while the right of non-acceptance might apply to all schedules, it should be strongly circumscribed, not only by basic control measures but also by the right of the International Narcotics Control Board to ask for explanations and to take corrective action. The right of non-acceptance applied, of course, only to additions of psychotropic substances to one of the schedules or transfers of substances from one schedule to another, that might be made after a State became a party. The text was drafted for application to substances in Schedules I and II also, but certain delegations were opposed to the inclusion of substances in those Schedules and had therefore reserved their positions with regard to paragraph 7 (a) of the proposed text. Some representatives had reserved their positions with regard to certain other provisions of the proposed text also.

3. The Chairman of the working group said the group had considered that paragraph 8 of article 2 of the revised draft Protocol did not need any change.

4. The representative of the United States of America said that his Government believed that it was essential to include in the Protocol a provision acknowledging the right of non-acceptance or, more correctly, of partial acceptance, and that it should apply to all the schedules. The right should be absolute, although it should be exercised only in exceptional circumstances. The inclusion of such a provision would make it easier to secure ratification by legislative bodies and would help persuade them to accept more readily the far-reaching powers which the Protocol would confer upon the Commission.

26th meeting, 11 February

Paragraphs 7 and 8 (continued)

1. The representative of the Union of Soviet Socialist Republics said that his delegation would have difficulty in accepting sub-paragraph (a) of paragraph 7 in the working group's text (E/CONF.58/C.4/L.60 and Corr.1; see above) because it failed to differentiate between Schedules I and II: the degree of danger presented by the substances in the two schedules was entirely different, and they should therefore be subject to different degrees of control. With respect to the opening sentence of paragraph 7 in the working group's text, and paragraph 8 (c), his delegation held the view that the Secretary-General should communicate the Council's decision to all States.

2. The representative of Australia reserved his delegation's position with regard to sub-paragraph (a) of paragraph 7.

3. The representatives of the Netherlands, Iran, Yugoslavia and Hungary said that their delegations could not agree to a right of non-acceptance applying to substances in Schedules I and II.

4. At the suggestion of the Chairman it was agreed to transmit the working group's text (E/CONF.58/C.4/L.60 and Corr.1) to the plenary Conference with a statement to the effect that the Committee had examined the document.

Plenary Conference

17th meeting, 13 February

Document before the Conference:

E/CONF.58/L.5/Add.7, report of the Committee on Control Measures, containing the following:

(a) The text of paragraphs 1 to 5 of the article as approved by the Committee, as follows:

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Protocol, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one schedule to another among those schedules, or the deletion of a substance from the schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance meets the criteria for inclusion in Schedule I or Schedule II of this Protocol pursuant to paragraph 4 of this article, the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate.

4. If the World Health Organization finds

(1) that the substance has the capacity to produce

(a) (i) a dependence, and

(ii) central nervous system stimulation or depression, resulting in hallucinations or disturbances in perception, thinking, mood or behaviour, or motor function, or

(b) similar abuse and similar ill effects as a substance in Schedules I, II, III or IV and

(2) that there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control,

the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

(b) The statement that the text of paragraph 6 as in the revised draft Protocol was approved in principle and submitted to the Drafting Committee for the alignment of its contents with the new text of paragraphs 4 and 5.

(c) The text of paragraphs 7 and 8 as submitted to the Committee by its working group (see above, Committee on Control Measures, 25th meeting, paragraphs 7 and 8, E/CONF.58/C.4/L.60 and Corr.1), with the statement that the Committee had decided (26th meeting) to transmit that text to the plenary Conference without expressing an opinion.

Paragraph 1

Paragraph 1 was adopted.

Paragraph 2

Paragraph 2 was adopted.

Paragraph 3

1. The representative of the United Kingdom suggested that the words "meets the criteria" should be replaced by the words "is suitable".

2. It was decided to refer the paragraph to the Drafting Committee for review of the wording.

Paragraph 4

1. The representative of the Union of Soviet Socialist Republics said that the word "dependence" caused difficulties in the Russian text; he suggested that it should be replaced by the expression "state of dependence".

2. It was agreed to replace the word "dependence" by the expression "state of dependence".

3. Subject to that amendment, and to review of subparagraph (1) (a) (ii) by the Drafting Committee, paragraph 4 was adopted.

Paragraph 5

Paragraph 5 was adopted.

Paragraph 6

Paragraph 6 was adopted on the understanding that the text would be brought into line with the new text of paragraphs 4 and 5.

Paragraph 7

1. Some representatives expressed strong reservations regarding the proposed new text for paragraph 7 which they believed would greatly weaken the entire Protocol; others were reluctantly prepared to admit the idea of the right of non-acceptance, but only in exceptional circumstances and subject to strict limitations on its exercise.

2. The representative of the Union of Soviet Socialist Republics, referring to the opening sentence of paragraph 7, reminded the Conference of his delegation's firm belief that the Secretary-General should communicate decisions of the Commission to all States.

3. The President thought that the proposed new text for paragraph 7, which had been transmitted to the Conference by the Committee on Control Measures without comment, should be regarded as a proposal for

an amendment to the original text (as in the revised draft Protocol).

4. The representative of the United States of America said that his delegation formally submitted the text proposed by the working group as it appeared in the report of the Committee on Control Measures (E/CONF.58/L.5/Add.7; see above) as an amendment to article 2, paragraph 7.

5. The Conference continued to discuss the proposed amendment to paragraph 7: some delegations were willing to accept the new text as a necessary compromise in order to win the acceptance and ratification of the instrument by countries whose constitutional provisions made such a clause necessary to them; others feared the weakening of international control that could result, particularly if substances in Schedules I and II were covered by the right of non-acceptance. Some representatives, although opposed to the right in principle, were prepared to agree to it in a spirit of compromise but only with respect to substances in Schedules III and IV and for exercise only in very exceptional circumstances.

6. The representative of Denmark said that his delegation had been one of those opposed in principle to the right of non-acceptance; it was willing to accept the compromise text on the understanding that the new article 15 *bis* of the draft Protocol (Measures by the Board to ensure the execution of the provisions of the Convention), which formed an integral part of the United States proposal in that matter, provided the necessary safeguards.

18th meeting, 15 February

Document before the Conference:

E/CONF.58/L.5/Add.7, report of the Committee on Control Measures (see above, 17th plenary meeting).

Paragraph 7 (continued)

1. The Conference continued its discussion of the proposed new text of paragraph 7 (E/CONF.58/L.5/Add.7). The representative of Canada said that his country was one of those to which the right of partial non-acceptance was essential. The representative of India said that his delegation had always been opposed to the principle of the right of non-acceptance; it was ready to agree to a compromise solution in order to win wide acceptance for the Protocol but still had grave doubts about the application of the right to substances in Schedules I and II, and especially the latter, and felt that the text should state more clearly that the right was to be exercised only in most exceptional circumstances. The introductory part of paragraph 7, and sub-paragraph 7 (a), could perhaps be amended.

2. The representative of the United States of America gave an assurance that the right of non-acceptance would be exercised by his Government only in exceptional circumstances. He agreed with the representative of India that the opening part of paragraph 7 could be improved, and proposed that the second and third sentences in paragraph 7 should read as follows:

Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for

any Party which, within that period, in respect of a decision adding a substance to a schedule, has transmitted to the Secretary-General a written notice that it is not in a position to accept all of the provisions of the Protocol applicable to that schedule. The notice must state the reasons for this exceptional action. Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below.

3. The representative of the Union of Soviet Socialist Republics said that his delegation was among those which had at first opposed the right of rejection and held out for a strict Protocol but which had come to adopt a more flexible attitude after understanding the difficulties of certain countries. However, he still felt that a very clear distinction should be made between the very dangerous substances in Schedule I, which had no therapeutic value, and substances in Schedule II; there should be a graduated scale for them similar to that established in the text between substances in Schedule III and those in Schedule IV, based perhaps on the provisions of article 6 of the draft Protocol, relating to the schedule I substances. In the United States oral amendment he proposed that the words "in view of exceptional circumstances" should be inserted after the words "not in a position".

4. The United States representative [accepted that suggestion.

5. The President later read out a revised text of the proposed amendment to paragraph 7, as follows:

Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a schedule, has transmitted to the Secretary-General a written notice that it is not in a position, in view of exceptional circumstances, to give effect to all of the provisions of the Protocol applicable to that schedule. The notice must state the reasons for this exceptional action. Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below:

(a) A Party having made such a notice with regard to a previously uncontrolled substance added to Schedule I, and bearing in mind the special control measures enumerated in article 6, shall:

(i) to (vi) [Text unchanged]

(a bis) A Party having made such notice with regard to a previously uncontrolled substance added to Schedule II, and bearing in mind the special control measures enumerated in article 6, shall:

(i) to (vi) Text identical with the corresponding part of sub-paragraph (a)].

[Sub-paragraphs (b), (c) and (d) unchanged.]

6. The representative of Yugoslavia observed that it would be more accurate to say "exceptional motives" rather than "exceptional circumstances" in the second sentence. At the suggestion of the President it was decided to leave that point to the Drafting Committee to decide.

7. The representative of the Union of Soviet Socialist Republics proposed that separate votes should be taken on the introductory part, on the parts referring to Schedule I and Schedule II, separately, and, lastly, on the parts referring to Schedules III and IV, taken together.

8. The Soviet Union representative's motion was rejected by 31 votes to 13, with 16 abstentions.

9. A further motion by the Soviet Union representative for a separate vote on sub-paragraph (a) was rejected by 32 votes to 13, with 4 abstentions.

10. The introductory part of paragraph 7 (revised text; see para. 5 above) was adopted by 58 votes to none, with 3 abstentions, on the understanding that the first sentence would be brought into line with the text agreed on for article 21 of the Protocol.

11. Sub-paragraphs (a), (a bis), (b), (c) and (d) were adopted by 47 votes to none, with 13 abstentions.

12. Paragraph 7, as a whole, as amended, was adopted by 48 votes to none, with 13 abstentions.

19th meeting, 15 February

Documents before the Conference:

Text as in the revised draft Protocol.

E/CONF.58/L.5/Add.6/Rev.1, report of the Committee on Control Measures on the question of precursors, reporting the action taken on that subject at the Committee's 25th meeting (see above).

E/CONF.58/L.5/Add.7, report of the Committee on Control Measures on article 2, Scope of control of substances (see above, 17th and 18th plenary meetings).

E/CONF.58/L.46, amendment proposed by Denmark and Sweden for the addition to article 2 of a paragraph 9 reading, "The parties shall use their best endeavours to apply to substances which do not fall under this Protocol, but which may be used in the illicit manufacture of psychotropic substances, such measures of supervision as may be practicable", a text reproducing that of paragraph 8 of article 2 of the Single Convention on Narcotic Drugs.

E/CONF.58/C.3/L.10/Add.4, report of the Technical Committee on the subject of precursors (see above, Committee on Control Measures, 24th and 25th meetings).

Paragraph 8

1. With reference to sub-paragraph (c) (revised draft Protocol text) the representative of the Union of Soviet Socialist Republics reiterated his delegation's view that notification of the Council's decisions under that sub-paragraph should be transmitted to all States.

2. Paragraph 8 (revised draft Protocol text) was adopted.

Proposal for a paragraph 9

1. The representative of Sweden, introducing the amendment proposed by his delegation and that of Denmark (E/CONF.58/L.46; see above) said that in spite of the decision taken by the Committee on Control Measures at its 25th meeting, those delegations believed that some attempt should be made to exert a measure of control over precursors, as recommended by the Economic and Social Council in its resolution 1294 (XLIV) of 23 May 1968. While aware of the difficulties, the two delegations believed that it would be useful to include a

provision similar to that in article 2, paragraph 8, of the Single Convention, which, although couched in general terms, at least warned the parties of the dangers of precursors being used in illicit traffic.

2. A number of delegations supported the joint amendment (E/CONF.58/L.46), which was subsequently adopted.

The question of precursors

1. The President drew attention to the report of the Committee on Control Measures (E/CONF.58/L.5/Add.6/Rev.1), describing the action taken by that Committee at its 25th meeting with respect to the matter of precursors.

2. The President invited the Conference to vote on the decision of the Committee on Control Measures that there should be no provision regarding precursors of psychotropic substances in the Protocol.

3. The decision of the Committee on Control Measures was approved by 44 votes to 2, with 11 abstentions.

4. Several representatives expressed regret that the Conference had not found it possible to deal with the subject of precursors; those substances represented a threat, and would at some time have to be brought under control.

25th meeting, 18 February

Documents before the Conference:

E/CONF.58/L.4/Add.7, Add.8 and Add.9, reports of the Drafting Committee, containing, respectively, the texts of paragraphs 1 to 6, paragraph 7, and paragraphs 8 and 9 of article 2 of the draft Protocol as adopted by the Conference at its 17th, 18th and 19th meetings and reviewed by the Drafting Committee. The resultant text of the article read as follows:

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Protocol, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one schedule to another among those schedules, or the deletion of a substance from the schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance is suitable for inclusion in Schedule I or Schedule II of this Protocol pursuant to paragraph 4 of this article, the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate.

4. If the World Health Organization finds

- (a) that the substance has the capacity to produce
 - (i) (1) a state of dependence and
 - (2) central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or

(ii) similar abuse and similar ill effects as a substance in Schedules I, II, III or IV and

(b) that there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control,

the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedules I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

6. If a notification under paragraph 1 relates to a substance already listed in one of the Schedules; the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission, taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred to in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a Schedule, has transmitted to the Secretary-General a written notice that, in view of exceptional circumstances, it is not in a position to give effect with respect to that substance to all of the provisions of the Convention applicable to substances in that Schedule. Such notice shall state the reasons for this exceptional action. Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below:

(a) A Party having given such notice with respect to a previously uncontrolled substance added to Schedule I, shall take into account, as far as possible, the special control measures enumerated in article 6 and, with respect to that substance, shall:

- (i) require licences for [production], manufacture, trade and distribution as provided in article 7 for substances in Schedule II;
- (ii) require medical prescriptions for supply or dispensing as provided in article 8 for substances in Schedule II;
- (iii) comply with the obligations relating to export and import provided in article 11, except in respect to another Party having given such notice for the substance in question;
- (iv) comply with the obligations provided in article 12 for substances in Schedule II in regard to prohibition of and restrictions on export and import;
- (v) furnish statistical reports to the Board in accordance with paragraph 4 (a) of article 14; and
- (vi) adopt measures in accordance with article 18 for the repression of acts contrary to laws and regulations adopted pursuant to the foregoing obligations.

(b) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule II, shall with respect to that substance:

- (i) require licences for [production], manufacture, trade and distribution in accordance with article 7;

(ii) require medical prescriptions for supply or dispensing in accordance with article 8;

(iii) comply with the obligations relating to export and import provided in article 11, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations of article 12 in regard to prohibition of and restrictions on export and import;

(v) furnish statistical reports to the Board in accordance with paragraphs 4 (a), (c) and (d) of article 14; and

(vi) adopt measures in accordance with article 18 for the repression of acts contrary to laws and regulations adopted pursuant to the foregoing obligations.

(c) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule III shall with respect to that substance:

(i) require licences for [production], manufacture, trade and distribution in accordance with article 7;

(ii) require medical prescriptions for supply or dispensing in accordance with article 8;

(iii) comply with the obligations relating to export provided in article 11, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations of article 12 in regard to prohibition of and restrictions on export and import; and

(v) adopt measures in accordance with article 18 for the repression of acts contrary to laws and regulations adopted pursuant to the foregoing obligations.

(d) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule IV shall with respect to that substance:

(i) require licences for [production], manufacture, trade and distribution in accordance with Article 7;

(ii) comply with the obligations of article 12 in regard to prohibition of and restrictions on export and import; and

(iii) adopt measures in accordance with article 18 for the repression of acts contrary to laws and regulations adopted pursuant to the foregoing obligations.

(e) A Party having made such notice with regard to a substance transferred to a schedule providing stricter controls and obligations shall apply as a minimum all of the provisions of this Convention applicable to the schedule from which it was transferred.

8. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based.

(b) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, to the World Health Organization and to all the Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration.

(c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization and to the Board.

(d) During pendency of the review, the original decision of the Commission shall, subject to paragraph 7, remain in effect.

9. The parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of psychotropic substances, such measures of supervision as may be practicable.

Paragraphs 1 to 6

Paragraphs 1 to 6 (E/CONF.58/L.4/Add.7) were adopted.

Paragraph 7

1. The Chairman of the Drafting Committee said that, in response to the Conference's request (18th plenary meeting), the Committee had considered the alternative "reasons" and "motives" but had been unable to agree on another term to replace the word "circumstances".

2. The President invited the Conference to vote on the retention of the word "production" in sub-paragraphs (a) (i), (b) (i), (c) (i) and (d) (i) of that paragraph, following the decision to delete the definition of "production" in article 1.

3. It was decided to delete the word "production" from paragraph 7.

4. Paragraph 7 (E/CONF.58/L.4/Add.8), as amended, was adopted.

Paragraphs 8 and 9

Paragraphs 8 and 9 (E/CONF.58/L.4/Add.9) were adopted.

The text of article 2 as a whole (E/CONF.58/L.4/Add. 7-9), as amended, was adopted, and became that of article 2 of the Convention as finally adopted.

**SPECIAL PROVISIONS REGARDING THE CONTROL
OF PREPARATIONS: ARTICLE 2 *bis* (PROTOCOL)**

**SPECIAL PROVISIONS REGARDING THE CONTROL
OF PREPARATIONS: ARTICLE 3 (CONVENTION)**

Assigned to Technical Committee (paragraph 2) and to Committee on Control Measures.

*Technical Committee**Document before the Committee:*

Text as in the revised draft Protocol.

In its report to the Committee on Control Measures, E/CONF.58/C.3/L.10/Add.4, the Technical Committee stated that it had nothing to report with respect to article 2 *bis* of the draft Protocol.

*Committee on Control Measures**17th meeting, 28 January**Document before the Committee:*

Text as in the revised draft Protocol.

1. The representative of the United States of America said that for his country it was essential that there should be a provision allowing for the exemption of preparations containing small quantities of psychotropic substances from certain controls. Many such preparations were used in the United States in the treatment of certain illnesses, and the danger of abuse they presented was negligible. Parties should be free to determine their own medical practices.

2. Paragraph 1 of the article (revised draft Protocol text) was approved by 40 votes to none, with 1 abstention.

3. Paragraph 2 was approved provisionally, subject to subsequent review of the drafting.

4. Doubts were expressed about the remaining paragraphs of the article, paragraphs 3 to 5, and certain suggestions were made.

5. It was *decided* to set up a working group of 12 to reconsider the entire text of the article in consultation with the representatives of the International Narcotics Control Board and WHO.

*21st meeting, 6 February**Document before the Committee:*

E/CONF.58/C.4/L.50, text of the article proposed by the working group, as follows:

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a substance only from among those listed in Schedule II, III or IV does not constitute a public health and social problem because the preparation is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, the preparation may be exempted from certain of the measures of control provided in this Protocol in accordance with paragraph 3 below.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its territories, from any or all of the measures of control provided in this Protocol except the requirements of:

- (i) Article 7 (licensing), as it applies to manufacture;
- (ii) Article 12 (prohibitions and restrictions on imports and exports);
- (iii) Article 13 (inspection) as it applies to manufactures;
- (iv) Article 14 (penal provisions), to the extent necessary for the repression of acts contrary to the foregoing obligations;

provided, however, that the parties shall (a) require manufacturers of exempt preparations to keep records as to the quantity of a psychotropic substance used in the manufacture of an exempt preparation, and as to the nature, total quantity and initial disposal of the exempt preparation manufactured therefrom; and (b) in respect of exempt preparations containing substances in Schedules II and III furnish statistics in accordance with Article 14 as to the quantity of a psychotropic substance used in the manufacture of an exempt preparation.

The Party shall notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

4. If a Party or the World Health Organization has information that a preparation or a group of preparations exempted pursuant to paragraph 3 above is being abused and constitutes a public health and social problem, it shall notify the Secretary-General and furnish him with information in support of the notification. The Secretary-General shall transmit such notification, and any information he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. If the World Health Organization finds that the preparation or group of preparations is being abused and constitutes a public health and social problem, it shall transmit that finding, together with a recommendation as to the measures of control from which the preparation should cease to be exempted, to the Commission. The Commission shall take account of the finding and recommendation of the World

Health Organization and, bearing in mind economic, social, legal, administrative and other factors that it may consider relevant, may decide to terminate the exemption from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and to the Board. All Parties shall take measures to terminate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication.

1. The Chairman of the working group stated that paragraphs 1 and 2 remained as in the original text but that paragraph 3 had been completely redrafted, the group having agreed that the controls imposed in the original paragraph were too severe. The requirements concerning record-keeping and reporting would have to be reviewed in the light of the decisions taken by the Conference on article 10 of the draft Protocol, on records, and on article 14, on reports to be furnished by Parties. The last two sentences of paragraph 3, concerning the notification of exemptions, had been taken from the original text of the article. Paragraph 4 was nearly identical with paragraph 5 of the original text, but the working group felt that it should be reviewed after reconsideration by the Committee of paragraphs 4 and 5 of article 2, so that the process of decision-making by WHO and the Commission provided for under the two articles should be the same.

2. The representative of the Union of Soviet Socialist Republics had objections to the reference to "territories" in paragraph 3 if the word was used there in the sense given to it in article 23. He also thought that the text of paragraph 3 should be brought into line with article 14 of the draft Protocol when that article had been adopted, that the intended review of paragraph 4 after the adoption of paragraphs 4 and 5 of article 2 should not result in any change in the rights of WHO and the Commission on Narcotic Drugs as set forth in that paragraph, and that decisions of the Commission regarding the termination of exemptions should be communicated to all States without exception.

3. Several delegations expressed reservations regarding paragraph 3 until a decision had been taken on article 14, Reports to be furnished by Parties.

4. At the request of the representative of the Union of Soviet Socialist Republics the working group's text for the article (E/CONF.58/C.4/L.50) was put to the vote paragraph by paragraph.

5. Paragraph 1 was approved by 30 votes to none, with 2 abstentions.

6. Paragraph 2 was approved by 29 votes to none, with 3 abstentions.

7. Paragraph 3 was approved by 24 votes to none, with 8 abstentions.

8. Paragraph 4 was approved by 23 votes to none, with 10 abstentions.

9. The article as a whole (E/CONF.58/C.4/L.50) was approved by 24 votes to none, with 8 abstentions.

Plenary Conference:

21st meeting, 16 February

Document before the Conference:

E/CONF.58/L.4/Add.6, report of the Drafting Committee, containing the following text for the article approved by the Committee on Control Measures:

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a psychotropic substance other than a substance in Schedule I is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, so that the preparation does not give rise to a public health and social problem, the preparation may be exempted from certain of the measures of control provided in this Protocol in accordance with paragraph 3.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its territories from any or all of the measures of control provided in this Protocol except the requirements of:

- (i) Article 7 (licensing), as it applies to manufacture;
- (ii) Article 10 (records) as it applies to exempt preparations;
- (iii) Article 12 (prohibition and restrictions on imports and exports);
- (iv) Article 13 (inspection) as it applies to manufacture;
- (v) Article 14 (reports to be furnished by the Parties), as it applies to exempt preparations;
- (vi) Article 18 (penal provisions), to the extent necessary for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

A Party shall notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

4. If a Party or the World Health Organization has information regarding a preparation exempted pursuant to paragraph 3 which in its opinion may require the termination, in whole or in part, of the exemption, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. The World Health Organization shall communicate to the Commission an assessment of the preparation, in relation to the matters specified in paragraph 2, together with a recommendation of the control measures, if any, from which the preparation should cease to be exempted. The Commission, taking into account the communication from the World Health Organization, whose assessment shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may decide to terminate the exemption of the preparation from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Protocol, to the World Health Organization and to Board. All Parties shall take measures to terminate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication.

The report stated that the Drafting Committee had decided to transfer the substance of sub-paragraphs (a) and (b) of paragraph 3 of the text approved by the Committee on Control Measures respectively to articles 10 (records) and 14 (reports) of the draft Protocol. It had accordingly re-inserted the references to those articles in the list in paragraph 3, with the addition in each case of the words "as it applies to exempt preparations".

1. Some representatives expressed the view that the provisions of paragraph 3 regarding exempted preparations containing substances listed in schedules III and IV were too severe. Others pointed out that the text of the article now before the Conference represented a compromise achieved after lengthy discussion and negotiation.

2. The representative of Liberia asked that the text of the article should be put to the vote paragraph by paragraph.

3. The representative of Austria moved that a separate vote should be taken on each sub-paragraph of paragraph 3.

4. The Austrian motion was adopted by 28 votes to 13, with 16 abstentions.

5. Paragraph 1 of the text of the article (E/CONF.58/L.4/Add.6) was adopted by 62 votes to none.

6. Paragraph 2 was adopted by 62 votes to none.

7. Paragraph 3 (i) was adopted by 62 votes to none, with 1 abstention.

8. Paragraph 3 (ii) was adopted by 43 votes to 8, with 11 abstentions.

9. Paragraph 3 (iii) was adopted by 46 votes to 7, with 11 abstentions.

10. Paragraph 3 (iv) was adopted by 58 votes to none, with 2 abstentions.

11. Paragraph 3 (v) was adopted by 51 votes to 8, with 2 abstentions.

12. Paragraph 3 (vi) was adopted by 62 votes to none.

13. Paragraph 3 as a whole was adopted by 58 votes to none, with 9 abstentions.

14. Paragraph 4 was adopted by 55 votes to none, with 5 abstentions.

15. At the request of the representative of Yugoslavia, the vote on the article as a whole was taken by roll-call.

16. The text of the article as a whole (E/CONF.58/L.4/Add.6) was adopted by 55 votes to none, with 7 abstentions, and became that of article 3 of the Convention as finally adopted.

OTHER SPECIAL PROVISIONS REGARDING THE SCOPE OF CONTROL: ARTICLE 3 (PROTOCOL)

OTHER SPECIAL PROVISIONS REGARDING THE SCOPE OF CONTROL: ARTICLE 4 (CONVENTION)

Assigned to Technical Committee and to Committee on Control Measures.

Technical Committee

Document before the Committee:

Text as in revised draft Protocol.

In its report to the Committee on Control Measures, E/CONF.58/C.3/L.10/Add.3, the Technical Committee recommended that in paragraph 2 the words "until either the psychotropic substance has been so transformed that no substance liable to abuse can be recovered, or the Parties have ensured by appropriate methods of denaturing or by other means that the substances are not liable to abuse and cannot in practice be recovered" should be replaced by the words "until the psychotropic substance is in such a condition that that substance will not, in practice, be abused or recovered".

Committee on Control Measures

18th meeting, 29 January

Documents before the Committee:

Text of the article as in the revised draft Protocol.

E/CONF.58/C.3/L.10/Add.3, report of the Technical Committee (see above).

E/CONF.58/C.4/L.19, amendment proposed by the representative of New Zealand, for the replacement, in paragraph 2, of the words "in industry for the manufacture of non-psychotropic substances or products" by the words "for the purposes of any process of manufacture, industry or craft not involving the production of any psychotropic substance, or for the capture or control of animals", and in paragraph 3 of the word "industrial" by the word "such".

Paragraph 1

1. The Committee discussed the meaning of the expression "small quantities"; some representatives suggested that it should be defined more exactly in order to prevent the possibility of smuggling.

2. The Chairman suggested that delegations interested in amending the paragraph should meet together privately to formulate a joint text.

Paragraph 2

1. The Chairman of the Technical Committee explained that the object of that Committee's recommendation (E/CONF.58/C.3/L.10/Add.3; see above) was to simplify the text and to deal more specifically with the use of psychotropic substances in industry.

2. The representative of New Zealand, referring to his delegation's amendment (E/CONF.58/C.4/L.19; see above), said that psychotropic substances were currently used in the capture of deer in the New Zealand forests.

3. Certain representatives found the wording of the New Zealand amendment unsatisfactory and the Chairman suggested that they should help the representative of New Zealand formulate a new text.

19th meeting, 1 February

Documents before the Committee:

Text of the article as in the revised draft Protocol.

E/CONF.58/C.3/L.10/Add.3, report of the Technical Committee (see above).

E/CONF.58/C.4/L.41, amendment proposed by the representative of New Zealand, replacing the proposal in E/CONF.58/C.4/L.19, for the addition to the article of a new paragraph, as follows:

3. The Parties may permit, subject to the measures of control required by this Protocol, the use of psychotropic substances for the capture of animals by persons specifically authorized to do so by the competent authorities.

E/CONF.58/C.4/L.43, amendment proposed by the representatives of Austria, France, Italy, the Federal Republic of Germany, Turkey and Yugoslavia, for the replacement of paragraph 1 by the following text:

Notwithstanding the provisions of this Protocol, the Parties shall permit international travellers to carry small quantities of preparations containing psychotropic substances, other than those in Schedule I, for personal use; each Party shall be entitled, however, to satisfy itself, by requiring the presentation of a medical prescription, that those preparations have been legally obtained.

E/CONF.58/C.4/L.44, amendment proposed by the representative of the Netherlands for the replacement, in paragraph 2, of the words "until either the psychotropic substance has been so transformed that no substance liable to abuse can be recovered", by the words "until the psychotropic substance is in such a condition that it presents no, or a negligible risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse.

Paragraph 1

1. With reference to the joint amendment (E/CONF.58/C.4/L.43, see above), a number of delegations found the proposal to require presentation of a medical prescription unacceptable because it would give rise to difficulties in their countries.

2. The Chairman suggested that the problem might be resolved by the deletion of the words "by requiring the presentation of a medical prescription".

3. The representative of Denmark recalled that the 1961 Conference for the adoption of a Single Convention on Narcotic Drugs had abandoned its attempt to solve a similar problem with respect to the carrying by travellers of narcotic drugs for personal use. The absence of a provision on that matter had not given rise to any difficulty in practice; he therefore proposed the deletion of paragraph 1.

4. The Danish proposal to delete paragraph 1 was rejected by 24 votes to 14, with 5 abstentions.

5. The proposal to delete the words "by requiring the presentation of a medical prescription" "in the joint amendment to that paragraph (E/CONF.58/C.4/L.43) was adopted by 37 votes to none, with 6 abstentions.

6. The joint amendment to paragraph 1 (E/CONF.58/C.4/L.43), as thus amended, was adopted by 24 votes to 8, with 13 abstentions.

7. Paragraph 1 of the article, as amended, was approved.

Paragraph 2

1. The representative of the Netherlands said that the purpose of his delegation's amendment (E/CONF.58/C.4/

L.44; see above) was to strike a balance between the need for adequate controls and the interests of industry.

2. The Vice-Chairman of the Technical Committee explained that the wording proposed by that Committee was based on a United Kingdom proposal designed to simplify the text, to make clear the conditions in which the use of psychotropic substances could be authorized in industry, and to allow for the future use of various substances by industry for producing substances that were not psychotropic.

3. The representative of the Netherlands withdrew his delegation's amendment (E/CONF.58/C.4/L.44).

4. The Technical Committee's proposal (E/CONF.58/C.3/L.10/Add.3) was adopted by 41 votes to none, with 4 abstentions.

5. Paragraph 2, as amended, was approved by 42 votes to none, with 4 abstentions.

New paragraph 3

The New Zealand proposal (E/CONF.58/C.4/L.41; see above) was adopted by 34 votes to 1, with 9 abstentions.

The article as a whole, as amended, was approved by 42 votes to none, with 3 abstentions.

Plenary Conference

12th meeting, 8 February

Documents before the Conference:

E/CONF.58/L.4/Add.2, report of the Drafting Committee, containing the text of the article as approved by the Committee on Control Measures, with certain drafting changes, as follows:

1. Notwithstanding the provisions of this Protocol, the Parties shall permit international travellers to carry small quantities of preparations containing psychotropic substances, other than those in Schedule I, for personal use; each Party shall be entitled, however, to satisfy itself that those preparations have been lawfully obtained.

2. The Parties may permit the use of psychotropic substances, other than those in Schedule I, in industry for the manufacture of non-psychotropic substances, or products, but shall apply to them the measures of control required by this Protocol until the psychotropic substances come to be in such a condition that they will not in practice be abused or recovered. The quantities of psychotropic substances used for industrial purposes shall be included in the statistical reports required by paragraph 3 of article 14.

3. The Parties may permit, subject to the measures of control required by this Protocol, the use of psychotropic substances, other than those in Schedule I, for the capture of animals by persons specifically authorized to do so by the competent authorities.

E/CONF.58/L.19, amendment proposed by Italy for the addition, at the end of the article, of the following sentence:

Such permission shall not extend to animals intended for human consumption, in the case of which the use of those substances shall be prohibited.

1. The amendment proposed by the Italian delegation (E/CONF.58/L.19; see above) gave rise to a discussion of the possibility of food contamination, but that, it was pointed out, was a subject outside the scope of the Conference.

2. The Conference discussed the medical needs of travellers: some delegations felt that provision should be made for travellers to carry those quantities of preparations containing psychotropic substances that they needed; others felt that Parties should be free to prohibit travellers from carrying such preparations.

3. The representative of the Union of Soviet Socialist Republics proposed that the opening words of the article should read, "Taking into account the provisions of article 19 of this Protocol," instead of "Notwithstanding the provisions of this Protocol,".

4. The United Kingdom representative suggested that the word "may" should be substituted for the word "shall" in the first line of paragraph 1 of the article.

5. The USSR proposal (see para. 3 above) was adopted by 32 votes to 16 with 7 abstentions.

6. The United Kingdom proposal (see para. 4 above) was adopted by 35 votes to 13, with 7 abstentions.

7. The Italian amendment to paragraph 3 (E/CONF.58/L.19) was rejected by 23 votes to 15, with 16 abstentions.

8. The article (E/CONF.58/L.4/Add.2) as a whole, as amended, was adopted by 49 votes to none, with 6 abstentions, on the understanding that the text would be referred back to the Drafting Committee and thereafter be resubmitted to the plenary Conference for final adoption.

13th meeting, 10 February

Document before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee, containing the following revised text of the article as adopted by the Conference at its 12th meeting:

In respect of psychotropic substances other than those in Schedule I, the Parties may permit:

(a) The carriage by international travellers of small quantities of preparations for personal use; each Party shall be entitled, however, to satisfy itself that these preparations have been lawfully obtained;

(b) The use of such substances in industry for the manufacture of non-psychotropic substances or products, subject to the application of the measures of control required by this Protocol until the psychotropic substances come to be in such a condition that they will not in practice be abused or recovered;

(c) The use of such substances, subject to the application of the measures of control required by this Protocol, for the capture of animals by persons specifically authorized by the competent authorities to use such substances for that purpose.

The report stated that the substance of the second sentence of paragraph 2 in the earlier text (E/CONF.58/L.4/Add.2; see above) referring to article 14, Reports to be furnished by Parties, had been transferred to that article.

1. The Chairman of the Drafting Committee stated that that Committee had reached the unanimous conclusion that the replacement of the words "the Parties shall" by "the Parties may" in the opening line of the article, as decided by the Conference at its 12th meeting (see above), rendered superfluous a reference, in addition, in that line to article 19, as had also been decided by the Conference

at its 12th meeting. The Committee had accordingly removed the reference to article 19, and assembled the substance of the former paragraphs 1, 2 and 3 under a governing sentence.

2. The representative of the Union of Soviet Socialist Republics said that his delegation found the new draft acceptable.

3. The text of the article (E/CONF.58/L.4/Add.3) was adopted by 56 votes to 1, and became that of article 4 of the Convention as finally adopted.

LIMITATION OF USE TO MEDICAL AND SCIENTIFIC PURPOSES: ARTICLE 4 (PROTOCOL)

LIMITATION OF USE TO MEDICAL AND SCIENTIFIC PURPOSES: ARTICLE 5 (CONVENTION)

Assigned to Technical Committee and to Committee on Control Measures

Technical Committee

Document before the Committee:

Text of the article as in the revised draft Protocol.

In its report to the Committee on Control Measures, E/CONF.58/C.3/L.10/Add.2 of 22 January, the Technical Committee stated that it had no comment to present on this article.

Committee on Control Measures

20th meeting, 4 February

Documents before the Committee:

Text of the article as in the revised draft Protocol.

E/CONF.58/C.4/L.34, amendment proposed by the delegation of Canada, for the inclusion of substances in schedule II in addition to substances in schedules III and IV in the exemption provided for in paragraph (b) with respect to possession.

E/CONF.58/C.4/L.47, amendment proposed by the representative of the United States of America for the insertion, after the words "apply to" in paragraph (b), of the words "the possession for personal use of".

1. The representative of Canada, explaining his delegation's amendment (E/CONF.58/C.4/L.34), said that the Canadian Government was concerned that mere possession of substances in Schedule II should be deemed automatically to constitute a criminal offence, for that would conflict with its entire programme for dealing with the problem of drug abuse.

2. The representative of the United States of America supported that view. His delegation's amendment (E/CONF.58/C.4/L.47) was designed to ensure that possession for distribution was not accorded the leniency that could be accorded to possession for personal use.

3. A number of delegations supported those proposals. Some expressed a preference for the wording used in article 33 of the Single Convention. There was consider-

able discussion of the "offence of possession"; various delegations expressed the view that it should be left to individual Governments to decide whether the situation in their countries was sufficiently serious to warrant the creation of such an offence. Doubts were expressed as to whether making possession an offence was effective in combating abuse.

4. The representative of the United Kingdom put forward the following text for sub-paragraph (b):

Each Party shall prohibit the possession of psychotropic substances otherwise than under legal authority, provided that nothing in this paragraph (read with article 18) shall be regarded as requiring a Party to make it a criminal offence to have possession of such substances otherwise than for purposes of distribution.

5. At the suggestion of the Chairman it was agreed to set up a working group to consider the text of paragraph (b) of the article.

21st meeting, 6 February

Documents before the Committee:

Text of the article as in the revised draft Protocol.

E/CONF.58/C.4/L.52, amendment to the article suggested by the working group, replacing sub-paragraph (b) by the following: "It is desirable that Parties do not permit the possession of such substances except under legal authority."

1. The Chairman of the working group said that the text proposed by the group was similar to that of article 33 of the Single Convention, with the addition of the words "It is desirable that" to allow the legal difficulties that some States might encounter.

2. The working group's text of sub-paragraph (b) was approved by 27 votes to none, with 1 abstention.

3. The representative of the Union of Soviet Socialist Republics pointed out that a proviso should be inserted at the beginning of the article referring to the provisions of article 6 of the draft Protocol, Special provisions regarding substances in Schedule I.

4. Subject to such an insertion by the Drafting Committee, sub-paragraph (a) of the article (revised draft Protocol text) was approved by 25 votes to none, with 4 abstentions.

5. The article as a whole, as amended, was approved by 26 votes to none, with 3 abstentions.

Plenary Conference

13th meeting, 10 February

Documents before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee, containing the text of the article adopted by the Committee on Control Measures with certain drafting changes, as follows:

1. Each Party shall limit the use of substances in Schedule I as provided in article 6.

2. Each Party shall, except as provided in article 3, limit by such measures as it considers appropriate the production, manufacture, export, import, distribution, and stocks of, trade in, and use and possession of, substances in Schedules II, III and IV to medical and

scientific purposes, having regard to the requirements of the normal course of business to the extent that trade in these substances is permitted.

3. It is desirable that the Parties do not permit the possession of substances in Schedules II, III and IV except under legal authority.

1. The representative of the Federal Republic of Germany moved that a separate vote be taken on the words "and IV" in paragraphs 2 and 3 of the article.

2. That motion was rejected by 25 votes to 18, with 16 abstentions.

3. The representative of the United Kingdom asked for a separate vote on the concluding words of paragraph 2, "having regard to the requirements of the normal course of business to the extent that trade in these substances is permitted", which appeared to him to be meaningless.

4. By 30 votes to 14, with 11 abstentions, the Conference decided to delete those words.

5. The text of the article (E/CONF.58/L.4/Add.3) as a whole, as amended, was adopted by 51 votes to none, with 6 abstentions. The text as adopted read as follows:

1. Each Party shall limit the use of substances in Schedule I as provided in article 6.

2. Each Party shall, except as provided in article 3, limit by such measures as it considers appropriate the manufacture, export, import, distribution, and stocks of, trade in, and use and possession of, substances in Schedules II, III and IV to medical and scientific purposes.

3. It is desirable that the Parties do not permit the possession of substances in Schedules II, III and IV except under legal authority."

6. This text became that of article 5 of the Convention as finally adopted.

SPECIAL ADMINISTRATION: ARTICLE 5 (PROTOCOL)
SPECIAL ADMINISTRATION: ARTICLE 6 (CONVENTION)

Assigned to Committee on Control Measures.

Committee on Control Measures

4th meeting, 14 January

Document before the Committee:

Text as in the revised draft Protocol.

1. The representative of Denmark recalled that with reference to the corresponding article in the Single Convention it had been understood that the "special administration" need not be a single authority; he took it that the same would apply to the present article.

2. Article 5 (revised draft Protocol text) was approved unanimously.

Plenary Conference

6th meeting, 27 January

Document before the Conference:

E/CONF.58/L.4, report of the Drafting Committee, containing the text of the article as approved by the Committee on Control Measures with one drafting change, as follows:

It is desirable that, for the purpose of applying the provisions of this Protocol, each Party establish and maintain a special administration, which may with advantage be the same as, or work in close co-operation with, the special administration established pursuant to the provisions of conventions for the control of narcotic drugs.

The Conference decided to defer consideration of the Drafting Committee's report.

10th meeting, 2 February

Document before the Conference:

E/CONF.58/L.4, report of the Drafting Committee (see above).

The text of the article (E/CONF.58/L.4) was adopted by 56 votes to none, and became that of article 6 of the Convention as finally adopted.

**SPECIAL PROVISIONS REGARDING SUBSTANCES
IN SCHEDULE I: ARTICLE 6 (PROTOCOL)**

**SPECIAL PROVISIONS REGARDING SUBSTANCES
IN SCHEDULE I: ARTICLE 7 (CONVENTION)**

Assigned to Committee on Control Measures.

Committee on Control Measures

5th meeting, 15 January

Document before the Committee:

Text of the article as in the revised draft Protocol.

Paragraph 1

1. Delegations felt that it was essential not to preclude medical practitioners from the use of substances in schedule I for medical or scientific purposes.

2. Various suggestions were made for the improvement of the wording of the paragraph, and it was agreed that those who had made them should meet together with the Legal Adviser to the Conference to draft a suitable text.

Paragraph 2

Paragraph 2 (revised draft Protocol text) was approved.

Paragraph 3

1. The representative of the Netherlands proposed that sub-paragraphs (a) and (b) should be redrafted to read as follows:

(a) That any research project on human beings be authorized in advance by the appropriate health authorities.

(b) That notice of each other project involving use of such substances be filed in advance with these authorities.

2. A number of delegations were in favour of retaining the paragraph as it stood; some felt that it could be deleted altogether, paragraph 2 providing adequate safeguards.

3. The representative of the Netherlands said that the sole purpose of his proposal (see para. 1 above) had been to make it clear that advance authorization was required only in the case of research projects on human beings; he, too, could accept the deletion of the paragraph.

4. The question was raised of possible future therapeutic uses of some substances, particularly hallucinogens, in schedule I.

5. At the suggestion of the Chairman it was agreed to defer further consideration of the paragraph to allow the four representatives who had made proposals for changes to consult with the Legal Adviser to the Conference with a view to a possible amendment.

6th meeting, 15 January

Document before the Committee:

Text as in the revised draft Protocol.

Paragraph 4

1. The representative of Lebanon proposed the deletion of the concluding proviso, "except for distribution in the course of a single authorized research project", since it could lead to abuse.

2. The representative of Canada proposed the deletion of the entire paragraph; it was too detailed a provision, and could hamper research.

3. Some delegations opposed those proposals, and they were withdrawn.

4. Paragraph 4 (revised draft Protocol text) was approved unanimously.

Paragraph 5

1. There was some discussion of the word "persons" used in that paragraph and suggestions were made for alternative or additional words.

2. A number of delegations supported the paragraph as it stood.

3. The paragraph was approved by 34 votes to none, with 3 abstentions.

Paragraph 6

1. The representative of the Netherlands suggested that the wording of the paragraph might be simplified, along the following lines:

The Parties shall prohibit the export and import of substances in Schedule I except when the exporter and importer are authorized by their respective Governments.

2. A number of delegations supported the proposal to simplify the paragraph.

3. There was discussion as to the principle that the paragraph was intended to contain, since the French and the English texts were at variance on that point.

4. By 20 votes to 16, with 3 abstentions, it was decided informally that only government agencies should be able to trade in substances in Schedule I.

7th meeting, 18 January

Document before the Committee:

Text of the article as in the revised draft Protocol.

Paragraph 6 (continued)

At the suggestion of the Chairman it was decided to set up a working group of nine to produce an agreed text of that paragraph.

Paragraph 7

1. This paragraph gave rise to considerable discussion. Various doubts and criticisms were voiced: the text was not clear, and could be confusing, and it was not well correlated with the other provisions of that article or with other articles of the draft Protocol, in particular articles 3 and 4.

2. It was agreed to merge the working groups already set up to revise different paragraphs of that article into one working group of twelve to redraft the entire text of the article, with the help of the Executive Secretary and the Legal Adviser to the Conference.

*12th meeting, 21 January**Documents before the Committee:*

E/CONF.58/C.4/L.2, amendment proposed by the representative of Mexico, for the replacement of paragraph 1 of the revised draft Protocol text by the following:

The Parties shall prohibit all use of substances in Schedule I except for experimental medical and scientific purposes by research workers in medical or scientific institutions directly under the control of the Parties' health authorities.

E/CONF.58/C.4/L.7, text for the article agreed on by the working group, as follows:

1. The Parties shall prohibit all use of substances in Schedule I except for scientific and limited medical purposes by duly authorized persons in medical or scientific establishments directly under the control of their Governments or specifically approved by them.

2. The Parties shall require that the manufacture and production of, trade in, and distribution and possession of substances in Schedule I be under a special licence or prior authorization, and they shall provide for close supervision of those activities and acts as well as of the activities mentioned in paragraph 1.

3. The Parties shall restrict the amount of any substance in Schedule I distributed to a duly authorized person to the quantity required for his authorized purpose.

4. [deleted]

5. The Parties shall require that persons performing medical or scientific functions involving such substances shall keep records concerning the acquisition of those substances and the details of the use. Such records shall be preserved for at least two years after the last use recorded therein.

6. The Parties shall prohibit the export and import of substances in Schedule I except when both the exporter and the importer are the competent authorities or agencies of their respective Governments, or, subject to the control provisions of the other paragraphs of this article, persons or enterprises, specifically authorized by their Governments for the purpose. The requirements of article 11, paragraph 1, for import and export authorizations for substances in Schedule II shall also apply to substances in Schedule I.

7. [deleted]

The document stated, with respect to paragraph 5, that the working group had decided that record-keeping by manufacturers, producers, etc., should be covered in article 10 rather than in the present article.

1. The Chairman of the working group, introducing the group's redraft of the article (E/CONF.58/C.4/L.7; see above), said that in paragraph 1, the new wording, "scientific and limited medical purposes", represented a compromise; the group had considered it undesirable to

introduce the concept of "experimental" medical and scientific purposes proposed by the Mexican delegation (E/CONF. 58/C.4/L.2; see above) because of the difficulty of defining it. The group had also not adopted the Mexican proposal to introduce a reference to the parties' health authorities; the words "control of their Governments" covered whatever internal authority was competent. In paragraph 2, a reference had been introduced to "possession" of the substances in Schedule I, a change which had made it possible to delete the original paragraph 7. The new paragraph 3 covered the substance of the former paragraphs 3 and 4. The wording of the new paragraph 5 was intended to ensure control at all stages. The intention of paragraph 6 was to place both imports and exports under full control.

2. The representative of Mexico withdrew his delegation's amendment (E/CONF.58/C.4/L.2) and said that he could accept the working group's text as a compromise proposal.

3. The representative of Australia proposed the insertion of the word "very" before the words "limited medical purposes" in paragraph 1 to emphasize the fact that the use of substances in Schedule I for medical purposes should be exceptional.

4. That proposal was adopted unanimously.

5. The text of the article proposed by the working group (E/CONF.58/C.4/L.7), as amended, was approved by 40 votes to none, with 1 abstention.

*Plenary Conference**6th meeting, 27 January**Document before the Conference:*

E/CONF.58/L.4, report of the Drafting Committee, containing the text of the article approved by the Committee on Control Measures arranged as follows:

In respect of substances in Schedule I, the Parties shall:

(a) Prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical or scientific establishments which are directly under the control of their Governments or specifically approved by them;

(b) Require that production, manufacture, trade, distribution and possession be under a special licence or prior authorization;

(c) Provide for close supervision of the activities and acts mentioned in paragraphs (a) and (b);

(d) Restrict the amount supplied to a duly authorized person to the quantity required for his authorized purpose;

(e) Require that persons performing medical or scientific functions keep records concerning the acquisition of the substances and the details of their use, such records to be preserved for at least two years after the last use recorded therein; and

(f) Prohibit export and import except when both the exporter and importer are the competent authorities or agencies of the exporting and importing country or territory, respectively, or other persons or enterprises which are specifically authorized by the competent authorities of their country or territory for the purpose. The requirements of paragraph 1 of article 11 for import and export authorizations for substances in Schedule II shall also apply to substances in Schedule I.

Consideration of the Drafting Committee's text was deferred to a later meeting.

*10th meeting, 2 February**Document before the Conference:*

E/CONF.58/L.4, report of the Drafting Committee (see above).

1. There was discussion of the meaning of the expression "medical or scientific establishments" and whether it could be taken to cover private hospitals. The Conference was informed that the working group of the Committee on Control Measures, which had drafted the text, had agreed that it covered private hospitals if they were directly under Government control or had been specifically approved by the Government.

2. There was also discussion of the word "production", which some delegations were in favour of deleting. Reference was made to the Technical Committee's view that there should be no definition of "production" in article 1 and that no attempt should be made to impose controls on biological substances from which psychotropic substances could be obtained.

3. The Drafting Committee's text for the article (E/CONF.58/L.4) was adopted by 51 votes to 1, with 3 abstentions, on the understanding that the word "production" was to be retained provisionally, pending a decision concerning the inclusion of a definition of the term in article 1.

4. After the adoption of the decision to delete the definition "Production" from article 1 (19th plenary meeting, 15 February), the word was deleted from article 6 of the draft Protocol also, and the amended text of the article became that of article 7 of the Convention as finally adopted.

LICENCES: ARTICLE 7 (PROTOCOL)

LICENCES: ARTICLE 8 (CONVENTION)

Assigned to Committee on Control Measures.

*Committee on Control Measures**7th meeting, 18 January**Document before the Committee:*

Text as in revised draft Protocol.

In a general discussion of the draft article, doubts were expressed about certain terms used in it, and some informal suggestions were made. The United States representative raised a question as to the exact meaning of the expression "adequate qualifications" in paragraph 3. The representative of the United Kingdom suggested that the distribution of the substances listed in Schedule IV might perhaps be exempted from the licensing requirement.

*8th meeting, 18 January**Documents before the Committee:*

Text as in revised draft Protocol.

E/CONF.58/C.4/L.3, amendment to paragraph 3 proposed by the representative of Turkey, for the replacement of the words "adequate qualifications properly to perform" by the words "the

qualifications required by the laws and regulations of each Party for the proper performance of".

1. The Committee continued its discussion of the various paragraphs of the article and in particular certain provisions thereof.

2. The representative of Denmark, echoing certain doubts expressed about the inclusion of the term "distribution", said that the draft Protocol should contain a provision similar to that of paragraph 1 (c) of article 30 of the Single Convention, exempting "persons duly authorized to perform and while performing therapeutic or scientific functions" from the licensing requirement.

3. The representative of Yugoslavia doubted the practicability of applying the licensing system to international transactions if it were open to parties to apply other control measures. The United Kingdom representative accordingly suggested the deletion of the words "(including export and import trade)"; the present article would then relate exclusively to matters within the national control system, as was the case with article 30 of the Single Convention, and matters of international trade would be governed by article 11 of the draft Protocol, corresponding to article 31 of the Single Convention.

4. The United States representative pointed out that the Single Convention did not define the term "distribution"; it was the attempt to introduce such a definition into the draft Protocol that was causing difficulties. He reiterated his doubts about the meaning of the expression "adequate qualifications".

5. The representative of Turkey proposed that the wording of paragraph 3 should be brought more closely into line with that of sub-paragraph (a) of article 34 of the Single Convention, in accordance with the amendment submitted by his delegation (E/CONF.58/C.4/L.3; see above).

6. After further discussion it was agreed to set up a working group of interested representatives to prepare a new text for the article.

*15th meeting, 26 January**Document before the Committee:*

E/CONF.58/C.4/L.18, text of article agreed on by the working group as follows:

1. The Parties shall require that the manufacture and production of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure.

2. The Parties shall:

(a) Control all duly authorized persons and enterprises carrying on or engaged in the manufacture and production of, trade (including export and import trade) in, or distribution of substances referred to in paragraph 1;

(b) Control under licence or other similar control measure the establishments and premises in which such manufacture, production, trade or distribution may take place; and

(c) Provide that security measures be taken by such establishments and premises in order to prevent theft or other diversion of stocks.

2 bis. The provisions of paragraphs 1 and 2 of this article relating to licensing need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

3. The Parties shall require that all persons who obtain licences in accordance with this Protocol or who are otherwise authorized pursuant to paragraph 1 of this article or paragraph 2 of article 6 shall have adequate qualifications for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance of this Protocol.

The document stated that the working group had agreed to use the word "distribution" in the sense in which it was used in paragraph 1 of article 30 of the Single Convention, and had not taken account of the meaning assigned to the term in article 1, sub-paragraph (j), of the draft Protocol.

1. The representative of Turkey stated that since the scope of the control of substances in Schedule I could not be less wide than that for substances in Schedules II, III and IV, it was his understanding that the provisions of paragraphs 2 (b) and (c) of the new text of the article must necessarily apply to substances in Schedule I also.

2. The working group's text for the article (E/CONF.58/C.4/L.18) was approved by 43 votes to none.

Plenary Conference

6th meeting, 27 January

Document before the Conference:

E/CONF.58/L.5, report of the Committee on Control Measures.

The report of the Committee on Control Measures, containing the text of the article as adopted by that Committee, was referred direct to the Drafting Committee.

10th meeting, 2 February

Documents before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee, containing the text of the article as adopted by the Committee on Control Measures, with minor drafting changes, as follows:

1. The Parties shall require that the production and manufacture of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure.

2. The Parties shall:

(a) Control all duly authorized persons and enterprises carrying on or engaged in the production and manufacture of, trade (including export and import trade) in, or distribution of substances referred to in paragraph 1;

(b) Control under licence or other similar control measure the establishments and premises in which such production, manufacture, trade or distribution may take place; and

(c) Provide that security measures be taken with regard to such establishments and premises in order to prevent theft or other diversion of stocks.

3. The provisions of paragraphs 1 and 2 of this article relating to licensing or other similar control measures need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

4. The Parties shall require that all persons who obtain licences in accordance with this Protocol or who are otherwise authorized pursuant to paragraph 1 of this article or sub-paragraph (j) of article 6 shall be adequately qualified for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance of this Protocol.

E/CONF.58/L.13, amendment proposed by the representative of the Federal Republic of Germany for the deletion from eight articles of all references to Schedule IV.

1. The representative of the Federal Republic of Germany explained that in his delegation's view the extensive measures of control that would be imposed by the draft Protocol were not justified in the case of the substances in Schedule IV. In view of the procedural difficulties it might involve, his delegation withdrew its amendment (E/CONF.58/L.13) but intended to make its proposal with reference to each of the articles concerned.

2. The Conference was reminded that the working group of the Committee on Control Measures had used the word "distribution" in the sense in which it was used in the Single Convention and not in that attributed to it in article 1 of the revised draft Protocol.

3. The Conference agreed that the word "production" should be included in the text of that article provisionally, pending a decision on its definition.

4. The representative of the Federal Republic of Germany requested that a vote should be taken on whether the words "and IV" in paragraph 1 should be retained.

5. By 26 votes to 12, with 4 abstentions, it was decided to retain the words "and IV" in paragraph 1.

6. Subject to subsequent review of the word "production" in paragraph 1 and in sub-paragraphs 2 (a) and (b), the text of the article as a whole (E/CONF.58/L.4/Add.1) was adopted by 45 votes to none, with 5 abstentions.

7. After the adoption of the decision to delete the definition "Production" from article 1 (19th plenary meeting, 15 February), the word was deleted from article 7 of the draft Protocol also, and the amended text of the article became that of article 8 of the Convention as finally adopted.

PRESCRIPTIONS: ARTICLE 8 (PROTOCOL)

PRESCRIPTIONS: ARTICLE 9 (CONVENTION)

Assigned to Technical Committee and Committee on Control Measures.

Technical Committee

Document before the Committee:

Text as in revised draft Protocol.

In its report to the Committee on Control Measures (E/CONF.58/C.3/L.10/Add.2 of 22 January) the Technical Committee stated that it had no comments to make on this article.

Committee on Control Measures

14th meeting, 25 January

Documents before the Committee:

Text as in revised draft Protocol.

E/CONF.58/C.3/L.10/Add.2, report of the Technical Committee.

1. There was a general discussion of the draft article, and comments and suggestions were made, particularly with regard to the expressions "supply or dispensing" in paragraph 1 and "licensed pharmacists or other licensed retailers" in paragraph 3.

2. At the suggestion of the Chairman it was agreed to set up a working group consisting of 13 delegations, the Legal Adviser to the Conference and the representative of WHO, to draft a text likely to command general agreement, especially as regards paragraph 3.

18th meeting, 29 January

Document before the Committee:

E/CONF.58/C.4/L.37, text proposed by the working group, as follows:

1. The Parties shall require that substances in Schedules II, III and IV for use by individuals be supplied or dispensed only pursuant to medical prescription, except where individuals may lawfully obtain use, dispense or administer such substances in the duly authorized exercise of therapeutic or scientific functions.

2. The Parties shall take measures to ensure that prescriptions for substances in Schedules II, III and IV are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they are refilled and the duration of their validity, as will protect the public health and welfare.

3. Notwithstanding paragraph 1, a Party may, if in its opinion local circumstances so require, and under such conditions as it may prescribe, such as record-keeping, authorize licensed pharmacists or other licensed retailers designated by the authorities responsible for public health in its country or part thereof to supply, at their discretion without prescription, for use by individuals, in exceptional cases, small quantities, for medical purposes within limits to be defined by the Parties, of substances in Schedules III and IV.

1. The Committee was generally in favour of the revised text of the article.

2. It was agreed that the Drafting Committee should be requested to ensure that the text of paragraph 1 made it clear that it applied solely to substances supplied or dispensed to individuals.

3. Subject to the above, the text of the article proposed by the working group (E/CONF.58/C.4/L.37) was approved by 37 votes to none, with 4 abstentions.

Plenary Conference

10th meeting, 2 February

Document before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee, containing that Committee's text of the article on prescriptions, as follows:

1. The Parties shall require that substances in Schedules II, III and IV be supplied or dispensed for use by individuals pursuant to medical prescription only, except when individuals may lawfully obtain, use, dispense or administer such substances in the duly authorized exercise of therapeutic or scientific functions.

2. The Parties shall take measures to ensure that prescriptions for substances in Schedules II, III and IV are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they may be refilled and the duration of their validity, as will protect the public health and welfare.

3. Notwithstanding paragraph 1, a Party may, if in its opinion local circumstances so require and under such conditions, including

record-keeping, as it may prescribe, authorize licensed pharmacists or other licensed retail distributors designated by the authorities responsible for public health in its country or part thereof to supply, at their discretion and without prescription, for use for medical purposes by individuals in exceptional cases, small quantities, within limits to be defined by the Parties, of substances in Schedules III and IV.

1. It was pointed out that the term "retail distributors" in paragraph 3 had been included provisionally, pending a decision concerning the inclusion of a definition of the term "distribution" in article 1.

2. Subject to that reservation, the Drafting Committee's text of the article (in E/CONF.58/L.4/Add.1) was adopted by 48 votes to none, with 4 abstentions.

3. The Conference decided, at its 20th plenary meeting, on 16 February, to delete the definition "distribution" from article 1. The term "retail distributors" was retained in paragraph 3 of article 8 of the draft Protocol. The text of the article as adopted at the 10th plenary meeting became that of article 9 of the Convention as finally adopted.

WARNINGS ON PACKAGES, AND ADVERTISING:
ARTICLE 9 (PROTOCOL)

WARNINGS ON PACKAGES, AND ADVERTISING:
ARTICLE 10 (CONVENTION)

Assigned to Committee on Control Measures.

Committee on Control Measures

8th meeting, 18 January

Document before the Committee:

Text as in revised draft Protocol.

1. Speakers generally welcomed the article and were in favour of the text as it stood.

2. The text of article 9 of the revised draft Protocol was approved by 44 votes to none, and was referred to the Drafting Committee.

Plenary Conference

6th Meeting, 27 January

Document before the Conference:

E/CONF.58/L.5, report of the Committee on Control Measures, containing the text of the article as adopted by that Committee (see above).

At the suggestion of the President, it was agreed to refer the report of the Committee on Control Measures direct to the Drafting Committee.

10th meeting, 2 February

Document before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee, containing a text identical with that adopted by the Committee on Control Measures except for the division of the article into two paragraphs, as follows:

1. Each Party shall require, taking into account relevant regulations or recommendations of the World Health Organization, such directions for use, including cautions and warnings to be indicated on the labels or, when this is not practicable, on the accompanying leaflet of retail packages of psychotropic substances as in its opinion are necessary for the safety of the user.

2. Each Party shall prohibit the advertisement of such substances to the general public.

1. Some delegations expressed doubts about paragraph 2, prohibiting advertising, a provision which might conflict with national legislations. Others felt that it should be made mandatory to include warnings on accompanying leaflets.

2. The President confirmed that the word "any" should appear before the words "relevant regulations" in paragraph 1.

11th meeting, 8 February

Documents before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee (see above).

E/CONF.58/L.21, amendment to paragraph 2 proposed by the Netherlands, for the addition of the words "with due regard to its constitutional provisions".

E/CONF.58/L.22, amendment to paragraph 1 proposed by India and Argentina, replacing the words "or when this is not practicable" by the words "where practicable and in any case".

1. The representative of the Netherlands moved that separate votes should be taken on the two paragraphs of the article.

2. This motion was adopted by 26 votes to 5, with 10 abstentions.

3. The joint amendment to paragraph 1 (E/CONF.58/L.22) was adopted by 31 votes to 10, with 5 abstentions.

4. Paragraph 1, as amended, was adopted by 40 votes to 6, with 2 abstentions.

5. The Netherlands amendment to paragraph 2 (E/CONF.58/L.21) was adopted by 30 votes to none, with 18 abstentions.

6. Paragraph 2, as amended, was adopted by 44 votes to none, with 5 abstentions.

7. The article (E/CONF.58/L.4/Add.1) as a whole, as amended, was adopted by 48 votes to none, with 3 abstentions.

8. Document E/CONF.58/L.26/Add.1 contains the text of the article as adopted at the 11th plenary meeting of the Conference, as follows:

1. Each Party shall require, taking into account any relevant regulations or recommendations of the World Health Organization, such directions for use, including cautions and warnings, to be indicated on the labels where practicable and in any case on the accompanying leaflet of retail packages of psychotropic substances, as in its opinion are necessary for the safety of the user.

2. Each Party shall prohibit the advertisement of such substances to the general public, with due regard to its constitutional provisions.

9. This text became that of article 10 of the Convention as finally adopted subject to the rearrangement of paragraph 2 to read:

Each party shall, with due regard to its constitutional provisions, prohibit the advertisement of such substances to the general public.

RECORDS: ARTICLE 10 (PROTOCOL)

RECORDS: ARTICLE 11 (CONVENTION)

Assigned to Committee on Control Measures.

Committee on Control Measures

9th meeting, 19 January

Document before the Committee:

Text of article as in revised draft Protocol.

1. The Legal Adviser to the Conference pointed out that the words "and distributions" at the end of paragraph 2 of the article in the revised draft Protocol had been included in error and should be removed.

2. A number of delegations emphasized the administrative difficulties that would be entailed by the application of the provisions of the article to the numerous substances in Schedule IV. Some felt that there would be similar difficulties with respect to the substances in Schedule III.

3. Certain delegations were in favour of the deletion of paragraph 2. Others favoured the retention of the text of the article as it stood.

12th meeting, 21 January

Documents before the Committee:

E/CONF.58/C.4/L.4, study submitted by the Hungarian delegation on the administrative consequences of an obligation to keep detailed records with respect to a single substance, phenobarbital (see annex to the report on this article).

E/CONF.58/C.4/L.5, new text for the article proposed by the United Kingdom delegation, as follows:

1. In respect of substances in Schedules II and III the Parties shall require manufacturers and producers to keep records, in a form which may be determined by each Party. They shall also require manufacturers, producers, wholesalers, importers and exporters to keep records showing the amount received or despatched and the supplier or recipient and the date of receipt or despatch.

2. In respect of substances in Schedule II the Parties shall further require that retailers, institutions for hospitalization and care and scientific institutions shall keep records showing, for each receipt, the amount, the supplier and the date.

3. In respect of substances in Schedule IV the Parties shall require manufacturers, producers, importers and exporters to keep records, in a form which may be determined by each Party, showing the amounts manufactured, imported and exported during any period to be determined by each Party.

4. The records referred to in this Article shall be preserved for such period as the Parties consider appropriate.

E/CONF.58/C.4/L.6, amendment proposed by Belgium, as follows:

1. In paragraph 1 omit the reference to Schedule IV;
2. In paragraph 2:

Replace the words "retailers, institutions for hospitalization and care and scientific institutions" by "persons authorized by law to distribute psychotropic substances";

Alter "acquisitions and distributions" to "acquisitions or distributions";

Delete the reference to Schedule IV.

3. Paragraph 3 to remain unchanged.

1. The Committee discussed the United Kingdom text: some delegations favoured it; others expressed a preference for the text as in the revised draft Protocol. Various suggestions were made.

2. It was pointed out that the Committee had approved a text for article 6 of the Protocol, Special provisions regarding substances in Schedule I, on the understanding that the question of records with respect to substances in that schedule would be covered in the present article.

13th meeting, 22 January

Documents before the Committee:

As at 12th meeting (see above).

1. The Committee continued its discussion of the United Kingdom text for the article (E/CONF.58/C.4/L.5; see above); a number of representatives stated that they could support that text if certain changes were made in it.

2. The representative of Belgium supported the United Kingdom text and withdrew his proposal for an amendment (E/CONF.58/C.4/L.6).

3. At the suggestion of the Chairman, it was decided to set up a working group of 14 delegations to draft a generally acceptable text.

15th meeting, 26 January

Document before the Committee:

E/CONF.58/C.4/L.20, text proposed by the working group on that article, as follows:

1. The Parties shall require that in respect of substances in Schedule I, manufacturers, producers and all other persons authorized under Article 6 to trade in and distribute those substances keep records, as may be determined by each Party, showing, as the case may be, details of the quantity manufactured or produced, held in stock, and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

2. The Parties shall require that in respect of substances in Schedules II and III, manufacturers, producers, wholesalers, importers and exporters keep records, as may be determined by each Party, showing, as the case may be, details of the quantity manufactured or produced and, for each acquisition and disposal of any such substance, details of the quantity, date, supplier and recipient.

3. The Parties shall require that in respect of substances in Schedule II, retailers, institutions for hospitalization and care and scientific institutions keep records, as may be determined by each Party, showing, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

4. The Parties shall ensure, through appropriate methods, and taking into account the professional and trade practices in their countries, that information regarding acquisition and disposal of substances in Schedule III by retailers, institutions for hospitalization and care and scientific institutions, is readily available.

5. The Parties shall require that in respect of substances in Schedule IV, manufacturers, producers, importers and exporters

keep records, as may be determined by each Party, showing the quantities manufactured, produced, imported and exported.

6. The Parties shall ensure that the records and information referred to in this Article which are required for purposes of reports under Article 14 shall be preserved for at least two years.

1. The working group's text represented a fusion of the text in the revised draft Protocol, the United Kingdom proposal (E/CONF.58/C.4/L.5, see above) and the suggestions made by various delegations.

2. The representative of the Federal Republic of Germany stated that he would abstain in the voting on the proposed text of the article because his delegation considered record-keeping unnecessary for substances in Schedule IV.

3. The working group's text for the article (E/CONF.58/C.4/L.20) was approved by 39 votes to none, with 4 abstentions.

Plenary Conference

6th meeting, 27 January

Document before the Conference:

E/CONF.58/L.5, report of the Committee on Control Measures, containing the text of the article as adopted by that Committee (see above, text of E/CONF.58/C.4/L.20).

At the suggestion of the President, it was agreed to refer the report of the Committee on Control Measures direct to the Drafting Committee.

11th meeting, 8 February

Documents before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee, containing that Committee's text for the article, as follows:

1. The Parties shall require that, in respect of substances in Schedule I, producers, manufacturers and all other persons authorized under article 6 to trade in and distribute those substances keep records, as may be determined by each Party, showing details of the quantities produced or manufactured, the quantities held in stock, and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

2. The Parties shall require that, in respect of substances in Schedules II and III, producers, manufacturers, wholesalers, exporters and importers keep records, as may be determined by each Party, showing details of the quantities produced or manufactured and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

3. The Parties shall require that, in respect of substances in Schedule II, retail distributors, institutions for hospitalization and care and scientific institutions keep records, as may be determined by each Party, showing, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

4. The Parties shall ensure, through appropriate methods and taking into account the professional and trade practices in their countries, that information regarding acquisition and disposal of substances in Schedule III by retail distributors, institutions for hospitalization and care and scientific institutions, is readily available.

5. The Parties shall require that, in respect of substances in Schedule IV, producers, manufacturers, exporters and importers keep records, as may be determined by each Party, showing the quantities produced, manufactured, exported and imported.

6. The Parties shall ensure that the records and information referred to in this article which are required for purposes of reports under article 14 shall be preserved for at least two years."

E/CONF.58/L.24, amendments proposed by the Netherlands, for the deletion, in paragraph 2, of the reference to Schedule III, and the deletion of paragraphs 4 and 5 of the article.

1. The Netherlands representative announced the withdrawal of his delegation's amendment (E/CONF.58/L.24; see above). He proposed that a separate vote should be taken on the reference to Schedule III in paragraph 2.

2. The Netherlands proposal was rejected by 19 votes to 16, with 16 abstentions.

3. The Drafting Committee's text for that article (E/CONF.58/L.4/Add.1) was adopted by 43 votes to 10, with 2 abstentions.

25th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the text of a new penultimate paragraph for insertion in the article, incorporating the substance of paragraph 3 (a) of article 2 *bis* of the draft Protocol, Special provisions regarding the control of preparations, as adopted by the Committee on Control Measures (E/CONF.58/L.5/Add.3; see under article 2 *bis* of draft Protocol).

The paragraph read as follows:

The Parties shall require manufacturers of preparations exempted under paragraph 3 of article 2 *bis* to keep records as to the quantity of each psychotropic substance used in the manufacture of an exempt preparation, and as to the nature, total quantity and initial disposal of the exempt preparation manufactured therefrom.

1. The proposed new penultimate paragraph (E/CONF.58/L.4/Add.9) was adopted.

2. The article as a whole, as amended, was adopted.

28th meeting, 19 February

Document before the Conference:

E/CONF.58/L.54 and Add.1 and 2, text of the draft Convention on Psychotropic Substances as a whole, containing the text of article 10, Records, as adopted by the Conference at its 11th and 25th meetings, save for the removal, throughout the article, of the words "producers" and "produced", in accordance with the decision of the Conference, at its 19th plenary meeting, on 15 February, to delete the definition of the term "production" from article 1. The resultant text of the article read as follows:

1. The Parties shall require that, in respect of substances in Schedule I, manufacturers and all other persons authorized under article 6 to trade in and distribute those substances keep records, as may be determined by each Party, showing details of the quantities manufactured, the quantities held in stock, and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

2. The Parties shall require that, in respect of substances in Schedules II and III, manufacturers, wholesalers, exporters and

importers keep records, as may be determined by each Party, showing details of the quantities manufactured and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

3. The Parties shall require that, in respect of substances in Schedule II, retail distributors, institutions for hospitalization and care and scientific institutions keep records, as may be determined by each Party, showing, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

4. The Parties shall ensure, through appropriate methods and taking into account the professional and trade practices in their countries, that information regarding acquisition and disposal of substances in Schedule III by retail distributors, institutions for hospitalization and care and scientific institutions, is readily available.

5. The Parties shall require that, in respect of substances in Schedule IV, manufacturers, exporters and importers keep records, as may be determined by each Party, showing the quantities manufactured, exported and imported.

6. The Parties shall require manufacturers of preparations exempted under paragraph 3 of article 2 *bis* to keep records as to the quantity of each psychotropic substance used in the manufacture of an exempt preparation, and as to the nature, total quantity and initial disposal of the exempt preparation manufactured therefrom.

7. The Parties shall ensure that the records and information referred to in this article which are required for purposes of reports under article 14 shall be preserved for at least two years."

The draft Convention as a whole was adopted, and the above text of draft article 10, Records, became that of article 11 of the Convention.

ANNEX

Study submitted by the Hungarian delegation^a

1. The Hungarian delegation considers that the control of psychotropic substances is necessary and that the obligation to maintain some kind of record is very important. At the same time it is necessary to bear in mind the information that is necessary and useful for the detection and prevention of abuse. The Hungarian delegation considers that detailed record-keeping of the substances in Schedule IV, for example, would not help to achieve these aims and would moreover make the task of pharmacists and hospitals extremely difficult.

2. We have set out below what would be the administrative consequence in the case of a single substance—we took phenobarbital as an example—of an obligation to keep records going into too much detail.

Consumption of tablets containing phenobarbital Hungary 1969

I. Consumption	Tablets
Total consumption	207,145,000
"Sevenaletta" (Phenobarb.) 0.015 g.	27,420,000
Various preparations containing from 0.01 to 0.025 g. of phenobarbital in association with other medicaments	168,000,000
"Asthmamid" (0.04 g. phenobarbital + atropine, theophylline, papaverine)	8,860,000
"Sevenal" 0.1 g.	2,510,000
"Sevenal" 0.3 g.	370,000

^a Circulated as document E/CONF.58/C.4/L.4.

II. Scale on which issued

Basic figure: 207 million tablets per year—distributed by 1400 pharmacies, which gives an average of 150,000 tablets per pharmacy per year; 500 tablets per pharmacy per day; 25 boxes per pharmacy per day.

III. Consumption per capita

Total consumption: 20 tablets per person per year

Consumption of 0.1 g. tablets: 0.25 of a tablet per person per year

Consumption of 0.3 g. tablets: 0.037 of a tablet per person per year

These figures are clear evidence that the consumption of preparations containing relatively high quantities of phenobarbital—i.e. from 0.1 to 0.3 g.—is extremely small. Consequently, the danger of the abuse of phenobarbital or of dependence being created can practically be ruled out.

IV. Record-keeping by pharmacies

Taking into account the scale of dispensing, we have drawn up a table corresponding to a page in the register of an "average" pharmacy in Hungary for "incomings" of phenobarbital (see appendix). It deals with purchases for a week. In the case of "outgoings" a table is needed for each case.

3. It must be said that the example is not very convincing because in Hungary the position is much simpler than in most other countries. We must bear in mind the following factors which would complicate record-keeping in other countries:

(a) In Hungary there is only one factory producing phenobarbital tablets (0.015 g., 0.1 g. and 0.3 g.) under the name of "Sevenal". In some other countries there are dozens of manufacturers producing phenobarbital tablets under various names (Luminal, Gardenal, etc.) and tablets are also imported. Consequently the number of producers and of names is even greater. The number of entries in columns 1 to 3 in the table would have to be multiplied by three (and this would be an underestimate).

(b) In Hungary there are no wholesalers and all medicines are supplied from departmental stocks which obtain their supplies from manufacturers, of whom there are five, and from a central

state warehouse. In some countries there are hundreds of wholesalers and importers who sell direct to pharmacies. The number of entries in the columns headed "manufacturer" and "supplier" would have to be multiplied by at least twenty (and this would be an underestimate).

(c) There are not very many pharmaceutical preparations in Hungary and there are even fewer fixed-ratio combinations, because over twenty years ago the health authorities introduced the principle that physicians should be left free to decide the combinations and dosages of medicines in the light of the patient's condition and individual circumstances. It should be added that this principle was laid down a long time ago by the Council on Drugs of the American Medical Association and was reaffirmed on 17 August 1970 in the following terms:

"... the Council reaffirms its longstanding position that the use of fixed-ratio combinations of all drugs, antibiotics included, is, with few exceptions, neither a sound nor judicious practice.

"The concomitant administration of two or more medicinal agents may be indicated in the treatment of a patient, but generally not in fixed-dose combination.

"The effects of drugs are intrinsically so complex that it is generally advisable to administer multiple agents separately in order that the dosage and frequency of administration of the individual drugs may be varied in accordance with the patient's requirements."

4. The introduction of this principle has had remarkable results. There are about 800 pharmaceutical preparations in Hungary, but there are only nine pharmaceutical preparations containing phenobarbital in combination with other compounds; yet in one other country there are as many as twenty-two preparations containing a combination of phenobarbital with aminophylline. Consequently, it may be assumed that the number of pharmaceutical preparations containing phenobarbital in combination with one or more other drugs may be between 1,000 and 2,000. In the case of a pharmacy in that country, the table would comprise 100 or 200 times the number of preparations given in the example. If we also take into account the records kept of medical prescriptions handed in to the pharmacist, the total number of entries for a single substance would be enormous.

APPENDIX**PHENOBARBITAL SUPPLY**

Serial No.	No. of pack	Name of the preparation	No. of units in one pack	Quantity of ph. in one unit	Total quantity	Date	Manufacturer	Supplier
1	10	SEVENAL TABL.	10	0.1 g.	10.00 g.	23.12	CHINOIN	GYOGYÉRT
2	2	SEVENAL TABL.	10	0.3 g.	6.00 g.	23.12	CHINOIN	GYOGYÉRT
3	25	SEVENALETTA TABL.	30	0.015 g.	11.25 g.	23.12	CHINOIN	GYOGYÉRT
4	3	HYPANODIN SUPP.	5	0.20 g.	3.00 g.	23.12	REX	BP.CENTRE
5	2	ASTHMAMID TABL.	20	0.04 g.	1.60 g.	23.12	EGYT	BP.CENTRE
6	5	LEGATIN TABL.	20	0.01 g.	1.00 g.	23.12	EGYT	BP.CENTRE
7	2	MERISTIN SUPP.	5	0.0328 g.	0.328 g.	24.12	CHINOIN	CHINOIN
8	1	PHENOBARBITAL			50.00 g.	24.12	CHINOIN	CHINOIN
9	50	VALERIANA-COMB. TABL.	20	0.02 g.	20.00 g.	24.12	RICHTER	BP.CENTRE
10	3	TROPARIN COMB. TABL.	20	0.02 g.	1.20 g.	24.12	EGYT	BP.CENTRE

PROVISIONS RELATING TO INTERNATIONAL TRADE:
ARTICLE 11 (PROTOCOL)

PROVISIONS RELATING TO INTERNATIONAL TRADE:
ARTICLE 12 (CONVENTION)

Assigned to Committee on Control Measures.

Committee on Control Measures

10th meeting, 20 January

Document before the Committee:

Text as in the revised draft Protocol.

1. In general, delegations expressed satisfaction with paragraph 1 of the text in the revised draft Protocol but dissatisfaction with paragraph 2. Some urged that requirements with respect to substances in Schedules III and IV should be reduced to a minimum, or at any rate simplified, in order to reduce the administrative burden they entailed. Reference was made to article 12 of the draft Protocol, which enabled importing countries to restrict their imports of psychotropic substances, and to articles 31 and 32 of the Single Convention.

2. The Legal Adviser to the Conference stated that the words "or imported" in paragraph 2 (iii) and the words "or receipt" in paragraph 2 (iv) had been included by mistake and should be deleted. They had appeared in an earlier text but not in that adopted by the Commission at its first special session; the paragraph was intended to apply only to exporters.

11th meeting, 20 January

Document before the Committee:

Text as in the revised draft Protocol.

1. After further discussion of the article, the Committee agreed, at the suggestion of the Chairman, to set up a working group to consider the present article and the succeeding one (articles 11 and 12 of the draft Protocol).

2. The representative of Turkey suggested that the working group should review all the technical provisions in paragraph 9 of article 31 of the Single Convention and should decide whether any ought to be incorporated in the draft Protocol.

23rd meeting, 9 February

Documents before the Committee:

E/CONF.58/C.4/L.32, text of article 11, paragraph 2, prepared by the working group, as follows:

2. The Parties shall require that for each export of substances in Schedules III and IV exporters shall draw up a declaration in triplicate, on a form to be established by the Commission, containing the following information:

- (i) the name and address of the exporter and importer;
- (ii) the international non-proprietary name, or, failing such a name, the designation of the substance in the Schedule;
- (iii) the quantity and pharmaceutical form in which the substance is exported; and, if in the form of a preparation, the name of the preparation, if any, and
- (iv) the date of despatch.

Exporters shall furnish the competent authorities of their country or territory with two copies of the declaration. They shall attach the third copy to their consignment.

A Party from whose territory a substance in Schedules III or IV has been exported shall, as soon as possible but not later than ninety days after the date of despatch, send to the competent authorities of the importing country or territory, by registered mail with return of receipt requested, one copy of the declaration received from the exporter.

The Parties may require that, on receipt of the consignment, the importer shall transmit the copy accompanying the consignment, duly endorsed stating the quantities received and the date of receipt, to the competent authorities of their country or territory.

E/CONF.58/C.4/L.54, text adopted by the working group on articles 11 and 12, as follows:

Paragraph 1: Text as in the revised draft Protocol.

Paragraph 2: Text as in E/CONF.58/C.4/L.32.

3. In respect of substances in Schedules I and II the following additional provisions shall apply:

(a) The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

(b) Exports of consignments to a post office box, or to a bank to the account of a Party other than the Party named in the export authorization, shall be prohibited.

(c) Exports of consignments of substances in Schedule II to a bonded warehouse are prohibited unless the Government of the importing country certifies on 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 case the export authorization shall certify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Protocol. Exports to bonded warehouses of consignments of substances in Schedule I are prohibited.

(d) Consignments entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

(e) A Party shall not permit any substances consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for consignment is produced to the competent authorities of such Party.

(f) The competent authorities of any country or territory through which a consignment of substances 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 the country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 1 (e) of this article shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

(g) No consignment of substances, while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the substance in question. The packing may not be altered without the permission of the competent authorities.

(h) The provisions of sub-paragraphs (e) to (g) of this paragraph relating to the passage of substances through the territory of a Party do not apply where the consignment in question is transported by

aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

(i) The provisions of this paragraph are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over such substances in transit.

1. Paragraph 1 (E/CONF.58/C.4/L.54, text as in the revised draft Protocol) was approved by 41 votes to none, with 1 abstention.

2. Paragraph 2 (E/CONF.58/C.4/L.32; see above) was approved by 35 votes to 4, with 6 abstentions.

3. Paragraph 3 (E/CONF.58/C.4/L.54, incorporating some of the provisions of article 31 of the Single Convention, in respect of substances in Schedules I and II), was approved by 46 votes to none.

4. The article as a whole (E/CONF.58/C.4/L.32 and L.54) was approved by 37 votes to none, with 8 abstentions.

Plenary Conference

15th meeting, 12 February

Documents before the Conference:

E/CONF.58/L.4/Add.4, report of the Drafting Committee, containing that Committee's text of the article, as follows:

1. (a) Every Party permitting the export or import of substances in Schedule I or II shall require a separate import or export authorization, on a form to be established by the Commission, to be obtained for each such export or import whether it consists of one or more substances.

(b) Such authorization shall state the international non-proprietary name, or, lacking such a name, the designation of the substance in the Schedule, the quantity to be exported or imported, the pharmaceutical form, the name and address of the exporter and importer, and the period within which the export or import must be effected. If the substance is exported or imported in the form of a preparation, the name of the preparation, if any, shall additionally be furnished. The export authorization shall also state the number and date of the import authorization and the authority by whom it has been issued.

(c) Before issuing an export authorization the Parties shall require an import authorization, issued by the competent authority of the importing country or territory and certifying that the importation of the substance or substances referred to therein is approved, and such an authorization shall be produced by the person or establishment applying for the export authorization.

(d) A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

(e) The Government of the importing country or territory, when the importation has been effected, shall return the export authorization with an endorsement certifying the amount actually imported, to the Government of the exporting country or territory.

2. (a) The Parties shall require that for each export of substances in Schedules III and IV exporters shall draw up a declaration in triplicate, on a form to be established by the Commission, containing the following information:

- (i) the name and address of the exporter and importer;
- (ii) the international non-proprietary name, or, failing such a name, the designation of the substance in the Schedule;
- (iii) the quantity and pharmaceutical form in which the substance is exported, and, if in the form of a preparation, the name of the preparation, if any, and
- (iv) the date of despatch.

(b) Exporters shall furnish the competent authorities of their country or territory with two copies of the declaration. They shall attach the third copy to their consignment.

(c) A Party from whose territory a substance in Schedule III or IV has been exported shall, as soon as possible but not later than ninety days after the date of despatch, send to the competent authorities of the importing country or territory, by registered mail with return of receipt requested, one copy of the declaration received from the exporter.

(d) The Parties may require that, on receipt of the consignment, the importer shall transmit the copy accompanying the consignment, duly endorsed stating the quantities received and the date of receipt, to the competent authorities of his country or territory.

3. In respect of substances in Schedules I and II the following additional provisions shall apply:

(a) The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

(b) Exports of consignments to a post office box, or to a bank to the account of a person other than the person named in the export authorization, shall be prohibited.

(c) Exports to bonded warehouses of consignments of substances in Schedule I are prohibited. Exports of consignments of substances in Schedule II to a bonded warehouse are prohibited unless the Government of the importing country certifies on 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 case the export authorization shall certify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Protocol.

(d) Consignments entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

(e) A Party shall not permit any substances consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for consignment is produced to the competent authorities of such Party.

(f) The competent authorities of any country or territory through which a consignment of substances 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 the country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 1 (c) of this article shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

(g) No consignment of substances, while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the substance in question. The packing may not be altered without the permission of the competent authorities.

(h) The provisions of sub-paragraphs (e) to (g) of this paragraph relating to the passage of substances through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

(i) The provisions of this paragraph are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over such substances in transit.

E/CONF.58/L.36, amendment proposed by Denmark, for the replacement of the words "Schedules III and IV" in paragraph 2 by the words "Schedule III".

1. The representative of Denmark withdrew his delegation's amendment (E/CONF.58/L.36) but moved that a separate vote be taken on the words "and IV" in paragraph 2 (a) and "or IV" in paragraph 2 (c).

2. Several delegations opposed the motion of the Danish representative, and the latter requested that the vote on it should be taken by roll-call.

3. As a result of the roll-call vote, the Danish motion was adopted by 32 votes to 10 with 12 abstentions.

4. The Committee debated at length the merits of retaining or deleting the references to substances in Schedule IV in the present article.

5. There was a marked cleavage of opinion on the subject in the Committee, some representatives maintaining that deletion of the references to Schedule IV substances would greatly weaken the draft Protocol, and others holding that there should be a clear-cut distinction between the control measures applied to substances in Schedule III and those applied to substances in Schedule IV, and that the provisions of article 11 of the draft Protocol were too severe to be applied to substances in the latter Schedule.

6. At the request of the representative of France, the vote on the retention of the words "and IV" in paragraph 2 (a) and of the words "or IV" in paragraph 2 (c), on which the Danish representative had asked for a separate vote, was taken by roll-call.

7. The result of the vote was 26 in favour and 26 against, with 2 abstentions.

8. The words "and IV" in paragraph 2 (a) and "or IV" in paragraph 2 (c) were therefore deleted.

9. The article (E/CONF.58/L.4/Add.4), as amended, was adopted by 47 votes to 1, with 6 abstentions.

16th meeting, 12 February

Document before the Conference:

E/CONF.58/L.4/Add.4, report of the Drafting Committee (see above).

1. Delegations explained their votes on the article at the 15th plenary meeting.

2. The text of the article as adopted at that meeting became that of article 12 of the Convention as finally adopted.

Action with respect to precursors

1. The Technical Committee, in its report to the Committee on Control Measures dealing with the subject of precursors (E/CONF.58/C.3/L.10/Add.4) had made the following recommendations with respect to paragraph 2 of article 11 of the revised draft Protocol:

In paragraph 2 after the words "and IV" insert the words "and P".

Before the word "pharmaceutical" insert the words "in the case of a psychotropic substance the".

After the words "or IV" insert the words "or P".

2. However, at its 25th meeting on 11 February in connexion with article 2, Scope of control of substances, the Committee on Control Measures decided, by 21 votes to 9 with 12 abstentions, that the draft Protocol should contain no provision regarding the precursors of psychotropic substances.

3. The decision of the Committee on Control Measures was confirmed by the plenary Conference at its 19th meeting on 15 February by a vote of 44 to 2, with 11 abstentions.

4. Consequently, the recommendations made by the Technical Committee with respect to article 11 of the revised draft Protocol were not taken up.

PROHIBITION OF AND RESTRICTIONS ON THE IMPORT AND EXPORT OF PSYCHOTROPIC SUBSTANCES: ARTICLE 12 (PROTOCOL)

PROHIBITION OF AND RESTRICTIONS ON EXPORT AND IMPORT: ARTICLE 13 (CONVENTION)

Assigned to Committee on Control Measures.

Committee on Control Measures

11th meeting, 20 January

Document before the Committee:

Text as in the revised draft Protocol.

1. Delegations generally supported this article, which they considered a necessary and valuable one, although some felt that the only real safeguard for an importing country lay in the adoption of national measures of control.

2. Several delegations took up again the proposal made by the United Kingdom delegation at the first special session of the Commission on Narcotic Drugs (see E/4785, chap. III, footnote 20) for the replacement of the word "export" in the last sentence of paragraph 1 by the word "import".

3. The article was referred to the working group set up earlier at the same meeting to consider the texts of articles 11 and 12 of the draft Protocol.

23rd meeting, 9 February

Document before the Committee:

E/CONF.58/C.4/L.53, new text of article 12 adopted by the working group on articles 11 and 12 of the Protocol, as follows:

1. A Party may inform the other Parties through the Secretary-General that it prohibits the import into its country or into one of its territories of one or more substances listed in Schedules III or IV, specified in its communication.

2. Where a Party is informed as is mentioned in paragraph 1 it shall take measures to ensure that substances specified in the communication are not exported to the territory of the notifying Party.

3. Notwithstanding the provisions of the preceding paragraphs a Party which has given notification pursuant to paragraph 1, may authorize by special import licence in each case the import of specified quantities of the substances in question or preparations containing

such substances. The issuing authority of the importing country shall send two copies of the special import licence, indicating the name and address of the importer and the exporter, to the competent authority of the exporting country or territory, which may then authorize the exporter to make the shipment. One copy of the special import licence, duly endorsed by the competent authority of the export country or territory, shall accompany the shipment.

1. The Chairman of the working group explained that paragraph 2 of the working group's text was a new provision which set forth the obligation of the Parties not to export a substance to the territory of a Party that had prohibited its importation pursuant to paragraph 1. Paragraph 3 dealt with the exceptional cases where a special import permit would be granted. The working group had decided to delete the former paragraph 2 (in the revised draft Protocol text).

2. The representative of Australia proposed the re-insertion of a reference to Schedule II before the references to Schedules III and IV in paragraph 1, since the provisions of article 2 *bis* of the draft Protocol made it permissible to export preparations containing substances listed in Schedule II.

3. Some representatives doubted the practicability of the provisions in paragraph 2 and felt that the only effective safeguard lay in the measures taken at the national level by the country prohibiting the import of a substance; the representative of the Federal Republic of Germany objected to what he considered amounted to an export prohibition.

4. The Australian amendment was adopted by 38 votes to none, with 8 abstentions.

5. The article as a whole (E/CONF.58/C.4/L.53), as amended, was approved by 40 votes to 3, with 4 abstentions.

Plenary Conference

13th meeting, 10 February

Document before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee, containing the text of the article as approved by the Committee on Control Measures, with certain drafting changes, as follows:

1. A Party may inform the other Parties through the Secretary-General that it prohibits the import into its country or into one of its territories of one or more substances listed in Schedule II, III or IV, specified in its notification.

2. If a Party has been notified of a prohibition pursuant to paragraph 1, it shall take measures to ensure that none of the substances specified in the notification is exported to the country or one of the territories of the notifying Party.

3. Notwithstanding the provisions of the preceding paragraphs, a Party which has given notification pursuant to paragraph 1 may authorize by special import licence in each case the import of specified quantities of the substances in question or preparations containing such substances. The issuing authority of the importing country shall send two copies of the special import licence, indicating the name and address of the importer and the exporter, to the competent authority of the exporting country or territory, which may then authorize the exporter to make the shipment. One copy of the special import licence, duly endorsed by the competent authority of the export country or territory, shall accompany the shipment.

1. The Conference agreed to replace the word "inform" in the first line of the article by the word "notify".

2. Several delegations expressed concern at the possibility of discrimination that might arise if, in the notifications of import prohibitions referred to in paragraphs 1 and 3, substances were indicated by trade-names and not by their non-proprietary names.

3. The Conference agreed to adjourn the debate on that article to permit the drafting of an additional paragraph to deal with that question.

16th meeting, 12 February

Documents before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee (see above).

E/CONF.58/L.37, amendment proposed by Belgium and Luxembourg for the insertion of the word "all" before the words "the other Parties" in the first line of paragraph 1 and of the word "totally" before "prohibits" in the same paragraph, and proposing the addition of a paragraph 4, as follows:

The provisions of this article shall not be applied in such a way as to give rise to discriminatory measures in international trade in substances in Schedules II, III and IV and preparations containing them.

E/CONF.58/L.38, proposal by the representatives of Hungary, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics for a new article to follow the present article, dealing with the question of the possibility of discriminatory practices in connexion with paragraphs 1 and 3 of the present article (see under separate article immediately below).

E/CONF.58/L.39, amendment proposed by Italy, for the addition, at the end of paragraph 1, of the words, "provided that that Party has taken, in its country or in the territories specified in its notification, all appropriate measures to prohibit the production, distribution or use of the substance or substances in question".

E/CONF.58/L.40, proposal by the representatives of Hungary, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics to add the following sentence to the end of paragraph 1: "Any such notification shall specify the name of the substance as designated in Schedules II, III or IV."

1. The representative of Italy withdrew his delegation's amendment (E/CONF.58/L.39) in favour of the joint proposal for a new article (E/CONF.58/L.38, see below).

2. The representatives of Belgium and Luxembourg withdrew their proposal for a new paragraph 4 in (E/CONF.58/L.37) and expressed a wish to join the sponsors of the proposal for a new article (E/CONF.58/L.38). They also withdrew their proposal for the insertion of the word "totally" in the first paragraph.

3. The representative of the Federal Republic of Germany moved that a separate vote should be taken on the words "or IV" in paragraph 1.

4. The motion was rejected by 25 votes to 19, with 8 abstentions.

5. The proposal of Belgium and Luxembourg (in E/CONF.58/L.37) for the insertion of the word "all" before "the other Parties" in paragraph 1 was adopted by 43 votes to none, with 7 abstentions.

6. The joint proposal for an amendment to paragraph 1 (E/CONF.58/L.40) was adopted by 47 votes to none, with 6 abstentions.

7. The text of the article as a whole (E/CONF.58/L.4/Add.3), as amended, was adopted by 47 votes to none, with 6 abstentions, and became that of article 13 of the Convention as finally adopted.

PROPOSAL FOR A NEW ARTICLE TO FOLLOW ARTICLE 12 OF THE REVISED DRAFT PROTOCOL

Plenary Conference

16th meeting, 12 February

Document before the Conference:

E/CONF.58/L.38, proposal by the representatives of Hungary, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics for a new article reading as follows:

A Party shall not exercise its power

(a) To issue or maintain a notification under paragraph 1 of article 12; or

(b) To withhold import licences or authorizations under articles 11 and 12,

for the purpose of conferring some commercial advantage upon any enterprise or class of enterprises, whether foreign or domestic.

After some discussion, during which certain doubts were expressed regarding the proposal for a new article, that proposal (E/CONF.58/L.38) was withdrawn by its sponsors on the understanding that the rights enjoyed by a Party under articles 11 and 12 of the Protocol would not be used for discriminatory purposes but would be exercised only for the purposes for which the Protocol was intended.

SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF PSYCHOTROPIC SUBSTANCES IN FIRST-AID KITS OF SHIPS OR AIRCRAFT ENGAGED IN INTERNATIONAL TRAFFIC: PROPOSAL FOR A NEW ARTICLE 12 *bis* (PROTOCOL)

SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF PSYCHOTROPIC SUBSTANCES IN FIRST-AID KITS OF SHIPS, AIRCRAFT OR OTHER FORMS OF PUBLIC TRANSPORT ENGAGED IN INTERNATIONAL TRAFFIC: ARTICLE 14 (CONVENTION)

Committee on Control Measures

22nd meeting, 8 February

Document before the Committee:

E/CONF.58/C.4/L.46, text of a new article submitted by the working group on articles 11 and

12, on the basis of a proposal by the representative of Denmark reproducing the provisions of article 32 of the Single Convention, as follows:

1. The international carriage by ships or aircraft of such limited amounts of substances listed in Schedules II, III or IV as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be import, export or passage through a country within the meaning of this Protocol.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the substances referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Substances carried by ships or aircraft in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board ships or aircraft. The administration of such drugs in the case of emergency shall not be considered a violation of the requirements of article 8, paragraph 1.

1. The Committee decided to replace the word "drugs" in the last sentence of paragraph 3 by the word "substances".

2. The representative of Turkey, and subsequently the representative of Canada, proposed that paragraphs 1 and 3 of the article should refer also to other means of international public transport, such as international railway trains and buses.

3. That proposal was adopted by 23 votes to 10, with 10 abstentions.

4. Paragraph 1, as amended, was approved by 38 votes to 2, with 6 abstentions.

5. Paragraph 2 was approved unanimously.

6. Paragraph 3, as amended, was approved by 41 votes to none, with 3 abstentions.

7. The new article (E/CONF.58/C.4/L.46) as a whole, as amended, was approved by 40 votes to none, with 5 abstentions.

Plenary Conference

13th meeting, 10 February

Document before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee, containing that Committee's text of the new article, as follows:

Special provisions concerning the carriage of psychotropic substances in first-aid kits of ships, aircraft or other forms of public transport engaged in international traffic

1. The international carriage by ships, aircraft or other forms of international public transport, such as international railway trains and motor coaches, of such limited quantities of substances in Schedule II, III or IV as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be export, import or passage through a country within the meaning of this Protocol.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the substances referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Substances carried by ships, aircraft or other forms of international public transport, such as international railway trains and

motor coaches, in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board these conveyances. The administration of such substances in the case of emergency shall not be considered a violation of the requirements of article 8, paragraph 1.

1. The Chairman of the Drafting Committee informed the Conference that the title of the article had been amended to conform to the new wording of paragraphs 1 and 3.

2. The text of the new article (E/CONF.58/L.4/Add.3) was adopted by 56 votes to none, with 2 abstentions, and became that of article 14 of the Convention as finally adopted.

INSPECTION: ARTICLE 13 (PROTOCOL)

INSPECTION: ARTICLE 15 (CONVENTION)

Assigned to the Committee on Control Measures

Committee on Control Measures

14th meeting, 25 January

Document before the Committee:

Text as in the revised draft Protocol.

The text of the article as in the revised draft Protocol was approved by 42 votes to none.

Plenary Conference

1st meeting, 27 January

Document before the Conference:

E/CONF.58/L.5, report of the Committee on Control Measures, containing the text of the article as approved by that Committee.

At the suggestion of the President it was agreed to refer the report of the Committee on Control Measures direct to the Drafting Committee.

11th meeting, 8 February

Document before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee, containing the text of the article as adopted by the Committee on Control Measures, with minor drafting changes, as follows:

The Parties shall maintain a system of inspection of producers, manufacturers, exporters and importers, and wholesale and retail distributors of psychotropic substances and of medical and scientific institutions which use such substances. They shall provide for inspections, which shall be made as frequently as they consider necessary, of the premises and of stocks and records.

1. The Legal Adviser to the Conference stated, in response to a question, that the term "premises" denoted any place, even an open space, where the activities referred to in the article were conducted.

2. The representative of the United States of America expressed his delegation's understanding that the provisions of that article would not oblige scientific research

workers and medical practitioners to disclose privileged communications, which were in many countries protected by the laws.

3. The text of the article (E/CONF.58/L.4/Add.1) was adopted unanimously, and became that of article 15 of the Convention as finally adopted, save for the deletion of the word "producers" following the decision of the Conference, at the 19th plenary meeting, on 15 February, to delete the definition of "Production" from article 1.

REPORTS TO BE FURNISHED BY PARTIES:
ARTICLE 14 (PROTOCOL)

REPORTS TO BE FURNISHED BY THE PARTIES:
ARTICLE 16 (CONVENTION)

Assigned to the Committee on Control Measures.

Committee on Control Measures

13th meeting, 22 January

Document before the Committee:

Text as in the revised draft Protocol.

The representative of the International Narcotics Control Board, in a statement to the Committee, emphasized the importance of the statistical reports to be furnished under article 14 of the revised draft Protocol: obviously, for substances in Schedules I and II, the statistical information should be similar to that provided for in the Single Convention; for substances in Schedules III and IV the information, although limited, should be sufficient—figures on manufacture, exports and imports, for example, and, with respect to Schedule III it would be useful if information could be supplied also on quantities of substances held by manufacturers and wholesalers.

14th meeting, 25 January

Document before the Committee:

Text as in revised draft Protocol.

There was discussion of the merits of requiring information on the stocks held by manufacturers and wholesalers of substances in Schedule III. Some delegations wished to bring the text nearer to that of article 18 of the Single Convention.

15th meeting, 26 January

Document before the Committee:

Text as in revised draft Protocol.

1. Doubts were again expressed about the value of requiring information on quantities of stocks held by wholesalers particularly with regard to substances in Schedules III and IV, and the United States representative proposed the deletion of the words "and wholesalers" at the end of paragraph 3 (a).

2. The representative of the United Kingdom pointed out that much of the illicit traffic in psychotropic substances derived from illicit manufacture; statistics regarding lawful manufacture and distribution would be of little help in stamping it out.

3. Delegations were not in favour of requiring detailed statistics concerning substances in Schedule IV; the representative of the Federal Republic of Germany wished the reference in paragraph 3 (d) to substances in Schedule IV to be deleted.

4. Reference was again made to the desirability of bringing the text of the article into line with that of article 18 of the Single Convention. Some delegations found the text of the article as in the revised draft Protocol acceptable.

5. The Chairman invited delegations to submit formal amendments.

16th meeting, 27 January

Document before the Committee:

Text as in revised draft Protocol.

The Chairman noted that six formal amendments had been submitted and at his suggestion it was decided that a working group of nine, together with the representative of the International Narcotics Control Board, should be set up to consider them.

21st meeting, 6 February

Document before the Committee:

E/CONF.58/C.4/L.42/Rev.1, text of the article suggested by the working group, as follows:

1. The Parties shall furnish the Secretary-General with such information as the Commission may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Protocol in their territories including information on

(a) Important changes in their laws and regulations concerning psychotropic substances and

(b) Significant developments in the abuse of and the illicit traffic in psychotropic substances within their territories.

2. The Parties shall also furnish information on the names and addresses of the governmental authorities referred to in Article 11. Such information shall be made available to all Parties by the Secretary-General.

3. The Parties shall furnish as soon as possible after the event a report to the Secretary-General for consideration by the Commission in respect of any seizures of psychotropic substances from the illicit traffic, which they consider important because of

(a) New trends disclosed;

(b) The quantities involved;

(c) The light thrown on the sources from which the substances are obtained; or

(d) The methods employed by illicit traffickers.

4. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) In regard to each substance in Schedules I and II, on quantities manufactured, produced, exported to and imported from each country or territory, as well as on stocks held by manufacturers and producers;

(b) In regard to each substance in Schedules III and IV, on quantities manufactured and produced, as well as on total quantities exported and imported.

5. The Board may request that a Party furnish the Board with supplementary statistical information on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or territory. That Party may request that the Board treat as confidential, both its request for information and the information given under this paragraph.

6. The Parties shall furnish the information referred to in the preceding paragraphs in such manner and by such dates as the Commission or the Board may request.

The document noted that the working group had used the term "manufacture" in the sense given to it by the Technical Committee (E/CONF.58/C.3/L.10; see under article 1 (k)).

1. The representative of the United Kingdom, speaking on behalf of the Chairman of the working group, explained how the group had arrived at its text. The volume of information to be furnished by the Parties with respect to psychotropic substances would be much greater than was the case with respect to narcotic drugs; delegations therefore felt that it was necessary to indicate the kinds of information that were the most important, and to keep requirements to a minimum, and this had been done in paragraphs 4 (a) and 4 (b). The International Narcotics Control Board favoured comprehensive reporting, and its representatives had agreed to those provisions only reluctantly. The text before the Committee represented a delicate balance that had been arrived at with difficulty.

2. The Executive Secretary of the Conference pointed out that summaries of reports, not the reports themselves, were submitted to the Commission; the words "for consideration by the Commission" in paragraph 3 could therefore be deleted. Furthermore, the wording of the paragraph should perhaps be brought into line with that of article 17 of the draft Protocol action against the illicit traffic, already adopted by the Conference, which referred to reports to the Secretary-General under the present article in connexion with both the illicit traffic and seizures.

3. The representative of the United States of America said that while the supply of information under paragraph 5 was optional, paragraph 6 nevertheless contained a mandatory provision with respect to the information referred to "in the preceding paragraphs"; paragraph 6 should be amended to read "in paragraphs 1 to 4".

4. The representative of the Federal Republic of Germany said that his delegation could not accept the working group's text for that article, and in particular paragraphs 4 (a) and 5 thereof, because it did not believe that the substances in Schedules III and IV were dangerous enough to warrant the extensive measures of control envisaged.

5. The representative of Austria also found paragraphs 4 and 5 unacceptable, because the statistical information required in the case of substances in Schedules III and IV went beyond what could be imposed upon all parties.

6. The representative of Turkey proposed that the opening words of paragraph 5 should read, "The Parties shall furnish to the Board, when the latter so request,...".

7. The representative of the Federal Republic of Germany requested a separate vote on each paragraph of the article.

8. The representative of Hungary asked that subparagraph (a) and (b) of paragraph 4 should be put to the vote separately.

9. Paragraph 1 of the article (E/CONF.58/C.4/L.42/Rev. 1) was approved by 32 votes to none, with 1 abstention.

10. Paragraph 2 was approved by 32 votes to none, with 1 abstention.

11. Paragraph 3, amended in accordance with the suggestions of the Executive Secretary (see paragraph 2 above), was approved by 32 votes to none, with 1 abstention.

12. Sub-paragraph (a) of paragraph 4 was approved by 32 votes to none, with 1 abstention.

13. Sub-paragraph (b) of paragraph 4 was approved by 19 votes to 9, with 4 abstentions.

14. Paragraph 4 as a whole was approved by 22 votes to 3, with 8 abstentions.

15. The Turkish oral amendment to paragraph 5 (see para. 6 above) was rejected by 13 votes to 8, with 7 abstentions.

16. Paragraph 5 was approved by 17 votes to 9, with 6 abstentions.

17. The United States oral amendment to paragraph 6 (see para. 3 above) was adopted by 18 votes to 8, with 7 abstentions.

18. Paragraph 6, as amended, was approved by 21 votes to 1, with 9 abstentions.

19. The article as a whole (E/CONF.58/C.4/L.42/Rev.1), as amended, was approved by 20 votes to 3, with 9 abstentions.

Plenary Conference

13th meeting, 10 February

Documents before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee, containing that Committee's text of the article, as follows:

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Protocol in their territories including information on:

(a) Important changes in their laws and regulations concerning psychotropic substances; and

(b) Significant developments in the abuse of and the illicit traffic in psychotropic substances within their territories.

2. The Parties shall also notify the Secretary-General of the names and addresses of the governmental authorities referred to in sub-paragraph (f) of article 6, in article 11 and in paragraph 3 of article 12. Such information shall be made available to all Parties by the Secretary-General.

3. The Parties shall furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic which they consider important because of:

(a) New trends disclosed;

(b) The quantities involved;

(c) The light thrown on the sources from which the substances are obtained; or

(d) the methods employed by illicit traffickers.

Copies of the report shall be communicated in accordance with sub-paragraph (b) of article 17.

4. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) In regard to each substance in Schedules I and II, on quantities produced, manufactured, exported to and imported from each country or territory, as well as on stocks held by producers and manufacturers;

(b) In regard to each substance in Schedules III and IV, on quantities produced and manufactured, as well as on total quantities exported and imported;

(c) In regard to each substance in Schedules II and III, the quantities used in the manufacture of exempt preparations; and

(d) In regard to each substance other than a substance in Schedule I, the quantities used for industrial purposes in accordance with paragraph 2 of article 3.

5. The Board may request that a Party furnish the Board with statistical information, supplementary to its annual report, on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or territory. That Party may request that the Board treat as confidential both its request for information and the information given under this paragraph.

6. The Parties shall furnish the information referred to in paragraphs 1 and 4 in such manner and by such dates as the Commission or the Board may request.

E/CONF.58/L.29, amendment proposed by India, as follows:

1. Replace the first sentence of paragraph 5 by the following sentence: "Parties shall furnish the Board, on its request, with supplementary statistical information relating to future periods on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or territory".

2. In paragraph 6 replace the expression "in paragraphs 1 to 4" by the words "in the preceding paragraphs".

E/CONF.58/L.34, amendments proposed by Denmark for the removal of the references to Schedule IV in paragraphs 4 (b) and 5, and the insertion of a new sub-paragraph (c) in paragraph 4 reading: "(c) in regard to each substance in Schedule IV, on the total quantity manufactured".

1. The representative of Denmark, introducing his delegation's amendments (E/CONF.58/L.34), said that there should be a different degree of control for substances in Schedule III and those in Schedule IV; article 11 of the draft Protocol, on provisions relating to international trade, already established a complex system of export declarations for substances in Schedule IV; under the present article, figures on total quantities manufactured would surely suffice.

2. The representative of India said that the purpose of his delegation's amendment to paragraph 5 (E/CONF.58/L.29, see above) was to remove certain ambiguities in the text which had become apparent during the discussion in the Committee on Control Measures; the proposed wording followed that of article 18 of the Single Convention.

14th meeting, 11 February

Documents before the Conference:

E/CONF.58/L.4/Add.3, report of the Drafting Committee (see above);

E/CONF.58/L.29, amendment proposed by India (see above);

E/CONF.58/L.34, amendment proposed by Denmark (see above).

1. The representative of the International Narcotics Control Board said that the Board must have sufficient information to be able to perform its function fully within the system to be set up by the Protocol; he found the Drafting Committee's text for the article and the Indian amendments thereto acceptable.

2. Some delegations felt that the text now before the Conference already represented a minimum and should not be weakened further; they were opposed to the Danish amendments.

3. The representative of the United Kingdom proposed that the opening words of the Indian amendment (E/CONF.58/L.29) to paragraph 5 should read, "A Party shall furnish the Board..." instead of "Parties shall furnish..."

4. The Danish amendment (E/CONF.58/L.34) was rejected by 26 votes to 22, with 8 abstentions.

5. The United Kingdom sub-amendment to the Indian amendment (see para. 3 above) was adopted by 41 votes to 1, with 17 abstentions.

6. A motion by the representative of the Federal Republic of Germany for a separate vote on the words "and IV" in the text of the Indian amendment to paragraph 5 was rejected, in a roll-call vote, by 25 votes to 22, with 13 abstentions.

7. The Indian amendment to paragraph 5 (E/CONF.58/L.29), as amended, was adopted by 33 votes to 11, with 12 abstentions.

8. The article (E/CONF.58/L.4/Add.3), as amended, was adopted by 38 votes to 8, with 12 abstentions.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, stating that that Committee had "also considered article 14 [of the draft Protocol] which had been referred back to it by Plenary for reconsideration in the light of the modification to the text of article 1, and decided that it would be advisable to add a sentence at the end of paragraph 4", reading as follows:

The quantities manufactured which are referred to in sub-paragraphs (a) and (b) of this paragraph do not include the quantities of preparations manufactured.

1. The new sentence proposed by the Drafting Committee for addition to paragraph 4 of the article was adopted unanimously.

2. The text of the article as adopted by the Conference at its 14th and 27th meetings (E/CONF.58/L.54/Add.1), which became that of article 16 of the Convention, read as follows:

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Convention in their territories including information on:

(a) Important changes in their laws and regulations concerning psychotropic substances; and

(b) Significant developments in the abuse of and the illicit traffic in psychotropic substances within their territories.

2. The Parties shall also notify the Secretary-General of the names and addresses of the governmental authorities referred to in sub-paragraph (f) of article 6, in article 11 and in paragraph 3 of article 12. Such information shall be made available to all Parties by the Secretary-General.

3. The Parties shall furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic which they consider important because of:

(a) New trends disclosed;

(b) The quantities involved;

(c) The light thrown on the sources from which the substances are obtained; or

(d) The methods employed by illicit traffickers.

Copies of the report shall be communicated in accordance with sub-paragraph (b) of article 17.

4. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) In regard to each substance in Schedules I and II, on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers;

(b) In regard to each substance in Schedules III and IV, on quantities manufactured, as well as on total quantities exported and imported;

(c) In regard to each substance in Schedules II and III, on quantities used in the manufacture of exempt preparations; and

(d) In regard to each substance other than a substance in Schedule I, on quantities used for industrial purposes in accordance with sub-paragraph (b) of article 3.

The quantities manufactured which are referred to in sub-paragraphs (a) and (b) of this paragraph do not include the quantities of preparations manufactured.

5. A Party shall furnish the Board, on its request, with supplementary statistical information relating to future periods on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or region. That Party may request that the Board treat as confidential both its request for information and the information given under this paragraph.

6. The Parties shall furnish the information referred to in paragraphs 1 and 4 in such a manner and by such dates as the Commission or the Board may request.

FUNCTIONS OF THE COMMISSION: NEW ARTICLE,
SUBMITTED AS ARTICLE 14 *bis* OF THE DRAFT PROTOCOL

FUNCTIONS OF THE COMMISSION: ARTICLE 17
(CONVENTION)

Committee on Control Measures

26th meeting, 11 February

Document before the Committee:

E/CONF.58/C.4/L.55, proposal by the United States of America for a new article, to follow article 14 of the draft Protocol, reading as follows:

1. The Commission may consider all matters pertaining to the aims of this Protocol, and in particular possibilities of improving the methods of preventing and combating the abuse of psychotropic substances and of suppressing the illicit traffic. The Commission may make recommendations to this end.

2. The decisions of the Commission provided for in article 2 and Article 2 *bis* of the Protocol pursuant to which the obligations of a Party are increased shall be taken by a three-fourths majority of the members of the Commission. All other decisions taken by the Commission under this Protocol shall be by a majority of the members of the Commission.

1. The representative of the United States of America explained his delegation's reasons for proposing that decisions of the Commission under articles 2 and 2 *bis* of the Protocol should be taken by a three-fourths majority of the members of the Commission.

2. A number of delegations raised objections to the proposal, saying that there was no precedent for it in international treaties. It was pointed out that such a rule would mean, in effect, that any decision could be blocked by seven members of the Commission. The representative of India suggested that a two-thirds majority should be required for decisions on important matters as was the case under the Single Convention.

3. The representative of the United States agreed to replace "three-fourths" in paragraph 2 of this proposal by "two-thirds", on the understanding that that meant two-thirds of all the members of the Commission.

4. Comparisons were made between the text before the Committee and the provisions of article 8 of the Single Convention.

5. It was agreed to vote on a paragraph 1 reading "The Commission may consider all matters pertaining to the aims of this Protocol", on the understanding that an amendment would be submitted to the plenary Conference covering the content of the remainder of the paragraph.

6. On that understanding paragraph 1, as thus amended, was approved by 39 votes to 1, with 1 abstention.

7. With respect to paragraph 2, the Committee debated the competence of the Conference to adopt a decision affecting the rules of procedure of the Commission on Narcotic Drugs.

8. The representative of the Netherlands moved the adjournment of the discussion until an opinion had been received from the Legal Counsel on the question of the competence of the Conference in that matter.

9. The motion was adopted by 27 votes to none, with 13 abstentions.

Plenary Conference

21st meeting, 16 February

Document before the Conference:

E/CONF.58/C.4/L.55, proposal by the United States of America for a new article (see above).

The President informed the Conference that the Legal Adviser to the Conference would make a statement at the next meeting on the reply he had received from the Legal Counsel on the question of competence put to him.

22nd meeting, 17 February

Documents before the Conference:

E/CONF.58/C.4/L.55, proposal by the United States of America for a new article.

E/CONF.58/L.49, amendment proposed by Liberia, Mexico, Paraguay, Togo, United States of America and Venezuela, as follows:

1. The Commission may consider all matters pertaining to the aims of this Convention and to the implementation of its provisions and may make recommendations relating thereto.

2. The decisions of the Commission provided for in Article 2 and Article 2 *bis* of this Convention pursuant to which the obligations of Parties are increased shall be taken by a two-thirds majority of the members of the Commission.

1. The representative of the United States of America stated that the joint amendment (E/CONF.58/L.49) replaced his delegation's earlier proposal (E/CONF.58/C.4/L.55).

2. The Legal Adviser said that, according to the reply he had received from the Legal Counsel of the United Nations, when a treaty conferred functions upon a subsidiary organ of the Economic and Social Council and laid down provisions as to how those functions were to be carried out, it was for the Council to decide whether to accept those functions and also whether to accept the provisions relating to their execution. Thus, if the Conference adopted a provision of the Convention relating to the majority required for decisions thereunder by the Commission, and that provision was subsequently rejected by the Council, the provision would remain in the Convention but would produce no effect (for full text of Legal Adviser's statement, see annex to report on this article).

3. After some discussion, the President invited the Conference to vote on whether it was competent to adopt paragraph 2 of the joint amendment (E/CONF.58/L.49).

4. At the request of the representative of the Union of Soviet Socialist Republics the vote was taken by roll-call.

5. By 39 votes to 9 with 10 abstentions, the Conference declared itself competent to insert in the text of the Convention the provision contained in paragraph 2 of the joint amendment (E/CONF.58/L.49).

6. The representative of Togo suggested that the words "pursuant to which the obligations of a Party are increased", in paragraph 2, should be deleted, since the two-thirds majority rule should apply equally to cases in which such obligations were reduced.

7. The representative of the United States of America accepted that suggestion on behalf of the sponsors of the joint amendment.

8. In response to a request by the representative of the Union of Soviet Socialist Republics separate votes were taken on paragraphs 1 and 2 of the joint amendment.

9. Paragraph 1 of the joint amendment was adopted by 57 votes to none, with 2 abstentions.

10. Paragraph 2 of the joint amendment, as amended (see above, paras. 6 and 7), was adopted by 40 votes to 3, with 16 abstentions.

11. The article as a whole (E/CONF.58/L.49), as amended, was adopted by 43 votes to none, with 16 abstentions.

12. The representative of the Union of Soviet Socialist Republics maintained that the decision just taken by the Conference had the effect of modifying the rules of proce-

ture of the functional commissions of the Economic and Social Council and was one which the Conference was not competent to take.

27th meeting

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted at the 22nd plenary meeting:

1. The Commission may consider all matters pertaining to the aims of this Convention and to the implementation of its provisions, and may make recommendations relating thereto.
2. The decisions of the Commission provided for in Article 2 and Article 2 *bis* of this Convention shall be taken by a two-thirds majority of the members of the Commission.

The text of the article (E/CONF.58/L.4/Add.10) was adopted unanimously and became that of article 17 of the Convention as finally adopted.

ANNEX

ARTICLE 14 *bis* FUNCTIONS OF THE COMMISSION ^a

Opinion by the Legal Adviser

1. The text of article 14 *bis* as proposed by the United States of America (E/CONF.48/C.4/L.55, as orally revised) provides that decisions of the Commission on Narcotic Drugs in the execution of certain functions which the draft Convention on Psychotropic Substances confers on the Commission shall be taken by two-thirds majority of the members. The question has been raised whether it is correct for the Conference to adopt such a provision, and reference has been made to rule 55 of the rules of procedure of the functional commissions of the Economic and Social Council, which provides that decisions of the commissions shall be taken by a simple majority of the members present and voting. I have consulted the Legal Counsel of the United Nations on this question, and am now in a position to comment on it.

2. When a treaty proposes to confer functions upon a subsidiary organ of the Economic and Social Council and lays down provisions as to how those functions are to be carried out, it is for the Council to decide whether to accept the functions and also the provisions relating to their execution. These are matters of policy for the decision of the Council.

3. It would seem that there would be no legal obstacle to the Council's deciding that a functional commission should follow a different voting procedure from that in rule 55 when exercising a function conferred pursuant to a treaty. A legal opinion given to the Committee on Procedure of the Council on 17 January 1950 (E/AC.28/L.13) states:

"Article 67 of the Charter [which provides that decisions of the Economic and Social Council shall be made by a majority of the members present and voting] only governs the Council itself. Its commissions are governed by article 68, which does not stipulate the form which the voting procedure for the commissions shall take. It is therefore clear that the Council may adopt for its commissions such voting procedure as it may see fit to prescribe. The question as to whether the voting procedure for commissions should follow the procedure laid down for the Council is purely a matter of policy for the Council to decide."

4. Therefore it results that the Council will have freedom to exercise its judgement on the acceptance of the functions which the

Convention proposes to confer on the Commission, and on acceptance of the provisions concerning the mode in which those functions are to be performed, including the voting rule to be applied.

5. The Secretariat is not in a position to give any forecast as to how the judgement of the Council would be exercised in this matter. The great majority of the members of the Council is, however, represented at this Conference, and therefore delegations, to the extent that they are able to foresee the positions that will be taken by their Governments in the Council, may be in a much better position to predict the decision than the Secretariat.

REPORTS OF THE BOARD: ARTICLE 15 (PROTOCOL)

REPORTS OF THE BOARD: ARTICLE 18 (CONVENTION)

Assigned to Committee on Control Measures.

Committee on Control Measures

16th meeting, 27 January

Document before the Committee:

Text as in the revised draft Protocol.

1. The article (revised draft Protocol text) was approved unanimously.

2. The representative of the United Kingdom of Great Britain and Northern Ireland drew attention to the difficulties that might arise in connexion with that article if the Commission continued to meet only once every two years.

Plenary Conference

6th meeting, 27 January

Document before the Conference:

E/CONF.58/L.5, report of the Committee on Control Measures containing the text of the article as adopted by that Committee (see above).

It was decided to refer the report of the Committee on Control Measures (E/CONF.58/L.5) direct to the Drafting Committee.

11th meeting, 8 February

Document before the Conference:

E/CONF.58/L.4/Add.1, report of the Drafting Committee, containing the text of the article as approved by the Committee on Control Measures, with one drafting change, as follows:

1. The Board shall prepare annual reports on its work containing an analysis of the statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. The Board may make such additional reports as it considers necessary. The reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports of the Board shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

E/CONF.58/L.27, amendment proposed by the representative of the United Kingdom of Great

^a Circulated as document E/CONF.58/L.50.

Britain and Northern Ireland, for the replacement of the last sentence in paragraph 1 by the following: "The Board shall submit its reports to the Council. The Commission may furnish the Council with such comments on the Board's reports as it sees fit".

1. The United Kingdom representative said that the object of his delegation's amendment was to obviate the practical difficulty arising from the fact that the Board was asked to prepare annual reports whereas the Commission was at present meeting biennially only.

2. A number of delegations raised objections of substance to the amendment, saying that it would upset established procedures and that the problem could be dealt with in other ways.

3. The representative of the United Kingdom withdrew his proposal.

4. There was some discussion of the precise force of the term "required of" used in paragraph 1, as compared with the term "request" used in paragraph 5 of article 14 of the Protocol. Reference was made to article 15 of the Single Convention, where the expression "required of" was used.

5. The text of the article (E/CONF.58/L.4/Add.1) was adopted by 51 votes to none, with 1 abstention, and became that of article 18 of the Convention as finally adopted.

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF PROVISIONS OF THE PROTOCOL (NEW ARTICLE, SUBMITTED AS ARTICLE 15 *bis* OF THE DRAFT PROTOCOL)

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF THE PROVISIONS OF THE CONVENTION: ARTICLE 19 (CONVENTION)

Committee on Control Measures

26th meeting, 11 February

Document before the Committee:

E/CONF.58/C.4/L.60 and Corr. 1, texts proposed by the working group on paragraphs 7 and 8 of article 2, including a proposal for a new article based on a proposal submitted to the working group by the representative of the United States of America, as follows:

1. (a) If, on the basis of its examination of information submitted by governments to the Board or of information communicated by United Nations organs, the Board has reason to believe that the aims of this Protocol are being seriously endangered by reason of the failure of a country or territory to carry out the provisions of this Protocol, the Board shall have the right to ask for explanations from the Government of the country or territory in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall

seem under the circumstances to be necessary for the execution of the provisions of this Protocol.

(c) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (c) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import, export, or both, of particular psychotropic substances, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

7. The provisions of the above paragraphs shall also apply if the Board has reason to believe that the aims of this Protocol are being seriously endangered as a result of a decision taken by a Party under Article 2, paragraph 7.

1. The representative of the Union of Soviet Socialist Republics objected to paragraphs 1 and 2 of the proposed new article on the grounds that they could lead to pressure being exerted on States which were not Parties to the instrument, a possibility that was unacceptable unless the instrument was to be open to all States.

2. The Committee agreed to transmit the text of the proposed new article to the plenary Conference without comment, as it had done for the same working group's proposed text for paragraphs 7 and 8 of article 2 (E/CONF.58/C.4/L.60 and Corr.1).

Plenary Conference

19th meeting, 15 February

Document before the Conference:

E/CONF.58/L.5/Add.7, report of the Committee on Control Measures, transmitting to the plenary Conference without comment the text of the proposed new article as submitted by its working group (see above), E/CONF.58/C.4/L.60 and Corr.1).

E/CONF.58/L.44, amendments proposed by the Union of Soviet Socialist Republics, as follows:

1. Re-draft the first sentence of paragraph 1 (a) to read as follows: "If, on the basis of its examination of information submitted to it under the provisions of this Protocol by the Governments of the Parties or of information communicated by United Nations organs, the Board has reason to believe that the aims of this Protocol are being seriously endangered by reason of the failure of a Party to

carry out the provisions of this Protocol, the Board shall have the right to ask for explanations from the Government of the Party in question."

2. In the second sentence of paragraph 1 (a), insert the word "other" before the word "Parties".

3. In paragraph 1 (b), insert the words "of the Party" after the words "call upon the Government".

4. In paragraph 1 (c), insert the word "other" before the word "Parties".

5. In the first sentence of paragraph 2, replace the words "from or to the country or territory concerned" by the words "from or to the Party concerned", and the words "the situation in that country or territory" by the words "the situation in the territory of that Party".

In the first line of the same sentence, insert the word "other" before the word "Parties", and, in the third line, insert the word "those" before the word "Parties".

1. The representative of the United States of America stated that the text of the proposed new article followed the provisions of article 14 of the Single Convention and was intended to provide the International Narcotics Control Board with sufficient authority to ensure the proper execution of the draft Protocol.

2. The representative of the Union of Soviet Socialist Republics found the first two paragraphs of the proposed new article unacceptable because they gave the Board excessively wide powers, were incompatible with article 21 of the draft Protocol and could lead to discrimination. His delegation's amendments were designed to render the article acceptable and to bring it into line with article 14 of the Single Convention.

3. In the discussion that followed, reference was made to the problem of the application of the proposed article to States exercising the right of non-acceptance under paragraph 7 of article 2 of the Convention, and the question was raised as to the lawfulness of incorporating in an international treaty provisions affecting States not Parties to it.

4. The President invited the Conference to vote on the various amendments submitted by the delegation of the Union of Soviet Socialist Republics.

5. The first USSR amendment (E/CONF.58/L.44, para. 1) was rejected by 31 votes to 12, with 13 abstentions.

6. The second, fourth and sixth USSR amendments (E/CONF.58/L.44, paras. 2, 4 and 5, second sub-paragraph) were rejected by 29 votes to 12, with 17 abstentions.

7. The third USSR amendment (E/CONF.58/L.44, para. 3) was rejected by 32 votes to 12, with 14 abstentions.

8. The fifth USSR amendment (E/CONF.58/L.44, para. 5, first sub-paragraph) was rejected by 31 votes to 12, with 15 abstentions.

9. At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on paragraphs 1 and 2, together, of the text of the proposed new article (E/CONF.58/L.5/Add.7).

10. Paragraphs 1 and 2 of the proposed new article were adopted by 35 votes to 13, with 10 abstentions.

11. Paragraphs 3 to 7 of the proposed new article were adopted by 48 votes to 5, with 4 abstentions.

12. The proposed new article as a whole (E/CONF.58/L.5/Add.7) was adopted by 39 votes to 8, with 12 abstentions.

25th meeting, 18 February

Document before the Conference:

Document E/CONF.58/L.4/Add.9, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 19th meeting, with minor drafting changes, as follows:

1. (a) If, on the basis of its examination of information submitted by governments to the Board or of information communicated by United Nations organs, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of a country or region to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or region in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (c) above, may, if it is satisfied that such a course is necessary, recommend to the Parties that they stop the export, import, or both, of particular psychotropic substances, from or to the country or region concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or region. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

7. The provisions of the above paragraphs shall also apply if the Board has reason to believe that the aims of this Convention are being seriously endangered as a result of a decision taken by a Party under paragraph 7 of article 2.

1. The representative of the Union of Soviet Socialist Republics said that his delegation maintained its objections to the article.

2. The text of the article (E/CONF.58/L.4/Add.9) was adopted, and became that of article 19 of the Convention as finally adopted.

MEASURES AGAINST THE ABUSE OF
PSYCHOTROPIC SUBSTANCES: ARTICLE 16 (PROTOCOL)

MEASURES AGAINST THE ABUSE OF
PSYCHOTROPIC SUBSTANCES: ARTICLE 20 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

6th meeting, 27 January

Documents before the Conference:

Text as in revised draft Protocol.

E/CONF.58/L.3, amendment proposed by the representative of the Holy See, for the deletion of the words "as far as possible" in paragraph 2.

1. The representative of the Holy See said that his delegation whole-heartedly supported the article but felt that even stronger measures were required to try to eradicate the evil of drug abuse; it was for that reason that it had submitted its amendment (E/CONF.58/L.3).

2. Delegations generally expressed their support for the article and for the measures it recommended but felt that it would be unrealistic to make them mandatory.

3. A vote was taken on the amendment proposed by the representative of the Holy See (E/CONF.58/L.3); the result of the vote was 18 in favour and 17 against, with 14 abstentions. The amendment was not adopted, having failed to obtain the required two-thirds majority.

4. The representative of the International Criminal Police Organization, referring to the second part of paragraph 3 (revised draft Protocol text), warned against the danger inherent in publicity concerning psychotropic and other substances: the effect could be the opposite of the one intended; the wording of the paragraph ought therefore to be very carefully reviewed.

5. The text of the article was referred to the Drafting Committee for possible improvement.

11th meeting, 8 February

Document before the Conference:

E/CONF.58/L.4/Add.2, report of the Drafting Committee, containing the text of the article as in the revised draft Protocol, with minor drafting changes, as follows:

1. The Parties shall take all practicable measures for the prevention of abuse of psychotropic substances and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved, and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of psychotropic substances.

3. The Parties shall assist persons whose work so requires to gain an understanding of the problems of abuse of psychotropic substances and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such substances will become widespread.

The text of the article (E/CONF.58/L.4/Add.2) was adopted unanimously, and became that of article 20 of the Convention as finally adopted.

ACTION AGAINST THE ILLICIT TRAFFIC:
ARTICLE 17 (PROTOCOL)

ACTION AGAINST THE ILLICIT TRAFFIC:
ARTICLE 21 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

6th meeting, 27 January

Documents before the Conference:

Text as in the revised draft Protocol.

E/CONF.58/L.1, amendments proposed by the representative of Austria, as follows:

1. Sub-paragraph (a) should read: "make arrangements for co-ordination of preventive and repressive action against the illicit traffic and designate an appropriate agency responsible for such co-ordination".

2. Sub-paragraph (e) should read: "ensure that where documents necessary for the purpose of criminal proceedings are transmitted internationally, the transmittal be effected in an expeditious manner directly between the competent authorities of the Parties. This requirement shall be without prejudice to the right of a Party to require that such documents be sent to it through the diplomatic channel".

3. Add a second paragraph reading:

"2. The provisions of paragraph 1 of this article shall not affect rights and obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters."

1. The Conference discussed the text of the article in the revised draft Protocol and the proposed amendments thereto (E/CONF.58/L.1).

2. Some delegations expressed a desire to bring the wording of the article more into line with that of article 35 of the Single Convention.

7th meeting, 28 January

Documents before the Conference:

Text as in the revised draft Protocol.

E/CONF.58/L.1, amendments proposed by the representative of Austria (see above).

E/CONF.58/L.7, amendments proposed by Yugoslavia, as follows:

1. In paragraph (a):

(i) insert the words "at the national level" after the phrase "make arrangements";

(ii) replace the words "it is desirable that they" by "they may usefully".

2. In paragraph (e) replace:

(i) in the first sentence, the word "documents" by "papers";

(ii) in the same sentence, the word "designed" by "designated";

(iii) in the second sentence, the word "documents" by "papers".

E/CONF.58/L.12, amendment proposed by Turkey, as follows:

At the end of sub-paragraph (b), add the following:

"and in particular immediately transmit, through diplomatic channels, to the other Parties directly concerned a copy of any

report addressed to the Secretary-General under article 14 in connexion with the discovery of a case of illicit traffic or a seizure".

1. The representative of Yugoslavia explained that his delegation's amendments (E/CONF.58/L.7; see above) were intended to bring the wording of the article more closely into line with that of article 35 of the Single Convention, in order to prevent confusion in the application of the two texts.

2. The representative of Turkey said that although his delegation's proposal (E/CONF.58/L.12; see above) concerned reports, a subject covered by article 14 of the draft Protocol, the working group on that article had felt that the most appropriate place for such a provision was in the present article. It was important that when cases of illicit traffic were discovered or seizures made, the Parties directly concerned should be informed immediately.

3. There was some objection to the first Austrian amendment (E/CONF.58/L.1), which made the designation of an appropriate agency mandatory.

4. In the light of the discussion, the Austrian representative withdrew his delegation's amendment to sub-paragraph (a) of the article (E/CONF.58/L.1, para.1).

5. The representative of Turkey stated that his delegation wished to add to its proposal (E/CONF.58/L.12), after the words "diplomatic channels", the words "or the competent authorities designated by the Parties for this purpose."

Amendments to sub-paragraph (a)

6. The Yugoslav proposal for the insertion of the words "at the national level" (E/CONF.58/L.7, para. 1 (i)) was adopted by 42 votes to 1, with 7 abstentions.

7. The Yugoslav proposal for the replacement of the words "it is desirable that they" by the words "they may usefully" (E/CONF.58/L.7, para. 1 (ii)) was adopted by 34 votes to 1, with 13 abstentions.

Amendment to sub-paragraph (b)

8. The Turkish amendment (E/CONF.58/L.12), as orally amended by its sponsor, was adopted by 18 votes to 7, with 25 abstentions.

Amendments to sub-paragraph (e)

9. The Austrian amendment (E/CONF.58/L.1, para. 2) was rejected by 22 votes to 9, with 19 abstentions.

10. The first Yugoslav amendment to that sub-paragraph (E/CONF.58/L.7, para. 2 (i)) was adopted by 29 votes to 1, with 19 abstentions.

11. It was agreed to adopt without a vote the third Yugoslav amendment to that paragraph and to refer the second direct to the Drafting Committee (E/CONF.58/L.7, para. 2 (ii) and (iii)).

12. The article as a whole (revised draft Protocol text), as amended, was adopted by 46 votes to none, with 2 abstentions, on the understanding that if the Conference subsequently decided to add a second paragraph to that article, as had been proposed by the representative of Austria (E/CONF.58/L.1, para. 3), the article as a whole would be put to the vote again.

8th meeting, 1 February

Documents before the Conference:

E/CONF.58/L.1 (para. 3), amendment proposed by the representative of Austria for the insertion of a second paragraph (see above, 6th meeting).

E/CONF.58/L.14, sub-amendments to paragraph 3 of the Austrian amendment (above), proposed by Turkey, as follows:

1. Replace the words "mutual assistance in criminal matters" by the words "mutual assistance in judicial matters".

2. Add the following sentence to the wording proposed: "However, in the event of a conflict between the obligations of the Parties, under this Protocol and their obligations under any other international agreement, the former shall prevail."

1. Some delegations expressed doubts about the proposal to add a second paragraph to the article; they felt that it would be wiser to keep to the existing text, which was based on article 35 of the Single Convention.

2. The first Turkish sub-amendment (E/CONF.58/L.14, para. 1) was put to the vote: the result of the vote was 15 in favour and 8 against, with 29 abstentions; the proposal was not adopted, having failed to obtain the required two-thirds majority.

3. The second Turkish sub-amendment (E/CONF.58/L.14, para. 2) was rejected by 26 votes to 8, with 20 abstentions.

4. The Austrian amendment (E/CONF.58/L.1, para. 3) was rejected by 26 votes to 11, with 14 abstentions.

11th meeting, 8 February

Document before the Conference:

E/CONF.58/L.4/Add.2, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 7th meeting, with certain drafting changes, as follows:

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements at the national level for the co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in psychotropic substances, and in particular immediately transmit, through the diplomatic channel or the competent authorities designated by the Parties for this purpose, to the other Parties directly concerned, a copy of any report addressed to the Secretary-General under article 14 in connexion with the discovery of a case of illicit traffic or a seizure;

(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(e) Ensure that, where legal papers are transmitted internationally for the purpose of judicial proceedings, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.

Subject to review of sub-paragraph (b) by the Drafting Committee after its consideration of article 14 of the draft

Protocol, the text of the article (E/CONF.58/L.4/Add.2) was adopted unanimously. It subsequently became that of article 21 of the Convention as finally adopted.

PENAL PROVISIONS: ARTICLE 18 (PROTOCOL)

PENAL PROVISIONS: ARTICLE 22 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

8th meeting, 1 February

Documents before the Conference:

Text of the article as in revised draft Protocol.

E/CONF.58/L.2, amendments proposed by the representative of Austria, as follows:

1. Replace the second sentence of paragraph 1 by the following: "If, however, the offence has been committed by an abuser, punishment may be replaced by measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph (1) of article 16."
2. Delete in paragraph 2, sub-paragraph (a) (iv), the words: "and if such offender has not already been prosecuted and judgement given".
3. Replace the words "extradition crimes" in paragraph 2, sub-paragraph (b), by "extraditable offences".
4. Insert between paragraphs 2 and 3 the following paragraph: "Any psychotropic substances as well as any instruments intended for the commission of any offences referred to in paragraphs 1 and 2 shall be liable to seizure and confiscation."
5. Paragraph 3 should read as follows: "The provisions of this article do not exclude or limit any criminal jurisdiction exercised in accordance with national law."

E/CONF.58/L.8, amendment proposed by France for the addition to paragraph 2 of a sub-paragraph (c) worded as follows:

(c) The offences referred to in paragraph 1 and in paragraph 2 (a) (ii) shall be regarded *ipso facto* as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes in cases where the said Parties have notified the Secretary-General accordingly, subject to the provisions of paragraph 2 (b) regarding conformity with the law of the Party to which application is made and the right of that Party to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

E/CONF.58/L.10, amendment proposed by the delegation of Canada, for the replacement of paragraph 4 of the article by the following text:

4. Nothing contained in this Article shall affect the principle that the offences to which it refers, if created by the law of a Party, shall be defined, prosecuted and punished in conformity therewith.

E/CONF.58/L.16, sub-amendment proposed by the representative of Australia, for the insertion of the words "or accompanied" after the words "may be replaced" in the first Austrian amendment (E/CONF.58/L.2).

E/CONF.58/C.4/L.30, amendment proposed by the representative of Canada, for the deletion of the last sentence of paragraph 1 and the insertion, immediately after paragraph 1, of the following paragraph:

Notwithstanding paragraph 1, in a case where an offence mentioned in paragraph 1 is committed by a person who is an abuser of a psychotropic substance, a Party may adopt measures whereby that person, (a) if charged with an offence so mentioned shall not be convicted provided he submits to measures of treatment, education or social reintegration, as the case may be, or (b) if convicted of an offence so mentioned, shall have available to him measures of treatment, education, aftercare, rehabilitation and social reintegration, as the case may be, in conformity with paragraph 1 of Article 16.

1. The representative of Austria explained that the first, third and fifth of his delegation's proposals (E/CONF.58/L.2) were drafting amendments only; the purpose of the fourth amendment, for the insertion of a new paragraph, was to introduce into the text a provision similar to that of article 37 of the Single Convention.

2. The representative of France said that his delegation's proposal for an additional sub-paragraph in paragraph 2 (E/CONF.58/L.8) was based on the provision in paragraph 2 of article 44 of the Single Convention.

3. The Conference discussed the alternative of punishment and treatment. Some delegations felt that Parties should be free to choose between the two. Others thought that it was important to draw a distinction between traffickers, who should be punished, and addicts, even if offenders, who should be treated.

4. Reference was made to article 36 of the Single Convention.

9th meeting, 2 February

Documents before the Conference:

See above, documents before Conference at 8th meeting.

Paragraph 1

1. The representative of Canada said that his delegation would withdraw its proposal with respect to paragraph 1 and a supplementary paragraph (E/CONF.58/C.4/L.30), in view of the discussion at the previous meeting.

2. A vote was taken on the Australian sub-amendment (E/CONF.58/L.16) to the first Austrian amendment (E/CONF.58/L.2). The result of the vote was 13 in favour and 11 against, with 23 abstentions; the sub-amendment was accordingly not adopted, having failed to obtain the required two-thirds majority.

3. The Austrian amendment to the second sentence of paragraph 1 (E/CONF.58/L.2, para. 1) was rejected by 19 votes to 11, with 20 abstentions.

4. A United Kingdom motion for a separate vote on the second sentence of that paragraph (revised draft Protocol text) was rejected by 28 votes to 8, with 16 abstentions.

5. Paragraph 1 was adopted by 52 votes to none, with 2 abstentions, on the understanding that the Drafting Committee would clarify the text.

Paragraph 2

1. Some delegations expressed a desire to adhere as closely as possible to the terms of article 36 of the Single Convention, which had been drafted with great care.

2. The second Austrian amendment (E/CONF.58/L.2, para. 2) was rejected by 48 votes to 1, with 5 abstentions.

3. The third Austrian amendment (E/CONF.58/L.2, para. 3) was rejected by 22 votes to 1, with 29 abstentions.

4. The French amendment (E/CONF.58/L.8) was rejected by 32 votes to 6, with 12 abstentions.

5. Paragraph 2 of the article (revised draft Protocol text) was adopted by 52 votes to none, with 2 abstentions.

New paragraph 3

1. Several delegations expressed support for the Austrian proposal (E/CONF.58/L.2, para. 4) for the inclusion of a new paragraph based on article 37 of the Single Convention.

2. It was suggested that the proposed new paragraph should reproduce more exactly the terms of that article of the Single Convention, substituting "Any psychotropic substances" for "Any drugs".

3. The Chairman of the Drafting Committee read out the following text: "Any psychotropic substances, any substances and any equipment used in or intended for the commission of any of the offences referred to in paragraphs 1 and 2 shall be liable to seizure and confiscation".

4. The representative of the Holy See suggested that the opening words would be more precise if they read "Any psychotropic substances, any other substances and any equipment...".

5. The Austrian representative accepted the text as thus amended.

6. The proposal for a new paragraph 3 worded in accordance with the suggestions of the Chairman of the Drafting Committee and the representative of the Holy See was adopted by 52 votes in favour and 2 against, on the understanding that the Drafting Committee would ensure the correctness of the text.

Paragraph 3 (now paragraph 4)

1. It was pointed out that the paragraph as it stood in the revised draft Protocol reproduced paragraph 3 of article 36 of the Single Convention. Delegations felt that it would be unwise to depart from that text.

2. The Austrian delegation withdrew its amendment to that paragraph (E/CONF.58/L.2, para. 5).

3. Paragraph 3 of the article (revised draft Protocol text) was adopted unanimously.

Paragraph 4 (now paragraph 5)

1. The Netherlands representative suggested the amendment of the Canadian amendment to that paragraph (E/CONF.58/L.10) by the substitution of the word "tried" for the words "defined, prosecuted and punished".

2. The representative of Canada accepted that suggestion.

3. Some delegations expressed misgivings about the Canadian proposal, which might give rise to difficulties of

interpretation, and a preference for a text closer to that of paragraph 4 of article 36 of the Single Convention.

4. The Canadian amendment (E/CONF.58/L.10), as orally amended, was rejected by 32 votes to 3, with 19 abstentions.

5. Paragraph 4 of the article (revised draft Protocol text) was adopted by 49 votes to none, with 5 abstentions.

6. The article as a whole, as amended, was adopted by 53 votes to none, with 1 abstention.

*11th meeting, 8 February**Document before the Conference:*

E/CONF.58/L.4/Add.2, report of the Drafting Committee, containing that Committee's proposal for the text of the article, as follows:

1. (a) Subject to its constitutional limitations, each Party shall treat as a punishable offence, when committed intentionally, any action contrary to a law or regulation adopted in pursuance of its obligations under this Protocol, and shall ensure that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty;

(b) Notwithstanding the preceding sub-paragraph, when abusers of psychotropic substances have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 16.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) If a series of related actions constituting offences under paragraph 1 has been committed in different countries, each of them shall be treated as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(b) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (a) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. Any psychotropic substance or other substance, as well as any equipment, used in or intended for the commission of any of the offences referred to in paragraphs 1 and 2 of this article, shall be liable to seizure and confiscation.

4. The provisions of this article shall be subject to the provisions of the domestic law of the Party concerned on questions of jurisdiction.

5. Nothing contained in this article shall affect the principle that

the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

1. The representative of Australia proposed that further consideration of the article should be deferred to the next meeting to enable delegations to study the Drafting Committee's changes.

2. The proposal was adopted by 21 votes to 10, with 18 abstentions.

12th meeting, 8 February

Document before the Conference:

E/CONF.58/L.4/Add.2, report of the Drafting Committee (see above).

1. The Chairman of the Drafting Committee explained that that Committee had felt that paragraph 1 of the article could usefully be simplified; the Legal Adviser to the Conference had assisted it in preparing an improved text which did not change the substance of the paragraph.

2. The Legal Adviser to the Conference added that an error in the corresponding provisions of the Single Convention had been corrected by the replacement of the words "contrary to the provisions of this Protocol" by the words "contrary to a law or regulation adopted in pursuance of its obligations under this Protocol".

3. The text of the article (as in E/CONF.58/L.4/Add.2) was adopted by 50 votes to none, with 2 abstentions, and became that of article 22 of the Convention as finally adopted.

APPLICATION OF STRICTER NATIONAL CONTROL MEASURES THAN THOSE REQUIRED BY THIS PROTOCOL: ARTICLE 19 (PROTOCOL)

APPLICATION OF STRICTER NATIONAL CONTROL MEASURES THAN THOSE REQUIRED BY THIS CONVENTION: ARTICLE 23 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

10th meeting, 2 February

Documents before the Conference:

Text as in the revised draft Protocol.

E/CONF.58/L.17, amendment proposed by Mexico for the replacement of the text in the revised draft Protocol by the following:

A Party may adopt stricter and more severe measures of control than those provided for by this Protocol if, in its opinion, such measures are desirable or necessary for the protection of public health and welfare.

1. The representative of Mexico explained that his delegation's proposal for the rewording of the article was designed to express its intent in more simple and direct terms.

2. The representative of the Netherlands proposed, as a sub-amendment to the Mexican amendment, the deletion

of the words "if, in its opinion, such measures are desirable or necessary for the protection of public health and welfare".

3. Some delegations pointed out that the text of the article in the revised draft Protocol was based on article 39 of the Single Convention; however, they were not opposed to the proposed simplification.

4. The Netherlands oral sub-amendment was rejected by 33 votes to 3, with 16 abstentions.

5. The Mexican amendment (E/CONF.58/L.17) was adopted by 51 votes to none, with 4 abstentions.

6. The President noted that since the Mexican amendment replaced the whole of the article, the vote on it was tantamount to the adoption of the article as a whole, as amended.

12th meeting, 8 February

Document before the Conference:

E/CONF.58/L.4/Add.2, report of the Drafting Committee, containing the following text for the article:

A Party may adopt more strict or severe measures of control than those provided by this Protocol if, in its opinion, such measures are desirable or necessary for the protection of the public health and welfare.

The Drafting Committee stated that some delegations had proposed the addition to the text of the words, "subject to paragraph 1 of article 3".

1. Several delegations expressed the view that the addition of those words was unnecessary, and the Conference agreed to vote on the text of the article without them.

2. The text of the article (as in E/CONF.58/L.4/Add.2) was adopted unanimously, and became that of article 23 of the Convention as finally adopted.

EXPENSES OF INTERNATIONAL ORGANS INCURRED IN ADMINISTERING THE PROVISIONS OF THE PROTOCOL: ARTICLE 20 (PROTOCOL)

EXPENSES OF INTERNATIONAL ORGANS INCURRED IN ADMINISTERING THE PROVISIONS OF THE CONVENTION: ARTICLE 24 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

14th meeting, 11 February

Documents before the Conference:

Text as in revised draft Protocol.

E/CONF.58/L.6, amendment proposed by the representatives of Hungary, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, replacing the text in the revised draft Protocol by a text conforming to the provisions of article 6 of the Single Convention, as follows:

The expenses of the Commission and the Board in carrying out their respective functions under this Protocol shall be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly finds equitable and assesses from time to time after consultation with the Governments of these Parties.

E/CONF.58/L.9, proposal by France for the amendment of the first sentence to read as follows:

The expenses of the United Nations and the World Health Organization, and of their dependent bodies, in carrying out their respective functions under this Protocol shall be borne by those Organizations in such manner as shall be decided by the General Assembly of the United Nations and the World Health Assembly respectively.

E/CONF.58/L.11/Rev.1, sub-amendment proposed by Turkey to the proposed joint amendment (E/CONF.58/L.6), for the addition to that text of the following sentence:

Parties which are not members of the World Health Organization shall contribute to the expenses of that Organization incurred in the application of this Protocol such amounts as the World Health Assembly may find equitable and assess from time to time after consultation with the Governments concerned.

1. The representative of the Union of Soviet Socialist Republics recalled that the original text of the draft Protocol¹ had vested very broad powers in WHO and had consequently included provisions relating both to the WHO budget and to that of the United Nations. In the text now before the Conference, WHO and the United Nations organs had the same functions as they had in the Single Convention; there was therefore no need to make any financial provisions other than those in article 6 of the Single Convention. It was the object of the joint amendment to bring the text of the present article into line with the provisions of the Single Convention. It should be remembered that many of the tasks laid upon WHO by the Protocol in fact formed part of the normal functions of that organization in the sphere of the protection of public health.

2. The representative of Turkey said that his delegation supported the joint proposal (E/CONF.58/L.6) but considered that the position of States which were not members of WHO, yet benefited from its services, must be taken into account: it was only fair that they should participate in the financing of the expenses incurred by WHO in administering the provisions of the Protocol; it was for that reason that his delegation had submitted its amendment (E/CONF.58/L.11/Rev.1).

3. The representative of France said that he would support the joint amendment (E/CONF.58/L.6) and accordingly withdrew the amendment proposed by his delegation (E/CONF.58/L.9).

4. Several representatives did not favour the Turkish proposal in view of the wide membership of WHO and of the practical difficulties that might result from the existence of "inactive" members of that organization.

5. The representative of Turkey appreciated that argument and withdrew his delegation's amendment (E/CONF.58/L.11/Rev.1).

¹ E/CN.7/519.

6. In response to a question from the representative of the United States of America, the Legal Adviser to the Conference stated that article 6 of the Single Convention, which was general in scope, might be interpreted to mean that all the expenses of the Commission on Narcotic Drugs and the International Narcotics Control Board would be borne by the United Nations.

7. The text of the article as proposed in the joint amendment (E/CONF.58/L.6) was adopted by 46 votes to none, with 6 abstentions.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 14th meeting.

The text of the article (E/CONF.58/L.4/Add.10) was adopted unanimously, and became that of article 24 of the Convention as finally adopted.

PROCEDURE FOR SIGNATURE, RATIFICATION AND ACCESSION: ARTICLE 21 (PROTOCOL)

PROCEDURE FOR ADMISSION, SIGNATURE, RATIFICATION AND ACCESSION: ARTICLE 25 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

22nd meeting, 17 February

Documents before the Conference:

Text as in revised draft Protocol.

E/CONF.58/L.18, amendment proposed by Hungary, the United Arab Republic and the Union of Soviet Socialist Republics, for the replacement of the introductory part of paragraph 1 by the words: "All States may become Parties to this Protocol."

1. The representative of the Union of Soviet Socialist Republics said that the goals of the Convention could only be attained if that instrument were open to all States, as were other important international instruments, and it was for that reason that his delegation and others had submitted their amendment (E/CONF.58/L.18).

2. Some delegations objected that the "all States" formula placed upon the Secretary-General the responsibility for deciding whether an entity expressing a desire to accede to an international instrument could be regarded as a State, a responsibility which the Secretary-General was not willing to accept. They preferred the "Vienna" formula, whereby States not members of the United Nations family could be invited to become parties by decision of the competent United Nations organ, in the present instance the Economic and Social Council.

3. The representative of Cameroon was in favour of the article as in the revised draft Protocol, but suggested that the title should be amended to read: "Procedure for

admission, signature, ratification and accession", and that paragraph 3 should be worded: "The instruments of ratification or accession shall be deposited with the Secretary-General", ratification itself being a domestic constitutional requirement.

23rd meeting, 17 February

Documents before the Conference:

Text as in the revised draft Protocol.

E/CONF.58/L.18, amendment proposed by Hungary, the United Arab Republic and the Union of Soviet Socialist Republics (see above, 22nd meeting).

1. The representatives of the Byelorussian Soviet Socialist Republic and the Union of Soviet Socialist Republics urged the adoption of the joint amendment (E/CONF.58/L.18): it had been said that international action in the matter of the control of psychotropic substances should be world-wide; it was illogical, therefore, to exclude any States. The "all States" formula had been used, recently, in the Treaty on the Non-Proliferation of Nuclear Weapons.

2. Several delegations pointed out that in the case of treaties in which the "all States" formula had been used the Secretary-General was not the depositary: the present instrument was one of a number of technical conventions all of which used the "Vienna" formula.

3. The Legal Adviser to the Conference, replying to a question, said that where the Secretary-General was to be the depositary of an instrument he wished the requirements of the conference adopting it to be made quite clear since he did not regard it as part of his functions as depositary to decide on disputed questions of statehood. In the present instance, if the Conference were to provide the Secretary-General with a list of the States on which it wished to confer the right to become parties, he would execute the instructions given to him.

4. Various suggestions were made for the period during which the Convention should be open for signature—90 days, 4 months, 6 months and 12 months.

5. The President drew attention to the fact that in article 40 of the Single Convention a specific date was set; he suggested the insertion of the date 1 January 1972.

6. That suggestion was adopted.

7. At the request of the representative of the Union of Soviet Socialist Republics, the vote on the joint amendment to paragraph 1 (E/CONF.58/L.18) was taken by roll-call. The amendment was rejected by 41 votes to 16, with 8 abstentions.

8. The representative of Hungary moved that a separate vote be taken on the words "invited by the Council" in paragraph 1 (revised draft Protocol text). That motion was rejected by 43 votes to 11, with 12 abstentions.

9. The Cameroonian oral amendment to the title of the article (see 22nd meeting, para. 3) was adopted by 20 votes to 3, with 40 abstentions.

10. The Cameroonian oral amendment to paragraph 3 (see 22nd meeting, para. 3) was adopted by 37 votes to 1, with 24 abstentions.

11. The representative of the Union of Soviet Socialist Republics asked that separate votes should be taken, first, on paragraph 1, and then on paragraphs 2 and 3 together.

12. Paragraph 1 (revised draft Protocol text) was adopted by 47 votes to 11, with 7 abstentions.

13. Paragraphs 2 and 3 (revised draft Protocol text) were adopted unanimously.

14. The article as a whole (revised draft Protocol text), as amended, was adopted by 52 votes to 9, with 5 abstentions.

15. The representative of the Union of Soviet Socialist Republics said that although he had voted for paragraphs 2 and 3 he had been obliged to vote against the article as a whole because of the flagrantly discriminatory features it contained.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 23rd meeting, as follows:

Procedure for admission, signature, ratification and accession

1. Members of the United Nations, States not Members of the United Nations which are members of a specialized agency of the United Nations or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and any other State invited by the Council, may become Parties to this Convention:

- (a) By signing it; or
- (b) By ratifying it after signing it subject to ratification; or
- (c) By acceding to it.

2. The Convention shall be open for signature until 1 January 1972 inclusive. Thereafter it shall be open for accession.

3. Instruments of ratification or accession shall be deposited with the Secretary-General.

1. Some delegations said that there was no legal precedent for the inclusion of the word "admission" in the title of the article and that it was meaningless and therefore unnecessary.

2. The President reminded the Conference that it could not change the title unless it formally decided to reconsider the decision it had adopted at its 23rd meeting.

3. A motion put forward by the representative of the Union of Soviet Socialist Republics for reconsideration of the decision to include the word "admission" in the title of the article was rejected by 20 votes to 17, with 14 abstentions.

4. The text of the article as a whole (E/CONF.58/L.4/Add.10) was adopted by 50 votes to 5, with 1 abstention, and became that of article 25 of the Convention as finally adopted.

ENTRY INTO FORCE: ARTICLE 22 (PROTOCOL)

ENTRY INTO FORCE: ARTICLE 26 (CONVENTION)

Assigned to plenary Conference.

*Plenary Conference**23rd meeting, 17 February**Document before the Conference:*

Text as in the revised draft Protocol.

1. The President drew attention to the space in paragraph 1 of the article for a figure indicating the number of ratifications required to bring the Convention into force. Article 41 of the Single Convention required the deposit of 40 instruments of ratification.

2. The figures 25, 30 and 40 were proposed by different delegations.

*24th meeting, 17 February**Document before the Conference:*

Text as in the revised draft Protocol.

1. Further suggestions were made regarding the number of ratifications that should be required to bring the Convention into force.

2. The Conference agreed to insert the figure 40, as in the Single Convention.

3. Subject to the insertion of the word "forty" in paragraph 1, the article (revised draft Protocol text) was adopted.

*27th meeting, 18 February**Document before the Conference:*

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 24th meeting, with the addition at the end of paragraph 2 of the words "of ratification or accession", as follows:

1. The Convention shall come into force on the ninetieth day after forty of the States referred to in article 21, paragraph 1, have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any other State signing without reservation of ratification, or depositing an instrument of ratification or accession after the last signature or deposit referred to in the preceding paragraph, the Convention shall enter into force on the ninetieth day following the date of its signature or deposit of its instrument of ratification or accession.

The text of the article was adopted unanimously, and became that of article 26 of the Convention as finally adopted.

TERRITORIAL APPLICATION: ARTICLE 23 (PROTOCOL)

TERRITORIAL APPLICATION: ARTICLE 27 (CONVENTION)

Assigned to plenary Conference.

*Plenary Conference**24th meeting, 17 February**Documents before the Conference:*

Text as in the revised draft Protocol.

E/CONF.58/L.35, proposal by the Union of Soviet Socialist Republics, reading as follows:

Delete article 23 from the draft Protocol, as its retention would be contrary to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960).

1. The representative of the Union of Soviet Socialist Republics, introducing his delegation's amendment (E/CONF.58/L.35), said that it considered unacceptable an article based on the admissibility of the colonial relationship.

2. Some delegations pointed out that for constitutional and administrative reasons such an article was necessary; its purpose was practical and not political, and the Single Convention contained identical provisions in its article 42.

3. The representative of the Union of Soviet Socialist Republics said that there were many international treaties which did not contain "the colonial clause"; he would not press his amendment (E/CONF.58/L.35) but he asked for a roll-call vote on the article.

4. The result of the roll-call vote was 38 votes in favour and 13 against, with 14 abstentions. The article (revised draft Protocol text) was adopted, having obtained the required two-thirds majority.

*27th meeting, 18 February**Document before the Conference:*

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 24th meeting, with minor drafting changes, as follows:

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

1. The representative of the Union of Soviet Socialist Republics protested at the inclusion of a "colonial clause" in the Convention.

2. The text of the article (E/CONF.58/L.4/Add.10) was adopted unanimously, and became that of article 27 of the Convention as finally adopted.

TERRITORIES FOR THE PURPOSES OF ARTICLES 6, 11, 12 AND 14: ARTICLE 23 *bis* (PROTOCOL)

REGIONS FOR THE PURPOSES OF THIS CONVENTION: ARTICLE 28 (CONVENTION)

Assigned to plenary Conference.

*Plenary Conference**22nd meeting, 17 February**Document before the Conference:*

Text as in the revised draft Protocol.

1. Some representatives observed that although "territories" was the word used in article 43 of the Single Convention, it might lead to confusion in the present text.

2. The Conference agreed to replace the words "territory" and "territories" in that article by the words "region" and "regions" wherever that was appropriate.

3. The article (revised draft Protocol), as amended, was adopted by 59 votes to none, with 2 abstentions.

*27th meeting, 18 February**Document before the Conference:*

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 22nd meeting with certain drafting changes, as follows:

1. Any Party may notify the Secretary-General that, for the purposes of this Convention, its territory is divided into two or more regions, or that two or more of its regions are consolidated into a single region.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a region for the purposes of this Convention.

3. Any notification under paragraph 1 or 2 above shall take effect on 1 January of the year following the year in which the notification was made.

The text of the article (E/CONF.58/L.4/Add.10) was adopted unanimously, and became that of article 28 of the Convention as finally adopted.

DENUNCIATION: ARTICLE 24 (PROTOCOL)

DENUNCIATION: ARTICLE 29 (CONVENTION)

Assigned to plenary Conference.

*Plenary Conference**24th meeting, 17 February**Document before the Conference:*

Text as in the revised draft Protocol.

1. The Conference decided to insert the word "two" in the blank space in paragraph 1; two years was the period laid down in article 46 of the Single Convention.

2. The representative of Yugoslavia requested that a separate vote should be taken on paragraph 1.

3. Paragraph 1 of the article, as completed, was adopted by 46 votes to 9, with 8 abstentions.

4. Paragraphs 2 and 3 were adopted unanimously.

5. The article as a whole (revised draft Protocol text), as completed, was adopted by 48 votes to none, with 16 abstentions.

*27th meeting, 18 February**Document before the Conference:*

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 24th meeting, slightly amended, as follows:

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 a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 23, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July of any year, shall take effect on the first day of January of the succeeding year, and if received after the first day of July it shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. The Convention shall be terminated if, as a result of denunciations made in accordance with paragraphs 1 and 2, the conditions for its coming into force as laid down in paragraph 1 of article 22 cease to exist.

The text of the article (E/CONF.58/L.4/Add.10) was adopted unanimously and became that of article 29 of the Convention as finally adopted.

AMENDMENTS: ARTICLE 25 (PROTOCOL)

AMENDMENTS: ARTICLE 30 (CONVENTION)

Assigned to plenary Conference.

*Plenary Conference**24th meeting, 17 February**Documents before the Conference:*

Text as in the revised draft Protocol.

E/CONF.58/L.32 and Corr.1, amendment proposed by Canada, France, Turkey and the Union of Soviet Socialist Republics, for the replacement of the text of the article by the following text, corresponding to the provisions of article 47 of the Single Convention, as follows:

1. Each Party may propose an amendment to this Protocol. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General who shall communicate them to the Parties and to the Council. The Council may decide either:

(a) That a conference shall be called in accordance with Article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment; or

(b) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (b) of this article has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

E/CONF.58/L.33, amendment proposed by the Federal Republic of Germany for the replacement of the first sentence of paragraph 4 by the following:

An amendment which has been circulated in accordance with paragraph 3 (c) of this article and has not been rejected by any Party by a notification in writing to the Secretary-General within eighteen months after it has been circulated shall enter into force in respect of all Parties after the expiration of three months from the end of this period.

1. The representative of the Federal Republic of Germany said that he could support the joint amendment (E/CONF.58/L.32 and Corr.1).

2. The President stated that the opening words of the joint amendment should be "Any Party" and not "Each Party".

3. The Legal Adviser to the Conference explained that paragraph 3 (b) of the revised draft Protocol text, which provided for the submission of proposed amendments to the General Assembly, had been inserted expressly in order to rectify what was an omission in the Single Convention.

4. The joint amendment (E/CONF.58/L.32 and Corr.1), as corrected, was adopted by 57 votes to 1, with 4 abstentions.

5. The President stated that since the amendment just adopted replaced the entire text of the article, it was not necessary to vote on the amendment proposed by the Federal Republic of Germany.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 24th meeting, with minor drafting changes, as follows:

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General who shall communicate them to the Parties and to the Council. The Council may decide either:

(a) That a conference shall be called in accordance with paragraph 4 of Article 62 of the Charter of the United Nations to consider the proposed amendment; or

(b) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (b) of this article has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If, however, a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

The text of the article (E/CONF.58/L.4/Add.10) was adopted unanimously and became that of article 30 of the Convention as finally adopted.

DISPUTES: ARTICLES 26 (PROTOCOL)

DISPUTES: ARTICLE 31 (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

24th meeting, 17 February

Documents before the Conference:

Text of the article as in the revised draft Protocol.

E/CONF.58/L.23, amendment proposed by India, for the replacement of paragraph 2 of the article by the following:

2. Any such dispute which cannot be settled in the manner prescribed may, with the agreement of the Parties concerned, be referred to the International Court of Justice.

E/CONF.58/L.31, amendment proposed by Turkey, for the replacement of paragraph 2 of the article by the following text, similar to that of paragraph 2 of article 48 of the Single Convention:

2. Any such dispute which cannot be settled in the manner prescribed in paragraph 1 shall be referred to the International Court of Justice.

1. The representative of Turkey stated that his delegation wished to add, at the end of its amendment, the words "in accordance with the Statute of the International Court of Justice".

2. In the discussion of the text of the article as set forth in the revised draft Protocol and the amendments proposed thereto, opposing views were expressed.

3. The Indian amendment (E/CONF.58/L.23) was rejected by 24 votes to 15, with 11 abstentions.

4. A vote was taken on the Turkish amendment (E/CONF.58/L.31), as orally revised by its sponsor; the result of the vote was 28 in favour and 20 against, with 12 abstentions. The revised Turkish amendment was not adopted, having failed to obtain the required two-thirds majority.

5. The representative of Turkey requested that separate votes should be taken on paragraphs 1 and 2 of the article (revised draft Protocol text).

6. Paragraph 1 was adopted by 61 votes to none, with 1 abstention.

7. Paragraph 2 was adopted by 39 votes to 14, with 9 abstentions.

8. The article as a whole (revised draft Protocol text) was adopted by 46 votes to 8, with 9 abstentions.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 24th meeting.

1. The representative of the Union of Soviet Socialist Republics said that it was his delegation's position that the agreement of the Parties was essential for the submission of a dispute to the International Court of Justice.

2. The text of the article was adopted unanimously, and became that of article 31 of the Convention as finally adopted.

RESERVATIONS: ARTICLE 27 (PROTOCOL)

RESERVATIONS: ARTICLE 32 (CONVENTION)

Assigned to Committee on Control Measures and to Plenary Conference.

Plenary Conference.

25th meeting, 18 February

Document before the Conference:

Text of the article as in the revised draft Protocol.

E/CONF.58/L.28, proposal by Mexico for an additional article to read as follows:

When signing, ratifying or acceding to this Protocol, any Party in whose territory there are plants growing wild which contain psychotropic substances from among those listed in Schedule I and which have been traditionally used by small ethnic groups in magico-religious rites may make a reservation accordingly in respect of the provisions of article 6.

1. The Conference was informed that the Committee on Control Measures had not examined the article because it felt that it should be discussed by the Conference as a whole.

2. The representative of Turkey proposed that the text of the article should be brought into line with that of article 50 of the Single Convention and should, accordingly, read as follows:

1. No reservation other than those made in accordance with paragraphs 2 and 3 of the present article shall be permitted.

2. Any State may, at the time of signature, ratification or accession, make reservations in respect of the following provisions of the present Convention:...

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article may inform the Secretary-General of that intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing to the Secretary-General withdraw all or part of its reservations.

3. Different delegations proposed that reservations should be allowed on article 15 *bis*, paragraphs 1 and 2, and on articles 23 and 26 of the draft Protocol.

4. The representative of Turkey proposed the insertion, in the text of his delegation's amendment, of a new paragraph 4, reading as follows:

4. Parties on whose territory there are plants growing wild which contain psychotropic substances from among those listed in Schedule I and which are traditionally used by certain small, clearly determined groups in magical or religious rites, may, in accordance with paragraph 2 of the present article, make reservations concerning these plants, in respect of the provisions of article 6, except for the provisions relating to international trade.

5. The representative of Mexico said that his delegation would be satisfied with that amendment.

6. Paragraph 3 of the Turkish oral amendment was adopted by 48 votes to 4, with 9 abstentions.

7. The new paragraph 4 of the Turkish oral amendment was adopted by 41 votes to 3, with 17 abstentions.

8. Paragraphs 1, 2 and 5 (former paragraph 4) of the Turkish oral amendment were adopted by 53 votes to none, with 8 abstentions, subject to a decision regarding the articles in respect of which reservations would be allowed under paragraph 2.

9. The Conference decided, by 29 votes to 5, with 26 abstentions, to mention paragraphs 1 and 2 of article 15 *bis* of the draft Protocol in paragraph 2 of the article.

10. The Conference decided, by 22 votes to none, with 35 abstentions, to mention article 23 in paragraph 2 of the article.

11. The Conference decided, by 16 votes to 8, with 36 abstentions, to mention article 26 in paragraph 2 of the article.

12. The article as a whole, as amended, was adopted by 52 votes to none, with 9 abstentions.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article as adopted by the Conference at its 25th meeting, with certain drafting changes, as follows:

1. No reservation other than those made in accordance with paragraphs 2, 3 and 4 of the present article shall be permitted.

2. Any State may, at the time of signature, ratification or accession, make reservations in respect of the following provisions of the present Convention:

article 15 *bis*, paragraphs 1 and 2;
article 23; and
article 26.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have signed without reservation of ratification, ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood, however, that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State on whose territory there are plants growing wild which contain psychotropic substances from among those listed in Schedule I and which are traditionally used by certain small, clearly determined groups in magical or religious rites, may, in accordance with paragraph 2 of the present article, make reservations concerning these plants, in respect of the provisions of article 6 of the present Convention, except for the provisions relating to international trade.

5. A State which has made reservations may at any time by notification in writing to the Secretary-General withdraw all or part of its reservations.

1. The representative of the Union of Soviet Socialist Republics suggested that the reference in paragraph 3 of the article should be to "paragraphs 2 and 4 of this article".

2. The representative of the Holy See suggested that in paragraph 4 the words "in accordance with paragraph 2 of the present article" should be replaced by the words "at the time of signature, ratification or accession".

3. Subject to those two drafting amendments, the text of the article (E/CONF.58/L.4/Add.10) was adopted, and became that of article 32 of the Convention as finally adopted.

NOTIFICATIONS: ARTICLE 28;
AND CONCLUDING PARAGRAPHS (PROTOCOL)

NOTIFICATIONS: ARTICLE 33;
AND CONCLUDING PARAGRAPHS (CONVENTION)

Assigned to plenary Conference.

Plenary Conference

25th meeting, 18 February

Documents before the Conference:

Text of the article and concluding paragraphs as in the revised draft Protocol.

1. The President stated that the representative of Turkey had undertaken to complete the wording of the article as given in the revised draft Protocol; his text reproduced the wording of article 51 of the Single Convention, with the necessary changes in the numbers of the articles referred to in sub-paragraphs (a), (b), (c) and (d). In addition, in the concluding paragraph, "New York" should be replaced by "Vienna", and the date of signature would be specified as soon as possible.

2. The representative of Yugoslavia proposed that the date of signature should be 21 February 1971, and that a reference to that date should be included in the final paragraph.

3. It was so agreed.

4. The article, as thus amended, was adopted.

27th meeting, 18 February

Document before the Conference:

E/CONF.58/L.4/Add.10, report of the Drafting Committee, containing the text of the article and concluding paragraphs as adopted by the Conference at its 25th meeting, as follows:

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 21:

(a) Signatures, ratifications and accessions in accordance with article 21;

(b) The date upon which this Convention enters into force in accordance with article 22;

(c) Denunciations in accordance with article 24; and

(d) Declarations and notifications under articles 23, 23 bis, 25 and 27.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments:

DONE AT VIENNA, this twenty-first day of February, one thousand nine hundred and seventy-one, in a single copy, which shall be

deposited in the archives of the United Nations, and of which certified true copies shall be transmitted to all the Members of the United Nations and to the other States referred to in article 21, paragraph 1.

1. The text of the article and two concluding paragraphs of the instrument was adopted by 52 votes to none, with 4 abstentions. The text of the article became that of article 33 of the Convention as finally adopted.

2. In the final text of the Convention the concluding paragraph was amended to read as follows:

DONE AT VIENNA, this twenty-first day of February, one thousand nine hundred and seventy-one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each being equally authentic. The Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies thereof to all the Members of the United Nations and to the other States referred to in paragraph 1 of article 25.

SCHEDULES I-IV

Plenary Conference

26th meeting, 18 February

Documents before the Conference:

Text of the schedules as in the revised draft Protocol.

E/CONF.58/L.47, report of the Technical Committee on Schedules I, II, III and IV (see annex I to report on schedules).

1. The Chairman of the Technical Committee, introducing that Committee's report (E/CONF.58/L.47; see above), said that the Committee had very carefully considered the substances listed in each of the four schedules included in the revised draft Protocol, and had discussed at length, with respect to each substance, its dependency-producing characteristics, its uses and the extent of its misuse. The Committee had reviewed the Schedules in their entirety after the adoption by the Committee on Control Measures of the provisions relating to the scope of control of psychotropic substances (article 2), and had then taken its final decision on the placing of the various substances in the schedules, bearing in mind the manner in which the Convention would in the future operate in respect of each schedule.

2. The Technical Committee's list for Schedule I did not differ from the list in the revised draft Protocol. The Committee had decided, after lengthy discussion, to retain all the isomers of tetrahydrocannabinol in the list even though only one of them had been proved to have hallucinogenic properties.

3. Six substances were listed in Schedule II, the five listed in the revised draft Protocol, and phencyclidine, which the Committee had added.

4. For Schedule III, the Committee had accepted the list in the revised draft Protocol and had rejected the proposal to add a number of substances mentioned in the footnote to that schedule in the Technical Committee's report.

5. The various substances included in Schedule IV in the revised draft Protocol had been thoroughly examined, and it had been decided to remove three of them: aminorex, chlordiazepoxide and diazepam. Opinion had been divided on the subject, however; the voting in the Committee on each substance was recorded in the table appended to the Committee's report (E/CONF.58/L.47, addendum).

6. He emphasized that the lists were not final: substances included in them would serve as models for the subsequent addition, through the procedures laid down in the Convention, of other substances having similar characteristics.

7. It had been suggested that it might be desirable to add to the schedules a note stating that the salts of all the substances listed in them should be subject to the same control measures as the substances themselves.

Schedule I

1. The representatives of the United States of America and Canada considered that since nothing was known about the effects on man of all but one of the isomers of tetrahydrocannabinol, only that one should have been included in the list under Schedule I. Other representatives disagreed.

2. The Chairman of the Technical Committee stated that that Committee's decision had been taken on the basis of present knowledge on the subject: the World Health Organization's Expert Committee on Drug Dependence had recommended the inclusion of all those isomers in Schedule I. One of them had been proved to be a dangerous hallucinogen, and there was every likelihood that the others had the same properties; if later experience showed that not to be the case, the Commission on Narcotic Drugs could take appropriate action.

3. Schedule I (E/CONF.58/L.47) was adopted by 59 votes to none, with 2 abstentions.

Schedule II

4. The representative of Togo explained that the Technical Committee had at first, at the suggestion of the Canadian delegation, transferred phencyclidine, from Schedule IV (revised draft Protocol text) to Schedule I, as being a dangerous substance, but had moved it to Schedule II when the United States representative had drawn attention to its veterinary uses.

5. Schedule II (E/CONF.58/L.47) was adopted by 61 votes to none.

Schedule III

6. The representative of Australia said that her delegation had proposed the inclusion in Schedule III of seven additional substances (E/CONF.58/C.3/L.4; see annex II to report on schedules), because it believed that the evidence was sufficient to warrant their inclusion. However, the Technical Committee had rejected that proposal; she would refer it to WHO for further consideration.

7. The representative of the United Kingdom of Great Britain and Northern Ireland said that his delegation would abstain in the vote on that schedule because the question of placing barbiturates under stricter control in the United Kingdom was now under study by his Government.

8. Schedule III (E/CONF.58/L.47) was adopted by 59 votes to none, with 3 abstentions.

Schedule IV

9. The representative of Canada expressed his delegation's concern at the deletion from the list in Schedule IV of the two drugs chlordiazepoxide and diazepam, which appeared to meet the criteria for inclusion and had originally been included, like the others in the list, on the recommendation of the WHO Expert Committee on Drug Dependence. The exclusion of those two substances diminished the value of the Convention as a whole.

10. Other representatives echoed the concern shown by the representative of Canada and expressed a preference for the list in the revised draft Protocol. They regretted the exclusion of chlordiazepoxide and diazepam, which were already beginning to cause an abuse problem in some countries, and feared that that action might prove to have unfortunate consequences.

11. Schedule IV (E/CONF.58/L.47) was adopted by 54 votes to 3, with 4 abstentions.

27th meeting, 18 February

Representatives explained their delegations' votes on Schedule IV, and the Conference concluded its consideration of the Technical Committee's report (E/CONF.58/L.47). The four Schedules as adopted were incorporated in the final text of the Convention.

ANNEX 1

Report of the Technical Committee on Schedules I, II, III and IV ^a

1. Following the report of the Committee on Control Measures concerning the scope of control of psychotropic substances (E/CONF.58/C.4/L.5/Add.7; see above, under article 2) the Technical Committee has again examined carefully the lists of substances in Schedules I, II, III and IV of the revised draft Protocol on Psychotropic Substances. The revised Schedules are presented herein along with an addendum to Schedule IV. This addendum is included to indicate the divided opinion registered regarding Schedule IV substances.

2. It will be noted that phencyclidine has been moved from Schedule I to Schedule II and that three substances, aminorex, chlordiazepoxide and diazepam, have been deleted from Schedule IV. Note should also be taken of the nomenclature which has been revised for optimal uniformity between English, French, Russian and Spanish. This nomenclature is now in substantial conformity with the International Union of Pure and Applied Chemistry (IUPAC) System and that used in the Single Convention on Narcotic Drugs, 1961.

^a Circulated as document E/CONF.58/L.47.

SCHEDULES I, II, III AND IV

Note: The names printed in capitals in the left-hand column are the International Non-Proprietary Names (INN). With one exception ((+)-LYSERGIDE), other non-proprietary or trivial names are given only where no INN has yet been proposed.

INN	Other non-proprietary or trivial names	Chemical name
<i>List of substances in Schedule I</i>		
1.	DET	<i>N,N</i> -diethyltryptamine
2.	DMHP	3-(1,2-dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[b,d]pyran
3.	DMT	<i>N,N</i> -dimethyltryptamine
4. (+) -LYSERGIDE	LSD, LSD-25	(+)- <i>N,N</i> -diethyllysergamide (<i>d</i> -lysergic acid diethylamide)
5.	mescaline	3,4,5-trimethoxyphenethylamine
6.	paraheyl	3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo [b,d] pyran
7.	psilocine, psilotsin	3-(2-dimethylaminoethyl)-4-hydroxyindole
8. PSILOCYBINE		3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate
9.	STO, DOM	2-amino-1-(2,5-dimethoxy-4-methyl phenyl)propane
10.	tetrahydrocannabinols, all isomers ^b	1-hydroxy-3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[b,d]pyran

List of substances in Schedule II

1. AMPHETAMINE	(±)-2-amino-1-phenylpropane
2. DEXAMPHETAMINE	(+)-2-amino-1-phenylpropane
3. METHAMPHETAMINE	(+)-2-methylamino-1-phenylpropane
4. METHYLPHENIDATE	2-phenyl-2-(2-piropidyl)acetic acid, methyl ester
5. PHENCYCLIDINE	1-(1-phenylcyclohexyl)piperidine
6. PHENMETRAZINE	3-methyl-2-phenylmorpholine

List of substances in Schedule III^c

1. AMOBARBITAL	5-ethyl-5-(3-methylbutyl)barbituric acid
2. CYCLOBARBITAL	5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid
3. GLUTETHIMIDE	2-ethyl-2-phenylglutarimide
4. PENTOBARBITAL	5-ethyl-5-(1-methylbutyl)barbituric acid
5. SECOBARBITAL	5-allyl-5-(1-methylbutyl)barbituric acid

^b There was unanimous sentiment to include at least Δ^9 -tetrahydrocannabinol. The vote on retention of the phrase "all isomers" was 17 for, 7 against, 2 abstentions. It was recommended that the Plenary give this item (10) especially careful review.

^c Allobarbitol, Aprobarbitol, Butobarbitol, Heptabarbitol, Secbutobarbitol, Talbutol and Vinbarbitol were proposed for inclusion in this Schedule (E/CONF.58/C.3/L.4; see annex II below). The vote for rejection was 12-4 (7 abstentions).

SCHEDULES I, II, III, AND IV (continued)

INN	Other non-proprietary or trivial names	Chemical name
<i>List of substances in Schedule IV^d</i>		
1. AMFEPRAMONE		2-(diethylamino)propiofenone
2. BARBITAL		5,5-diethylbarbituric acid
3.	ethchlorvynol	ethyl-2-chlorovinylethinylcarbinol
4. ETHINAMATE		1-ethynylcyclohexanolcarbamate
5. MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate
6. METHAQUALONE		2-methyl-3- <i>o</i> -tolyl-4(3 <i>H</i>)- quinazolinone
7. METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenyl- barbituric acid
8. METHYPRYLON		3,3-diethyl-5-methyl-2,4- piperidine-dione
9. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid
10. PIPRADROL		1,1-diphenyl-(2-piperidyl) methanol
11.	SPA	(-)-1-dimethylamino-1,2- diphenylethane

^d As there was divided opinion on most of the substances in Schedule IV, an addendum is attached to indicate the results of the voting.

ADDENDUM

INN	Other non-proprietary or trivial names	Chemical name	Vote of Committee		
			For retention	For deletion	Abstention
<i>Substances retained in Schedule IV</i>					
1. AMFEPRAMONE		2-(diethylamino)propiofenone	10	9	4
2. BARBITAL		5,5-diethylbarbituric acid	unanimous	—	—
3.	ethchlorvynol	ethyl-2-chlorovinylethinylcarbinol	11	5	5
4. ETHINAMATE		1-ethynylcyclohexanolcarbamate	9	6	7
5. MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate	17	3	2
6. METHAQUALONE		2-methyl-3- <i>o</i> -tolyl-4(3 <i>H</i>)-quinazolinone	10	9	4
7. METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenylbarbituric acid	10	9	4
8. METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidine-dione	unanimous	—	—
9. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid	10	9	4
10. PIPRADROL		1,1-diphenyl-(2-piperidyl)methanol	8	6	8
11.	SPA	(-)-1-dimethylamino-1,2-diphenylethane	18	3	1
<i>Substances deleted from Schedule IV</i>					
1. AMINOREK		2-amino-5-phenyl-2-oxazoline	1	19	5
2. CHLORDIAZEPOXIDE		7-chloro-2-methylamino-5-phenyl-3 <i>H</i> 1,4-benzodiazepine-4-oxide	6	14	3
3. DIAZEPAM		7-chloro-1,3-dihydro-1-methyl-5-phenyl- 2 <i>H</i> -1,4-benzodiazepin-2-one	6	12	4

ANNEX II

Schedule II

Technical Committee — Additions to Schedules ^a

Proposals from the Australian delegation:

1. As provided for in paragraph 10 (a) of the document on the organization of the Conference and plan of work (E/CONF.58/2/Rev.1; see above, part one, section D) the Australian delegation proposes that the following substances referred to in the Seventeenth Report of the WHO Expert Committee on Drug Dependence as substances analogous to the substances included in Draft Schedule III, be added to either Schedule III or Schedule IV of the draft Protocol:

Allobarbitol	Secbutabarbitol
Aprobarbitol	Talbutal
Butobarbitol	Vinbarbitol
Heptabarbitol	

2. The substances referred to are either intermediate or short acting barbiturates and, as has been well documented, these generally present a greater abuse potential than the long acting barbiturates already included in draft Schedule IV.

ANNEX III

Technical Committee — Therapeutic and maximum doses of psychotropic substances ^b

In order to facilitate discussions on preparations, the secretariat has prepared the following list indicating the therapeutic and maximal doses for the substances which have been included in Schedules II, III and IV. The information has been derived from general reference books and other sources available to the secretariat. The list is intended to serve merely as a guide and it should not be considered as comprehensive.

Abbreviations used

The doses are in respect of oral administration, unless otherwise indicated. However, where more than one route of administration may be used, each has been specified.

p.o.	<i>per os</i>
i.m.	<i>intra muscolum</i>
i.v.	<i>intra venam</i>
s.c.	<i>sub cutim</i>
SD	single dose
DD	daily dose
MDD	maximum daily dose

- (1) *International Pharmacopoeia* (second edition, 1967)
- (2) *Psychotropic Drugs and Related Compounds*, Earl Usdin and Daniel H. Efron Public Health Service publication No. 1589 (Department of Health, Education and Welfare, United States of America, 1967).
- (3) *The Merck Index* (eight edition, 1968)
- (4) *The Extra Pharmacopoeia* (Martindale, 25th edition, 1967)
- (5) *British Pharmacopoeia*, 1968
- (6) Other pharmacopoeias (information quoted in reference (4))
- (7) APD/INT/18, 22 September 1960 (Working paper of WHO Expert Committee on Addiction-producing Drugs)

Amphetamine
phosphate

SD	: 5 mg (4) 20 mg/p.o., s.c. (6)
DD	: 20-50 mg (2)
MDD	: 60 mg/p.o., s.c. (6)

sulfate

SD	: 2,5-10 mg (1) 2-5 mg/i.m., s.c. (1) -20 mg (6) 5-10 mg (4) 5-10 mg (5)
DD	: 10-20 mg (1) 5-40 mg (2) 10-20 mg/i.m., i.v. (2) 10-20 mg/i.m., s.c. (1) 5-30 mg (3) 10-20 mg (4) 10-20 mg (5)
MDD	: 40 mg (1) 30 mg/i. m., s.c. (1) 40 mg (6)

Dexamphetamine

sulfate

SD	: 5-10 mg (1)
DD	: 10-20 mg (1)
MDD	: 40 mg (1)
SD	: 5 mg (3) 5-10 mg (4) (5)
DD	: 5-50 mg (2) 10-20 mg (4) (5)

Methamphetamine

hydrochloride

SD	: 2,5-10 mg (1) 2,5-5 mg (2) 10-15 mg/i.v. (2) 15-30 mg/i.m. (2) 2-5 mg/s.c., i.m., i.v. (3) 2,5-10 mg (4) (5) 10-30 mg/i.m., i.v. (4) (5)
DD	: 10-20 mg (1) 10-15 mg (2) 20-30 mg/i.v. (2) 30-60 mg/i.m. (2)
MDD	: 60 mg/i.v. (2)

Methylphenidate

SD	: 10-20 mg (2) 10-20 mg (3) 10 mg (4)
DD	: 20-60 mg/p.o. (2) 10-50 mg/i.v., i.m., s.c. (2) 20-60 mg (4)
MDD	: -160 mg p.o. (2)

Phenmetrazine

hydrochloride

SD	: 12,5-25 mg (2) 12,5-25 mg (3)
DD	: 25-75 mg (2) 25-75 mg (4) (5)

^a Circulated as document E/CONF.58/C.3/L.4.

^b Circulated as document E/CONF.58/C.3/L.5.

*Schedule III**Amobarbital*

- SD : 50-200 mg (1)
 30-200 mg (3)
 100-200 mg (4) (5)
 -300 mg (6)
 -500 mg (6)
- DD : 100-400 mg (1)
 100-600 mg (5)
 -300 mg (6)
- MDD : -1000 mg (1) (6)

-Na

- SD : 100 mg/i.m., i.v., s.c. (1)
- DD : 200-500 mg/i.m., i.v., s.c. (1)
 100-600 mg (5)
- MDD : 750 mg/i.m., i.v., s.c. (1)

Cyclobarbitol

- SD : 200-400 mg (4)

-Na

- SD : 200-400 mg (4)

-Ca

- SD : 200-400 mg (1)
 100-300 mg (3)
- DD : 200-800 mg (1)

Glutethimide

- SD : 250-500 mg (1)
 250 mg (2)
 250-500 mg (3)
 250-500 mg (4) (5)
- DD : 500-1000 mg (1)
 375-750 mg (2)

*Pentobarbital**-Na*

- SD : 30-300 mg (3)
 100-mg/i.v. (3)
 100-200 mg (4)
 -500 mg (6)
- MDD : 1000 mg (6)

-Ca

- SD : 100-200 mg (4)
 -500 mg (6)
- MDD : 1000 mg (6) (4)

Secobarbital

- SD : 50-200 mg (4)

-Na

- SD : 50-100 mg (1)
 50-200 mg (3)
 50-200 mg (4)
 100-200 mg (5)
- DD : 50-300 mg (1)
- MDD : 600 mg (1)

*Schedule IV**Aminorex*

- SD : 15 mg

Amfepramone

- SD : 25 mg (3)

Barbital

- SD : 300-600 mg (4)

-Na

- SD : 100-300 mg/s.c. (1)
 300-500 mg (3)
 300-600 mg (4) (5)
- DD : 300-600 mg/s.c. (1)
- MDD : 1000 mg/s.c. (1)
 900 mg (5)

Chlordiazepoxide

- SD : 5- 20 mg (2)
 50-100 mg/i.v. (2)
 5- 10 mg/p.o., i.m., i.v. (3)
 50-100 mg/i.m. (4)
- DD : 15- 80 mg (2)
 150-400 mg/i.v. (2)
 10-100 mg (4) (5)

Diazepam

- SD : 2- 10 mg (2)
 2- 10 mg (3)
- DD : 6- 40 mg (2)
 4- 40 mg (4)

Ethchlorvynol

- SD : 100-200 mg (2)
 100-500 mg (3)
 100-1000 mg (4)
- DD : 200-800 mg (2)

Ethinamate

- SD : 500-1000 mg (2)
 500-1000 mg (3)
 500-1000 mg (4)

Meprobamate

- SD : 200- 400 mg (1)
 400 mg (2)
 - 800 mg (6)
 - 400 mg (6)
- DD : 800-1600 mg (1)
 1200-2000 mg (2)
 400-1200 mg (4) (5)
 1200-1600 mg (6)
- MDD : 2400 mg (1)
 2400 mg (6)

Methaqualone

- SD : 150 mg (2)
 75-300 mg (4)
- DD : 450 mg (2)
 150-225 mg (4)
 150-300 mg (4)

Methylphenobarbital

- SD : 60-200 mg (4)

Methypylon

- SD : 50-200 mg (3)
 200-400 mg (5)
- DD : 200-400 mg (2)
 200-400 mg (4) (5)

Phenobarbital

- SD : 10-100 mg (1)
 15-100 mg (3)
 30-120 mg (4)
- DD : up to 300 mg (1)
 up to 350 mg (5)

Phenobarbital (continued)

DD : up to 350 mg (5)

MDD : 600 mg (1)
500 mg (6)

-Na

SD : 40-200 mg/i.m. (1)
30 mg/p.o., s., i.m., i.v. (3)
30-120 mg (4)
50-200 mg/i.m., i.v. (4)
50-200 mg/i.m., i.v., s.c. (5)*Pipradrol*

SD : 1-2 mg (2)

DD : 3-7,5 mg (2)
2-6 mg (4)*Spa*

SD : 30 mg (7)

PART FOUR

- A. Final Act of the United Nations Conference for the adoption of a Protocol on Psychotropic Substances**
- B. Convention on Psychotropic Substances, 1971**
- C. Resolutions adopted by the Conference**
 - I. Provisional application of the Convention on Psychotropic Substances pending its entry into force**
 - II. Research on the amphetamine drugs**
 - III. Tribute to the Federal Government of the Republic of Austria**
- D. Draft resolution and draft declaration considered by the Conference**
- E. Complete list of documents of the Conference**

A. FINAL ACT OF THE UNITED NATIONS CONFERENCE FOR THE ADOPTION OF A PROTOCOL ON PSYCHOTROPIC SUBSTANCES

1. The Economic and Social Council of the United Nations, in accordance with Article 62, paragraph 4, of the Charter of the United Nations, and with the provisions of General Assembly resolution 366 (IV) of 3 December 1949, decided, by resolution 1474 (XLVIII) to convene a conference of plenipotentiaries for the adoption of a protocol on psychotropic substances.

2. The United Nations Conference for the Adoption of a Protocol on Psychotropic Substances met in Vienna from 11 January to 21 February 1971.

3. The following seventy-one States were represented by representatives at the Conference:

Algeria	Italy
Argentina	Japan
Australia	Lebanon
Austria	Liberia
Belgium	Luxembourg
Brazil	Mexico
Bulgaria	Monaco
Burma	Netherlands
Byelorussian Soviet Socialist Republic	New Zealand
Cameroon	Nicaragua
Canada	Norway
Chile	Pakistan
China ¹	Panama
Colombia	Paraguay
Congo	Poland
(Democratic Republic of)	Portugal
Costa Rica	Republic of Korea
Denmark	Rwanda
Dominican Republic	San Marino
Ecuador	South Africa
El Salvador	Spain
Federal Republic of Germany	Sweden
Finland	Switzerland
France	Thailand
Gabon	Togo
Ghana	Trinidad and Tobago
Greece	Tunisia
Guatemala	Turkey
Guyana	Ukrainian Soviet Socialist Republic
Holy See	Union of Soviet Socialist Republics
Honduras	United Arab Republic
Hungary	United Kingdom of Great Britain and Northern Ireland
India	United States of America
Iran	Venezuela
Iraq	Yugoslavia
Ireland	
Israel	

4. The following States were represented at the Conference by an observer:

Czechoslovakia	Romania
Republic of Viet-Nam	Uruguay

5. The following specialized agency was represented at the Conference:

World Health Organization

6. The following international body was represented at the Conference:

International Narcotics Control Board

7. The following non-governmental organization was represented at the Conference by invitation, in accordance with Economic and Social Council resolution 1474 (XLVIII):

International Criminal Police Organization (ICPO/INTERPOL)

8. General A. A. El Hadeka, Director of the Permanent Anti-Narcotics Bureau of the League of Arab States, at the invitation of the Conference, also attended in a personal capacity under rule 39 of the rules of procedure.

9. In accordance with the resolution of the Economic and Social Council referred to in paragraph 1, and with the rules of procedure adopted by the Conference, the observers and the representatives of the above-mentioned organizations and bodies participated in the work of the Conference without the right to vote.

10. The Conference elected Mr. E. Nettel (Austria) as President, and as Vice-Presidents the representatives of the following States:

Brazil	Union of Soviet Socialist Republics
Ghana	United Arab Republic
India	United Kingdom of Great Britain and Northern Ireland
Japan	United States of America
Mexico	
Togo	
Turkey	

11. Mr. V. Winspeare-Guicciardi acted as the representative of the Secretary-General on the opening day of the Conference, being succeeded thereafter by Mr. V. Kušević. The Executive Secretary of the Conference was Mr. V. Kusević, the Legal Adviser was Mr. G. Wattles and the Deputy Executive Secretary was Mr. Ansar Khan.

12. The Conference had before it a draft protocol on psychotropic substances prepared by the Commission on Narcotic Drugs of the Council, and other documentation prepared by the Secretary-General.

¹ See reference to the designation "China" in the Introductory Note.

13. The Conference set up the following Committees:

General Committee

Chairman: The President of the Conference

Technical Committee

Chairman: Dr. B. A. Rexed (Sweden)

Drafting Committee

Chairman: Mr. D. Nikolić (Yugoslavia)

Committee on Control Measures

Chairman: Dr. J. Mabileau (France)

Credentials Committee

Chairman: Dr P. A. Jennings (Ireland)

14. The Technical Committee established the following *Ad hoc* working group:

Ad hoc Working Group on article 2 (Scope of control of substances), paragraphs 4 and 5

Chairman: Dr. H. El Hakim (United Arab Republic)

15. The Committee on Control Measures established the following *Ad hoc* working groups:

Ad hoc Working Group on article 2 (Scope of control of substances), paragraphs 7 and 8

Chairman: Mr. D. P. Anand (India)

Ad hoc Working Group on article 2 bis (Special provisions regarding the control of preparations)

Chairman: Mr. D. E. Miller (United States of America)

Ad hoc Working Group on article 4 (Limitation of use to medical and scientific purposes)

Chairman: Dr. A. M. Walshe (Australia)

Ad hoc Working Group on article 6 (Special provisions regarding substances in Schedule I)

Chairman: Mr. J. H. W. Hoogwater (Netherlands)

Ad hoc Working Group on article 7 (Licences)

Chairman: Mr. D. Nikolić (Yugoslavia)

Ad hoc Working Group on article 8 (Prescriptions)

Chairman: Dr. V. V. Olguin (Argentina)

Ad hoc Working Group on article 10 (Records)

Chairman: Mr. A. C. Kirca (Turkey)

Ad hoc Working Group on articles 11 and 12 (Provisions relating to international trade and Prohibition of and restriction on the import and export of psychotropic substances)

Chairman: Dr. J. P. Bertschinger (Switzerland)

Ad hoc Working Group on article 14 (Reports to be furnished by Parties)

Chairman: Mr. M. K. B. Asante (Ghana)

16. As a result of its deliberations, as recorded in the summary records of the Plenary and the minutes of the

meetings of the General Committee and the Committee on Control Measures and in the reports of all the Committees, the Conference adopted and opened for signature the Convention on Psychotropic Substances, 1971. In addition the Conference adopted the three resolutions annexed to this Final Act.

IN WITNESS WHEREOF, the representatives have signed this Final Act.

DONE at Vienna, this twenty-first day of February, one thousand nine hundred and seventy-one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited with the Secretary-General of the United Nations.

ANNEX

Resolutions adopted by the Conference

RESOLUTION I

Provisional application of the Convention on Psychotropic Substances pending its entry into force

The Conference

1. *Invites* 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;
2. *Requests* the Secretary-General to transmit this resolution to the Economic and Social Council, the General Assembly and the World Health Organization, with a view to their reaffirming the invitation contained herein.

RESOLUTION II

Research on the amphetamine drugs

The Conference,

Considering that the amphetamines are particularly liable to abuse and are objects of illicit traffic,

Considering that the therapeutic value of these drugs, though acknowledged, is limited,

1. *Requests* the World Health Assembly to encourage research on less dangerous substances capable of replacing the amphetamine drugs, and to sponsor such research within the limits of the available resources;
2. *Recommends* that Governments with the necessary facilities should take similar action.

RESOLUTION III

Tribute to the Federal Government of the Republic of Austria

The Conference,

Being convened by resolution 1474 (XLVIII) of the Economic and Social Council, of 24 March 1970,

Having met in Vienna from 11 January to 21 February 1971 at the invitation of the Government of the Republic of Austria,

Expresses to the Government of the Republic of Austria its deep appreciation for the facilities and courtesies extended to it by the Government, which contributed notably to the success of its work.

B. CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

PREAMBLE

The Parties,

Being concerned with the health and welfare of mankind,

Noting with concern the public health and social problems resulting from the abuse of certain psychotropic substances,

Determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise,

Considering that rigorous measures are necessary to restrict the use of such substances to legitimate purposes,

Recognizing that the use of psychotropic substances for medical and scientific purposes is indispensable and that their availability for such purposes should not be unduly restricted,

Believing that effective measures against abuse of such substances require co-ordination and universal action,

Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

Recognizing that an international convention is necessary to achieve these purposes,

Agree as follows:

Article 1

USE OF TERMS

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

(a) "Council" means the Economic and Social Council of the United Nations.

(b) "Commission" means the Commission on Narcotic Drugs of the Council.

(c) "Board" means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961.

(d) "Secretary-General" means the Secretary-General of the United Nations.

(e) "Psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV.

(f) "Preparation" means:

(i) any solution or mixture, in whatever physical state, containing one or more psychotropic substances, or

(ii) one or more psychotropic substances in dosage form.

(g) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered lists

of psychotropic substances annexed to this Convention, as altered in accordance with article 2.

(h) "Export" and "import" mean in their respective connotations the physical transfer of a psychotropic substance from one State to another State.

(i) "Manufacture" means all processes by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations other than those made on prescription in pharmacies.

(j) "Illicit traffic" means manufacture of or trafficking in psychotropic substances contrary to the provisions of this Convention.

(k) "Region" means any part of a State which pursuant to article 28 is treated as a separate entity for the purposes of this Convention.

(l) "Premises" means buildings or parts of buildings, including the appertaining land.

Article 2

SCOPE OF CONTROL OF SUBSTANCES.

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Convention, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one Schedule to another among those Schedules, or the deletion of a substance from the Schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance is suitable for inclusion in Schedule I or Schedule II pursuant to paragraph 4, the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate.

4. If the World Health Organization finds:

(a) That the substance has the capacity to produce

(i) (1) a state of dependence, and

(2) central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or

(ii) similar abuse and similar ill effects as a substance in Schedule I, II, III or IV, and

(b) that there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control,

the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

6. If a notification under paragraph 1 relates to a substance already listed in one of the Schedules, the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission, taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred to in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a Schedule, has transmitted to the Secretary-General a written notice that, in view of exceptional circumstances, it is not in a position to give effect with respect to that substance to all of the provisions of the Convention applicable to substances in that Schedule. Such notice shall state the reasons for this exceptional action. Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below:

(a) A Party having given such notice with respect to a previously uncontrolled substance added to Schedule I shall take into account, as far as possible, the special control measures enumerated in article 7 and, with respect to that substance, shall:

- (i) require licences for manufacture, trade and distribution as provided in article 8 for substances in Schedule II;
- (ii) require medical prescriptions for supply or dispensing as provided in article 9 for substances in Schedule II;
- (iii) comply with the obligations relating to export and

import provided in article 12, except in respect to another Party having given such notice for the substance in question;

- (iv) comply with the obligations provided in article 13 for substances in Schedule II in regard to prohibition of and restrictions on export and import;
- (v) furnish statistical reports to the Board in accordance with paragraph 4 (a) of article 16; and
- (vi) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(b) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule II shall, with respect to that substance:

- (i) require licences for manufacture, trade and distribution in accordance with article 8;
- (ii) require medical prescriptions for supply or dispensing in accordance with article 9;
- (iii) comply with the obligations relating to export and import provided in article 12, except in respect to another Party having given such notice for the substance in question;
- (iv) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import;
- (v) furnish statistical reports to the Board in accordance with paragraphs 4 (a), (c) and (d) of article 16; and
- (vi) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(c) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule III shall, with respect to that substance:

- (i) require licences for manufacture, trade and distribution in accordance with article 8;
- (ii) require medical prescriptions for supply or dispensing in accordance with article 9;
- (iii) comply with the obligations relating to export provided in article 12, except in respect to another Party having given such notice for the substance in question;
- (iv) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and
- (v) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(d) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule IV shall, with respect to that substance:

- (i) require licences for manufacture, trade and distribution in accordance with article 8;
- (ii) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and
- (iii) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(e) A Party having given such notice with regard to a substance transferred to a Schedule providing stricter controls and obligations shall apply as a minimum all of the provisions of this Convention applicable to the Schedule from which it was transferred.

8. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based.

(b) The Secretary-General shall transmit copies of the request for review and the relevant information to the Commission, to the World Health Organization and to all the Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration.

(c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization and to the Board.

(d) During pendency of the review, the original decision of the Commission shall, subject to paragraph 7, remain in effect.

9. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of psychotropic substances, such measures of supervision as may be practicable.

Article 3

SPECIAL PROVISIONS REGARDING THE CONTROL OF PREPARATIONS

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a psychotropic substance other than a substance in Schedule I is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, so that the preparation does not give rise to a public health and social problem, the preparation may be exempted from certain of the measures of control provided in this Convention in accordance with paragraph 3.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its regions, from any or all of the measures of control provided in this Convention except the requirements of:

(a) Article 8 (licences), as it applies to manufacture;

(b) Article 11 (records), as it applies to exempt preparations;

(c) Article 13 (prohibition of and restrictions on export and import);

(d) Article 15 (inspection), as it applies to manufacture;

(e) Article 16 (reports to be furnished by the Parties), as it applies to exempt preparations; and

(f) Article 22 (penal provisions), to the extent necessary for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

A Party shall notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

4. If a Party or the World Health Organization has information regarding a preparation exempted pursuant to paragraph 3 which in its opinion may require the termination, in whole or in part, of the exemption, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. The World Health Organization shall communicate to the Commission an assessment of the preparation in relation to the matters specified in paragraph 2, together with a recommendation of the control measures, if any, from which the preparation should cease to be exempted. The Commission, taking into account the communication from the World Health Organization, whose assessment shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may decide to terminate the exemption of the preparation from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. All Parties shall take measures to terminate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication.

Article 4

OTHER SPECIAL PROVISIONS REGARDING THE SCOPE OF CONTROL

In respect of psychotropic substances other than those in Schedule I, the Parties may permit:

(a) The carrying by international travellers of small quantities of preparations for personal use; each Party shall be entitled, however, to satisfy itself that these preparations have been lawfully obtained;

(b) The use of such substances in industry for the manufacture of non-psychotropic substances or products, subject to the application of the measures of control required by this Convention until the psychotropic substances come to be in such a condition that they will not in practice be abused or recovered;

(c) The use of such substances, subject to the application of the measures of control required by this Convention, for the capture of animals by persons specifically authorized by the competent authorities to use such substances for that purpose.

Article 5

LIMITATION OF USE TO MEDICAL AND SCIENTIFIC PURPOSES

1. Each Party shall limit the use of substances in Schedule I as provided in article 7.

2. Each Party shall, except as provided in article 4, limit by such measures as it considers appropriate the manufacture, export, import, distribution and stocks of, trade in, and use and possession of, substances in Schedules II, III and IV to medical and scientific purposes.

3. It is desirable that the Parties do not permit the possession of substances in Schedules II, III and IV except under legal authority.

Article 6

SPECIAL ADMINISTRATION

It is desirable that for the purpose of applying the provisions of this Convention, each Party establish and maintain a special administration, which may with advantage be the same as, or work in close co-operation with, the special administration established pursuant to the provisions of conventions for the control of narcotic drugs.

Article 7

SPECIAL PROVISIONS REGARDING SUBSTANCES IN SCHEDULE I

In respect of substances in Schedule I, the Parties shall:

(a) Prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical or scientific establishments which are directly under the control of their Governments or specifically approved by them;

(b) Require that manufacture, trade, distribution and possession be under a special licence or prior authorization;

(c) Provide for close supervision of the activities and acts mentioned in paragraphs (a) and (b);

(d) Restrict the amount supplied to a duly authorized person to the quantity required for his authorized purpose;

(e) Require that persons performing medical or scientific functions keep records concerning the acquisition of the substances and the details of their use, such records to be preserved for at least two years after the last use recorded therein; and

(f) Prohibit export and import except when both the exporter and importer are the competent authorities or agencies of the exporting and importing country or region, respectively, or other persons or enterprises which are specifically authorized by the competent authorities of

their country or region for the purpose. The requirements of paragraph 1 of article 12 for export and import authorizations for substances in Schedule II shall also apply to substances in Schedule I.

Article 8

LICENCES

1. The Parties shall require that the manufacture of, trade (including export and import trade), in, and distribution of substances listed in Schedules II, III and IV be under licence or other similar control measure.

2. The Parties shall:

(a) Control all duly authorized persons and enterprises carrying on or engaged in the manufacture of, trade (including export and import trade) in, or distribution of substances referred to in paragraph 1;

(b) Control under licence or other similar control measure the establishments and premises in which such manufacture, trade or distribution may take place; and

(c) Provide that security measures be taken with regard to such establishments and premises in order to prevent theft or other diversion of stocks.

3. The provisions of paragraphs 1 and 2 of this article relating to licensing or other similar control measures need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

4. The Parties shall require that all persons who obtain licences in accordance with this Convention or who are otherwise authorized pursuant to paragraph 1 of this article or sub-paragraph (b) of article 7 shall be adequately qualified for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance of this Convention.

Article 9

PRESCRIPTIONS

1. The Parties shall require that substances in Schedules II, III and IV be supplied or dispensed for use by individuals pursuant to medical prescription only, except when individuals may lawfully obtain, use, dispense or administer such substances in the duly authorized exercise of therapeutic or scientific functions.

2. The Parties shall take measures to ensure that prescriptions for substances in Schedules II, III and IV are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they may be refilled and the duration of their validity, as will protect the public health and welfare.

3. Notwithstanding paragraph 1, a Party may, if in its opinion local circumstances so require, and under such conditions, including record-keeping, as it may prescribe, authorize licensed pharmacists or other licensed retail distributors designated by the authorities responsible for public health in its country or part thereof to supply, at their discretion and without prescription, for use for medical purposes by individuals in exceptional cases,

small quantities, within limits to be defined by the Parties, of substances in Schedules III and IV.

Article 10

WARNINGS ON PACKAGES, AND ADVERTISING

1. Each Party shall require, taking into account any relevant regulations or recommendations of the World Health Organization, such directions for use, including cautions and warnings, to be indicated on the labels where practicable and in any case on the accompanying leaflet of retail packages of psychotropic substances, as in its opinion are necessary for the safety of the user.

2. Each Party shall, with due regard to its constitutional provisions, prohibit the advertisement of such substances to the general public.

Article 11

RECORDS

1. The Parties shall require that, in respect of substances in Schedule I, manufacturers and all other persons authorized under article 7 to trade in and distribute those substances keep records, as may be determined by each Party, showing details of the quantities manufactured, the quantities held in stock, and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

2. The Parties shall require that, in respect of substances in Schedules II and III, manufacturers, wholesale distributors, exporters and importers keep records, as may be determined by each Party, showing details of the quantities manufactured and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

3. The Parties shall require that, in respect of substances in Schedule II, retail distributors, institutions for hospitalization and care and scientific institutions keep records, as may be determined by each Party, showing, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

4. The Parties shall ensure, through appropriate methods and taking into account the professional and trade practices in their countries, that information regarding acquisition and disposal of substances in Schedule III by retail distributors, institutions for hospitalization and care and scientific institutions is readily available.

5. The Parties shall require that, in respect of substances in Schedule IV, manufacturers, exporters and importers keep records, as may be determined by each Party, showing the quantities manufactured, exported and imported.

6. The Parties shall require manufacturers of preparations exempted under paragraph 3 of article 3 to keep records as to the quantity of each psychotropic substance used in the manufacture of an exempt preparation, and as to the nature, total quantity and initial disposal of the exempt preparation manufactured therefrom.

7. The Parties shall ensure that the records and information referred to in this article which are required for pur-

poses of reports under article 16 shall be preserved for at least two years.

Article 12

PROVISIONS RELATING TO INTERNATIONAL TRADE

1. (a) Every Party permitting the export or import of substances in Schedule I or II shall require a separate import or export authorization, on a form to be established by the Commission, to be obtained for each such export or import whether it consists of one or more substances.

(b) Such authorization shall state the international non-proprietary name, or, lacking such a name, the designation of the substance in the Schedule, the quantity to be exported or imported, the pharmaceutical form, the name and address of the exporter and importer, and the period within which the export or import must be effected. If the substance is exported or imported in the form of a preparation, the name of the preparation, if any, shall additionally be furnished. The export authorization shall also state the number and date of the import authorization and the authority by whom it has been issued.

(c) Before issuing an export authorization the Parties shall require an import authorization, issued by the competent authority of the importing country or region and certifying that the importation of the substance or substances referred to therein is approved, and such an authorization shall be produced by the person or establishment applying for the export authorization.

(d) A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or region.

(e) The Government of the importing country or region, when the importation has been effected, shall return the export authorization with an endorsement certifying the amount actually imported, to the Government of the exporting country or region.

2. (a) The Parties shall require that for each export of substances in Schedule III exporters shall draw up a declaration in triplicate, on a form to be established by the Commission, containing the following information:

- (i) the name and address of the exporter and importer;
- (ii) the international non-proprietary name, or, failing such a name, the designation of the substance in the Schedule;
- (iii) the quantity and pharmaceutical form in which the substance is exported, and, if in the form of a preparation, the name of the preparation, if any; and
- (iv) the date of despatch.

(b) Exporters shall furnish the competent authorities of their country or region with two copies of the declaration. They shall attach the third copy to their consignment.

(c) A Party from whose territory a substance in Schedule III has been exported shall, as soon as possible but not later than ninety days after the date of despatch, send to the competent authorities of the importing country or region, by registered mail with return of receipt requested, one copy of the declaration received from the exporter.

(d) The Parties may require that, on receipt of the consignment, the importer shall transmit the copy accompanying the consignment, duly endorsed stating the quantities received and the date of receipt, to the competent authorities of his country or region.

3. In respect of substances in Schedules I and II the following additional provisions shall apply:

(a) The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territory, provided, however, that they may apply more drastic measures.

(b) Exports of consignments to a post office box, or to a bank to the account of a person other than the person named in the export authorization, shall be prohibited.

(c) Exports to bonded warehouses of consignments of substances in Schedule I are prohibited. Exports of consignments of substances in Schedule II to a bonded warehouse are prohibited unless the Government of the importing country certifies on 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 case the export authorization shall certify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination, shall be treated as if it were a new export within the meaning of this Convention.

(d) Consignments entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

(e) A Party shall not permit any substances consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for consignment is produced to the competent authorities of such Party.

(f) The competent authorities of any country or region through which a consignment of substances 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 the country or region through which the consignment is passing authorizes the diversion. The Government of the country or region of transit shall treat any requested diversion as if the diversion were an export from the country or region of transit to the country or region of new destination. If the diversion is authorized, the provisions of paragraph 1 (e) shall also apply between the country or region of transit and the country or region which originally exported the consignment.

(g) No consignment of substances, while in transit or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the substance in question. The packing may not be altered without the permission of the competent authorities.

(h) The provisions of sub-paragraphs (e) to (g) relating to the passage of substances through the territory of a Party do not apply where the consignment in question is

transported by aircraft which does not land in the country or region of transit. If the aircraft lands in any such country or region, those provisions shall be applied so far as circumstances require.

(i) The provisions of this paragraph are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over such substances in transit.

Article 13

PROHIBITION OF AND RESTRICTIONS ON EXPORT AND IMPORT

1. A Party may notify all the other Parties through the Secretary-General that it prohibits the import into its country or into one of its regions of one or more substances in Schedule II, III or IV, specified in its notification. Any such notification shall specify the name of the substance as designated in Schedule II, III or IV.

2. If a Party has been notified of a prohibition pursuant to paragraph 1, it shall take measures to ensure that none of the substances specified in the notification is exported to the country or one of the regions of the notifying Party.

3. Notwithstanding the provisions of the preceding paragraphs, a Party which has given notification pursuant to paragraph 1 may authorize by special import licence in each case the import of specified quantities of the substances in question or preparations containing such substances. The issuing authority of the importing country shall send two copies of the special import licence, indicating the name and address of the importer and the exporter, to the competent authority of the exporting country or region, which may then authorize the exporter to make the shipment. One copy of the special import licence, duly endorsed by the competent authority of the exporting country or region, shall accompany the shipment.

Article 14

SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF PSYCHOTROPIC SUBSTANCES IN FIRST-AID KITS OF SHIPS, AIRCRAFT OR OTHER FORMS OF PUBLIC TRANSPORT ENGAGED IN INTERNATIONAL TRAFFIC

1. The international carriage by ships, aircraft or other forms of international public transport, such as international railway trains and motor coaches, of such limited quantities of substances in Schedule II, III or IV as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be export, import or passage through a country within the meaning of this Convention.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the substances referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Substances carried by ships, aircraft or other forms of international public transport, such as international

railway trains and motor coaches, in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board these conveyances. The administration of such substances in the case of emergency shall not be considered a violation of the requirements of paragraph 1 of article 9.

Article 15

INSPECTION

The Parties shall maintain a system of inspection of manufacturers, exporters, importers, and wholesale and retail distributors of psychotropic substances and of medical and scientific institutions which use such substances. They shall provide for inspections, which shall be made as frequently as they consider necessary, of the premises and of stocks and records.

Article 16

REPORTS TO BE FURNISHED BY THE PARTIES

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Convention in their territories including information on:

(a) Important changes in their laws and regulations concerning psychotropic substances; and

(b) Significant developments in the abuse of and the illicit traffic in psychotropic substances within their territories.

2. The Parties shall also notify the Secretary-General of the names and addresses of the governmental authorities referred to in sub-paragraph (f) of article 7, in article 12 and in paragraph 3 of article 13. Such information shall be made available to all Parties by the Secretary-General.

3. The Parties shall furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic which they consider important because of:

(a) New trends disclosed;

(b) The quantities involved;

(c) The light thrown on the sources from which the substances are obtained; or

(d) The methods employed by illicit traffickers.

Copies of the report shall be communicated in accordance with sub-paragraph (b) of article 21.

4. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) In regard to each substance in Schedules I and II, on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers;

(b) In regard to each substance in Schedules III and IV, on quantities manufactured, as well as on total quantities exported and imported;

(c) In regard to each substance in Schedules II and III, on quantities used in the manufacture of exempt preparations; and

(d) In regard to each substance other than a substance in Schedule I, on quantities used for industrial purposes in accordance with sub-paragraph (b) of article 4.

The quantities manufactured which are referred to in sub-paragraphs (a) and (b) of this paragraph do not include the quantities of preparations manufactured.

5. A Party shall furnish the Board, on its request, with supplementary statistical information relating to future periods on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or region. That Party may request that the Board treat as confidential both its request for information and the information given under this paragraph.

6. The Parties shall furnish the information referred to in paragraphs 1 and 4 in such a manner and by such dates as the Commission or the Board may request.

Article 17

FUNCTIONS OF THE COMMISSION

1. The Commission may consider all matters pertaining to the aims of this Convention and to the implementation of its provisions, and may make recommendations relating thereto.

2. The decisions of the Commission provided for in articles 2 and 3 shall be taken by a two-thirds majority of the members of the Commission.

Article 18

REPORTS OF THE BOARD

1. The Board shall prepare annual reports on its work containing an analysis of the statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. The Board may make such additional reports as it considers necessary. The reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports of the Board shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

Article 19

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF THE PROVISIONS OF THE CONVENTION

1. (a) If, on the basis of its examination of information submitted by Governments to the Board or of information communicated by United Nations organs, the Board has

reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of a country or region to carry out the provisions of this Convention, the Board shall have the right to ask for explanations from the Government of the country or region in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a Government under this sub-paragraph.

(b) After taking action under sub-paragraph (a), the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under sub-paragraph (a), or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b), it may call the attention of the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (c), may, if it is satisfied that such a course is necessary, recommend to the Parties that they stop the export, import, or both, of particular psychotropic substances, from or to the country or region concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or region. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

7. The provisions of the above paragraphs shall also apply if the Board has reason to believe that the aims of this Convention are being seriously endangered as a result of a decision taken by a Party under paragraph 7 of article 2.

Article 20

MEASURES AGAINST THE ABUSE OF PSYCHOTROPIC SUBSTANCES

1. The Parties shall take all practicable measures for the prevention of abuse of psychotropic substances and for the

early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved, and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of psychotropic substances.

3. The Parties shall assist persons whose work so requires to gain an understanding of the problems of abuse of psychotropic substances and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such substances will become widespread.

Article 21

ACTION AGAINST THE ILLICIT TRAFFIC

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements at the national level for the co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in psychotropic substances, and in particular immediately transmit, through the diplomatic channel or the competent authorities designated by the Parties for this purpose, to the other Parties directly concerned, a copy of any report addressed to the Secretary-General under article 16 in connexion with the discovery of a case of illicit traffic or a seizure;

(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(e) Ensure that, where legal papers are transmitted internationally for the purpose of judicial proceedings, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.

Article 22

PENAL PROVISIONS

1. (a) Subject to its constitutional limitations, each Party shall treat as a punishable offence, when committed intentionally, any action contrary to a law or regulation adopted in pursuance of its obligations under this Convention, and shall ensure that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of psychotropic substances have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to

punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 20.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

- (a) (i) if a series of related actions constituting offences under paragraph 1 has been committed in different countries, each of them shall be treated as a distinct offence;
- (ii) intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;
- (iii) foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and
- (iv) serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(b) It is desirable that the offences referred to in paragraph 1 and paragraph 2 (a) (ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. Any psychotropic substance or other substance, as well as any equipment, used in or intended for the commission of any of the offences referred to in paragraphs 1 and 2 shall be liable to seizure and confiscation.

4. The provisions of this article shall be subject to the provisions of the domestic law of the Party concerned on questions of jurisdiction.

5. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

Article 23

APPLICATION OF STRICTER CONTROL MEASURES THAN THOSE REQUIRED BY THIS CONVENTION

A Party may adopt more strict or severe measures of control than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the protection of the public health and welfare.

Article 24

EXPENSES OF INTERNATIONAL ORGANS INCURRED IN ADMINISTERING THE PROVISIONS OF THE CONVENTION

The expenses of the Commission and the Board in carrying out their respective functions under this Convention shall be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly finds equitable and assesses from time to time after consultation with the Governments of these Parties.

Article 25

PROCEDURE FOR ADMISSION, SIGNATURE, RATIFICATION AND ACCESSION

1. Members of the United Nations, States not Members of the United Nations which are members of a specialized agency of the United Nations or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and any other State invited by the Council, may become Parties to this Convention:

- (a) By signing it; or
- (b) By ratifying it after signing it subject to ratification; or
- (c) By acceding to it.

2. The Convention shall be open for signature until 1 January 1972 inclusive. Thereafter it shall be open for accession.

3. Instruments of ratification or accession shall be deposited with the Secretary-General.

Article 26

ENTRY INTO FORCE

1. The Convention shall come into force on the ninetieth day after forty of the States referred to in paragraph 1 of article 25 have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any other State signing without reservation of ratification, or depositing an instrument of ratification or accession after the last signature or deposit referred to in the preceding paragraph, the Convention shall enter into force on the ninetieth day following the date of its signature or deposit of its instrument of ratification or accession.

Article 27

TERRITORIAL APPLICATION

The Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or is required by custom. In such a case the Party shall endeavour to secure the needed consent of the territory within the shortest

period possible, and when the consent is obtained the Party shall notify the Secretary-General. The Convention shall apply to the territory or territories named in such a notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

Article 28

REGIONS FOR THE PURPOSES OF THIS CONVENTION

1. Any Party may notify the Secretary-General that, for the purposes of this Convention, its territory is divided into two or more regions, or that two or more of its regions are consolidated into a single region.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a region for the purposes of this Convention.

3. Any notification under paragraph 1 or 2 shall take effect on 1 January of the year following the year in which the notification was made.

Article 29

DENUNCIATION

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 a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 27, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July of any year, shall take effect on the first day of January of the succeeding year, and if received after the first day of July it shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. The Convention shall be terminated if, as a result of denunciations made in accordance with paragraphs 1 and 2, the conditions for its coming into force as laid down in paragraph 1 of article 26 cease to exist.

Article 30

AMENDMENTS

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General, who shall communicate them to the Parties and to the Council. The Council may decide either:

(a) That a conference shall be called in accordance with paragraph 4 of Article 62 of the Charter of the United Nations to consider the proposed amendment; or

(b) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (b) has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If, however, a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

Article 31

DISPUTES

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred, at the request of any one of the parties to the dispute, to the International Court of Justice for decision.

Article 32

RESERVATIONS¹

1. No reservation other than those made in accordance with paragraphs 2, 3 and 4 of the present article shall be permitted.

2. Any State may, at the time of signature, ratification or accession, make reservations in respect of the following provisions of the present Convention:

- (a) Article 19, paragraphs 1 and 2;
- (b) Article 27; and
- (c) Article 31.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraphs 2 and 4 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have signed without reservation of ratification, ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood, however, that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State on whose territory there are plants growing wild which contain psychotropic substances from among

¹ With regard to declarations and reservations, see *Multilateral Treaties in respect of which the Secretary-General performs depositary functions* (United Nations annual publication: last edition as at 31 December 1971; Sales No. E.72, V. 7 (ST/LEG/SER.D/85)).

those listed in Schedule I and which are traditionally used by certain small, clearly determined groups in magical or religious rites, may, at the time of signature, ratification or accession, make reservations concerning these plants, in respect of the provisions of article 7, except for the provisions relating to international trade:

5. A State which has made reservations may at any time by notification in writing to the Secretary-General withdraw all or part of its reservations.

Article 33

NOTIFICATIONS

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 25:

(a) Signatures, ratifications and accessions in accordance with article 25;

(b) The date upon which this Convention enters into force in accordance with article 26;

(c) Denunciations in accordance with article 29; and

(d) Declarations and notifications under articles 27, 28, 30 and 32.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

DONE AT VIENNA, this twenty-first day of February, one thousand nine hundred and seventy-one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each being equally authentic. The Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies thereof to all the Members of the United Nations and to the other States referred to in paragraph 1 of article 25.

SCHEDULES ^a

INN	Other non-proprietary or trivial names	Chemical name
<i>List of substances in Schedule I</i>		
1.	DET	<i>N,N</i> -diethyltryptamine
2.	DMHP	3-(1,2-dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo[b,d]pyran
3.	DMT	<i>N,N</i> -dimethyltryptamine
4. (+)-LYSERGIDE	LSD, LSD-25	(+)- <i>N,N</i> -diethyllysergamide (<i>d</i> -lysergic acid diethylamide)
5.	mescaline	3,4,5-trimethoxyphenethylamine
6.	parahexyl	3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 <i>H</i> -dibenzo [b,d] pyran
7.	psilocine, psilotsin	3-(2-dimethylaminoethyl)-4-hydroxyindole
8. PSILOCYBINE		3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate
9.	STP, DOM	2-amino-1-(2,5-dimethoxy-4-methyl)phenylpropane
10.	tetrahydrocannabinols, all isomers	1-hydroxy-3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6- <i>H</i> -dibenzo[b,d]pyran

List of substances in Schedule II

1. AMPHETAMINE	(±)-2-amino-1-phenylpropane
2. DEXAMPHETAMINE	(+)-2-amino-1-phenylpropane
3. METHAMPHETAMINE	(+)-2-methylamino-1-phenylpropane
4. METHYLPHENIDATE	2-phenyl-2-(2-piperidyl)acetic acid, methyl ester
5. PHENCYCLIDINE	1-(1-phenylcyclohexyl)piperidine
6. PHENMETRAZINE	3-methyl-2-phenylmorpholine

SCHEDULES (*continued*)

INN	Other non-proprietary or trivial names	Chemical name
<i>List of substances in Schedule III</i>		
1. AMOBARBITAL		5-ethyl-5-(3-methylbutyl) barbituric acid
2. CYCLOBARBITAL		5-(1-cyclohexen-1-yl)-5-ethyl- barbituric acid
3. GLUTETHIMIDE		2-ethyl-2-phenylglutarimide
4. PENTOBARBITAL		5-ethyl-5-(1-methylbutyl) barbituric acid
5. SECOBARBITAL		5-allyl-5-(1-methylbutyl) barbituric acid

List of substances in Schedule IV

1. AMFEPRAMONE		2-(diethylamino)propiofenone
2. BARBITAL		5,5-diethylbarbituric acid
3.	ethchlorvynol	ethyl-2-chlorovinylethynylcarbinol
4. ETHINAMATE		1-ethynylcyclohexanolcarbamate
5. MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate
6. METHAQUALONE		2-methyl-3- <i>o</i> -tolyl-4(3 <i>H</i>)- quinazolinone
7. METHYLPHENOBARBITAL		5-ethyl-1-methyl-5-phenyl- barbituric acid
8. METHYPRYLON		3,3-diethyl-5-methyl-2,4- piperidine-dione
9. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid
10. PIPRADROL		1,1-diphenyl-1-(2-piperidyl) methanol
11.	SPA	(-)-1-dimethylamino-1,2- diphenylethane

^a The names printed in capitals in the left-hand column are the International Non-Proprietary Names (INN). With one exception ((+)-LYSERGIDE), other non-proprietary or trivial names are given only where no INN has yet been proposed.

C. RESOLUTIONS ADOPTED BY THE UNITED NATIONS CONFERENCE FOR THE ADOPTION OF A PROTOCOL ON PSYCHOTROPIC SUBSTANCES

Resolution I

PROVISIONAL APPLICATION OF THE CONVENTION ON PSYCHOTROPIC SUBSTANCES PENDING ITS ENTRY INTO FORCE

1. At its 27th plenary meeting the Conference had before it a draft resolution concerning the provisional application of the Convention pending its entry into force, submitted by the delegations of Argentina, Australia, Denmark, India, Sweden, Togo, Turkey, the United States of America and Venezuela (E/CONF.58/L.48), as follows:

The Conference,

1. *Invites* States, to the extent that they are able to do so, to apply provisionally the measures of control provided in the Con-

vention on Psychotropic Substances pending its entry into force for each of them;

2. *Requests* the Secretary-General to transmit this resolution to the Economic and Social Council, the General Assembly and the World Health Organization, with a view to their reaffirming the invitation contained herein.

2. The representative of Sweden, introducing the draft resolution on behalf of its sponsors, said that until the conditions for entry into force had been fulfilled, it was desirable that States should apply the provisions of the Convention and achieve the international co-operation which it sought to promote.

3. After some discussion of the phrase "to the extent that they are able to do so", the draft resolution was adopted by 57 votes to none, with 1 abstention.

*Resolution II***RESEARCH ON THE AMPHETAMINE DRUGS**

1. At its 27th plenary meeting the Conference had before it a draft resolution (E/CONF.58/L.45/Rev.1) submitted by the delegations of Mexico, Turkey, the United Arab Republic, the United States of America and Venezuela, reading as follows:

The Conference,

Considering that the amphetamines and certain similar substances are particularly liable to abuse and are objects of illicit traffic,

Considering that the therapeutic value of these drugs, though acknowledged, is limited,

Requests the World Health Assembly to encourage research on the development of less dangerous substances capable of replacing the amphetamine drugs, and to sponsor such research within the limits of the available resources; and

Recommends that Governments with the necessary facilities should take similar action.

2. The representative of the United Kingdom proposed the deletion, from the first preambular paragraph, of the words "and certain similar substances", which did not seem to have much meaning and which were not repeated in the operative part. He also suggested that the words "less dangerous" in the first paragraph of the operative part of the draft resolution should be replaced by the more positive expression, "harmless".

3. The representative of Australia proposed the deletion of the words "the development of" from the first operative paragraph because they were ambiguous and might lead to misunderstandings.

4. The representative of Ireland supported the United Kingdom representative's proposal regarding the first preambular paragraph, and suggested that the second preambular paragraph might be strengthened by omitting the words "though acknowledged", since amphetamine drugs were largely useless.

5. The representative of Venezuela said that he could accept the proposals to delete the words "and certain similar substances" and "the development of". The words "less dangerous", however, had been used deliberately, since no drug was absolutely safe, and

he could not agree to their replacement by the word "harmless".

6. The representative of the United States of America said that he, too, could agree to the deletion of the two phrases mentioned by the representative of Venezuela, although he would point out that there were substances, such as methylphenidate, which, though not amphetamines, were similar to them. He did not agree that the text would be improved by the deletion of the words "though acknowledged" in the second sentence of the preamble since the drugs in question had a very definite, if limited, therapeutic value.

7. The President invited the Conference to vote on the draft resolution with the deletion of the words "and certain similar substances" in the first paragraph of the preamble and of the words "the development of" in the first operative paragraph.

8. The draft resolution, as amended, was adopted by 40 votes to 5, with 14 abstentions. (For the text of the resolution as adopted see above, section A, Final Act, annex.)

*Resolution III***TRIBUTE TO THE FEDERAL GOVERNMENT
OF THE REPUBLIC OF AUSTRIA**

1. At its 28th plenary meeting the Conference had before it a draft resolution (E/CONF.58/L.55) which had been sponsored by the delegations of Australia, Chile, France, Hungary, India, Sweden, Togo, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia, reading as follows:

The Conference,

Being convened by resolution 1474 (XLVIII) of the Economic and Social Council of 24 March 1970,

Having met in Vienna from 11 January to 21 February 1971 at the invitation of the Government of the Republic of Austria,

Expresses to the Government of the Republic of Austria its deep appreciation for the facilities and courtesies extended to it by the Government, which contributed to the success of its work.

2. The draft resolution was adopted by acclamation.

**D. DRAFT RESOLUTION AND DRAFT DECLARATION
CONSIDERED BY THE CONFERENCE****DRAFT RESOLUTION**

1. At its 27th plenary meeting the Conference had before it a draft resolution submitted by the delegations of Belgium, Luxembourg, Mexico and Togo (E/CONF.58/L.53) reading as follows:

The Conference,

Recalling the important functions and responsibilities of the Commission on Narcotic Drugs under the Convention on Psychotropic Substances,

Bearing in mind the responsibilities already entrusted to the Commission in connexion with the campaign against the abuse of narcotic drugs,

Considering that it is necessary to bring the present Convention into force as soon as possible and that the Commission must carry out the appropriate preliminary work,

Noting with concern that, by the terms of Economic and Social Council resolution 1156 (XLI) of 5 August 1966, the Commission is to meet biennially,

Expresses the hope that the Economic and Social Council will

reconsider that resolution and replace it with another providing for a regular annual session of the Commission, and that it will recommend that appropriate measures be taken to assist the Commission in carrying out its obligations under this instrument.

2. The representative of Togo, introducing the draft resolution, said that it would be difficult for the Commission on Narcotic Drugs to cope with the extra work entailed by the operation of the Convention if it met only once every two years; the Economic and Social Council ought therefore to reconsider its decision on that matter.

3. Various delegations expressed the view that it was not appropriate for the Conference to express an opinion on that point: it should be left to the Council to consider the problems which adoption of the Convention might entail for the Commission, and the Commission itself would have the opportunity to make a recommendation to the Council if that appeared necessary.

4. The draft resolution was withdrawn by its sponsors.

DRAFT DECLARATION

1. At its 27th plenary meeting the Conference had before it a draft "declaration on universal participation in the Vienna Convention on Psychotropic Substances" (E/CONF.58/L.51), submitted by the Union of Soviet Socialist Republics, which read as follows:

The United Nations Conference for the Adoption of a Convention on Psychotropic Substances,

Being convinced that the Vienna Convention on Psychotropic Substances, the subject and aims of which are of interest to the international community as a whole, should be open for universal participation,

Noting that article 25 of the Vienna Convention on Psychotropic Substances authorizes the Economic and Social Council to send special invitations to States which are neither Members of the United Nations, a specialized agency of the United Nations or the

International Atomic Energy Agency, nor Parties to the Statute of the International Court of Justice, to become Parties to the Convention,

1. Proposes to the Economic and Social Council that it should consider the question of the sending of invitations at its next regular session, so as to ensure the participation of all States in the Vienna Convention on Psychotropic Substances;

2. Expresses the hope that the States members of the Economic and Social Council will endeavour to secure the achievement of the aims of this Declaration;

3. Requests the Secretary-General of the United Nations to bring this Declaration to the attention of the Economic and Social Council;

4. Decides that this Declaration shall be an integral part of the Final Act of the United Nations Conference for the Adoption of a Convention on Psychotropic Substances.

2. The representative of the Union of Soviet Socialist Republics, introducing the draft resolution, said that the wish that participation in the Convention should be as wide as possible had often been expressed at the Conference. Unfortunately, article 25 of the Convention did not open the door to participation by all States. It was for that reason that his delegation had prepared, for submission to the Council, a declaration in favour of universal participation.

3. The representative of the United States of America pointed out that article 25 of the Convention, which had been adopted by a large majority, placed upon the Economic and Social Council the responsibility for inviting States to become parties to the Convention.

4. A number of delegations supported the draft declaration.

5. At the request of the USSR representative, the vote on the draft declaration was taken by roll-call.

6. The draft declaration was rejected by 29 votes to 17, with 12 abstentions.

E. COMPLETE LIST OF DOCUMENTS OF THE CONFERENCE

<i>Document</i>	<i>Title</i>
<i>Documents of the Plenary Conference</i>	
E/CONF.58/1 and Corr.1 and 3 18 November 1970	Provisional rules of procedure
E/CONF.58/2 and Rev.1 8 December 1970	Organization of work of the conference and time-table: Note by the Secretary-General
E/CONF.58/3 and Rev.1 8 December 1970	Provisional agenda
E/CONF.58/4 and Corr.1 13 January 1971	Rules of procedure
E/CONF.58/5 19 February 1971	Final Act of the United Nations Conference for the adoption of a protocol on psychotropic substances
E/CONF.58/6 and Corr.1-2 19 February 1971	Convention on Psychotropic Substances
E/CONF.58/L.1 26 January 1971	Article 17: amendment proposed by the representative of Austria

<i>Document</i>	<i>Title</i>
E/CONF.58/L.2 26 January 1971	Article 18: amendment proposed by the representative of Austria
E/CONF.58/L.3 27 January 1971	Article 16: amendment proposed by the representative of the Holy See
E/CONF.58/L.4 27 January 1971	Report of the Drafting Committee: articles 5 and 6
E/CONF.58/L.4/Add.1 2 February 1971	<i>Idem</i> : articles 7, 8, 9, 10, 13 and 15
E/CONF.58/L.4/Add.2 6 February 1971	<i>Idem</i> : articles 3, 16, 17, 18 and 19
E/CONF.58/L.4/Add.3 10 February 1971	<i>Idem</i> : articles 3, 4, 12, 12 <i>bis</i> and 14
E/CONF.58/L.4/Add.4 10 February 1971	<i>Idem</i> : article 11
E/CONF.58/L.4/Add.5 and Corr.1 12 February 1971	<i>Idem</i> : article 1
E/CONF.58/L.4/Add.6 15 February 1971	<i>Idem</i> : article 2 <i>bis</i>
E/CONF.58/L.4/Add.7 15 February 1971	<i>Idem</i> : article 2
E/CONF.58/L.4/Add.8 16 February 1971	<i>Idem</i> : article 2 (text of paragraph 7)
E/CONF.58/L.4/Add.9 17 February 1971	<i>Idem</i> : preamble, articles 1, 2 (text of paragraphs 8 and 9), 15 <i>bis</i> and 10 (new paragraph 5 <i>bis</i>)
E/CONF.58/L.4/Add.10 18 February 1971	<i>Idem</i> : articles 14 <i>bis</i> , 20, 21, 22, 23, 23 <i>bis</i> , 24, 25, 26, 27, 28, and 14 (paragraph 4)
E/CONF.58/L.5 27 January 1971	Report of the Committee on Control Measures: articles 5, 6, 7, 9, 10, 13 and 15
E/CONF.58/L.5/Add.1 29 January 1971	<i>Idem</i> : article 8
E/CONF.58/L.5/Add.2 1 February 1971	<i>Idem</i> : article 3
E/CONF.58/L.5/Add.3 6 February 1971	<i>Idem</i> : articles 4, 2 <i>bis</i> and 14
E/CONF.58/L.5/Add.4 9 February 1971	<i>Idem</i> : articles 12 <i>bis</i> , 12 and 11
E/CONF.58/L.5/Add.5 9 February 1971	<i>Idem</i> : article 1
E/CONF.58/L.5/Add.6 and Rev.1 12 February 1971	<i>Idem</i> : article 2: question of precursors
E/CONF.58/L.5/Add.7 12 February 1971	<i>Idem</i> : article 2 and new article 15 <i>ter</i>
E/CONF.58/L.6 27 January 1971	Article 20: amendment proposed by the representatives of Hungary, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics
E/CONF.58/L.7 27 January 1971	Article 17: amendments proposed by Yugoslavia
E/CONF.58/L.8 28 January 1971	Article 18: amendment proposed by France
E/CONF.58/L.9 28 January 1971	Article 20: amendment proposed by France
E/CONF.58/L.10 28 January 1971	Article 18: further amendment to article 18 proposed by the delegation of Canada
E/CONF.58/L.11 28 January 1971	Article 20: amendment proposed by Turkey
E/CONF.58/L.11/Rev.1 28 January 1971	Article 20: revised text of amendment proposed by Turkey

<i>Document</i>	<i>Title</i>
E/CONF.58/L.12 28 January 1971	Article 17: amendment proposed by Turkey
E/CONF.58/L.13 28 January 1971	Articles 2, 2 <i>bis</i> , 4, 7, 10, 11, 12 and 14: amendments proposed by the representative of the Federal Republic of Germany
E/CONF.58/L.14 28 January 1971	Article 17: Turkey: sub-amendments to paragraph 3 of the Austrian amendment (E/CONF.58/L.1)
E/CONF.58/L.15 29 January 1971	Preamble: amendment proposed by Mexico
E/CONF.58/L.16 30 January 1971	Article 18: sub-amendment proposed by the representative of Australia to the second line of the first paragraph of the Austrian amendment (E/CONF.58/L.2)
E/CONF.58/L.17 2 February 1971	Article 19: amendment proposed by Mexico
E/CONF.58/L.18 2 February 1971	Article 21: Hungary, United Arab Republic and Union of Soviet Socialist Republics: proposed amendment
E/CONF.58/L.19 2 February 1971	Article 3: Italy: proposed amendment
E/CONF.58/L.20 2 February 1971	Text of articles as adopted by plenary for consideration by the Drafting Committee: articles 16, 17, 18 and 19
E/CONF.58/L.20/Add.1 13 February 1971	<i>Idem</i> : article 2 (paras. 1-6)
E/CONF.58/L.20/Add.2 15 February 1971	<i>Idem</i> : article 2 (text of paragraph 7)
E/CONF.58/L.20/Add.3 16 February 1971	<i>Idem</i> : article 2 (text of paragraphs 8 and 9) and article 15 <i>bis</i>
E/CONF.58/L.20/Add.4 16 February 1971	<i>Idem</i> : article 1
E/CONF.58/L.20/Add.5 17 February 1971	<i>Idem</i> : amendment of the designation "Protocol" and text of Preamble as adopted
E/CONF.58/L.20/Add.6 and Corr.1 17 February 1971	<i>Idem</i> : articles 14 (<i>bis</i>), 1 and 23 (<i>bis</i>)
E/CONF.58/L.20/Add.7 17 February 1971	<i>Idem</i> : article 21
E/CONF.58/L.20/Add.8 and Corr.1 18 February 1971	<i>Idem</i> : articles 22, 23, 24, 25 and 26
E/CONF.58/L.20/Add.9 18 February 1971	<i>Idem</i> : articles 27 and 28
E/CONF.58/L.21 2 February 1971	Article 9: amendment to paragraph 2 of article 9 proposed by the delegation of the Netherlands
E/CONF.58/L.22 3 February 1971	Article 9: amendment proposed by India and Argentina
E/CONF.58/L.23 3 February 1971	Article 26: amendment proposed by India
E/CONF.58/L.24 3 February 1971	Article 10: amendment proposed by the Netherlands
E/CONF.58/L.25 3 February 1971	Preamble: amendment proposed by the representative of the United States of America
E/CONF.58/L.26 4 February 1971	Articles adopted by the plenary following the report of the Drafting Committee: articles 5, 6, 7 and 8
E/CONF.58/L.26/Add.1 11 February 1971	Final text of articles as adopted by plenary following the report of the Drafting Committee: articles 9, 10, 13, 15, 16, 17, 18, 19 and 3
E/CONF.58/L.26/Add.2 11 February 1971	<i>Ibid.</i> : articles 3, 4, 12 <i>bis</i> , 14 and 20
E/CONF.58/L.26/Add.3	<i>Ibid.</i> : article 11
E/CONF.58/L.26/Add.4 13 February 1971	<i>Ibid.</i> : article 12

<i>Document</i>	<i>Title</i>
E/CONF.58/L.27 4 February 1971	Article 15: amendment to paragraph 1 proposed by the representative of the United Kingdom
E/CONF.58/L.28 8 February 1971	Mexico: proposal for additional article
E/CONF.58/L.29 8 February 1971	Article 14: amendment proposed by India
E/CONF.58/L.30 9 February 1971	Switzerland: proposed amendment to the title of the Protocol
E/CONF.58/L.31 10 February 1971	Article 26: Turkey: amendment
E/CONF.58/L.32 and Corr.1 10 February 1971	Article 25: amendment proposed by Canada, France, Turkey and the Union of Soviet Socialist Republics
E/CONF.58/L.33 10 February 1971	Article 25: amendment proposed by the Federal Republic of Germany
E/CONF.58/L.34 10 February 1971	Article 14: amendment proposed by Denmark
E/CONF.58/L.35 10 February 1971	Article 23: Union of Soviet Socialist Republics: proposed amendment
E/CONF.58/L.36 10 February 1971	Article 11: amendment proposed by Denmark
E/CONF.58/L.37 11 February 1971	Article 12: Belgium and Luxembourg: proposed amendment
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