

NARCOTIC DRUGS

Protocol, with annex, opened for signature at Lake Success December 11, 1946, and signed for the United States, subject to approval, December 11, 1946

Senate advice and consent to ratification June 24, 1947

Ratified by the President of the United States July 15, 1947

Ratification of the United States deposited with the United Nations August 12, 1947

Protocol entered into force December 11, 1946; for the United States August 12, 1947

Protocol proclaimed by the President of the United States October 14, 1947

Amendments relating to convention of July 13, 1931, entered into force November 21, 1947; proclaimed by the President of the United States March 30, 1948¹

Terminated by single convention of March 30, 1961,² as between contracting parties to the single convention

61 Stat. 2230; Treaties and Other
International Acts Series 1671

PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925 AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK ON 27 NOVEMBER 1931 AND AT GENEVA ON 26 JUNE 1936

The States Parties to the present Protocol, considering that under the international Agreements, Conventions and Protocols relating to narcotic drugs which were concluded on 23 January 1912,³ 11 February 1925,⁴ 19 February 1925,⁵ 13 July 1931,⁶ 27 November 1931⁷ and 26 June 1936,⁸ the League of Nations was invested with certain duties and functions for

¹ 62 Stat. 1796; TIAS 1859.

² 18 UST 1407; TIAS 6298.

³ TS 612, *ante*, vol. 1, p. 855

⁴ 51 LNTS 337.

⁵ 81 LNTS 317.

⁶ TS 863, *ante*, vol. 3, p. 1.

⁷ 177 LNTS 373.

⁸ 198 LNTS 299.

whose continued performance it is necessary to make provision in consequence of the dissolution of the League, and considering that it is expedient that these duties and functions should be performed henceforth by the United Nations and the World Health Organization or its Interim Commission, have agreed upon the following provisions:

ARTICLE I

The States Parties to the present Protocol undertake that as between themselves they will, each in respect of the instruments to which it is a party, and in accordance with the provisions of the present Protocol, attribute full legal force and effect to, and duly apply the amendments to those instruments which are set forth in the Annex to the present Protocol.

ARTICLE II

1. It is agreed that, during the period preceding the entry into force of the Protocol in respect of the International Convention relating to Dangerous Drugs of 19 February 1925, and in respect of the International Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, the Permanent Central Board and the Supervisory Body as at present constituted shall continue to perform their functions. Vacancies in the membership of the Permanent Central Board may during this period be filled by the Economic and Social Council.

2. The Secretary-General of the United Nations is authorized to perform at once the duties hitherto discharged by the Secretary-General of the League of Nations in connection with the Agreements, Conventions and Protocols mentioned in the Annex to the present Protocol.

3. States which are Parties to any of the instruments which are to be amended by the present Protocol are invited to apply the amended texts of those instruments so soon as the amendments are in force even if they have not yet been able to become Parties to the present Protocol.

4. Should the amendments to the Convention relating to Dangerous Drugs of 19 February 1925, or the amendments to the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 13 July 1931, come into force before the World Health Organization is in a position to assume its functions under these Conventions, the functions conferred on that Organization by the amendments shall, provisionally, be performed by its Interim Commission.

ARTICLE III

The functions conferred upon the Netherlands Government under articles 21 and 25 of the International Opium Convention signed at The Hague on 23 January 1912, and entrusted to the Secretary-General of the League of Nations with the consent of the Netherlands Government, by a resolution of

the League of Nations Assembly dated 15 December 1920, shall henceforward be exercised by the Secretary-General of the United Nations.

ARTICLE IV

As soon as possible after this Protocol has been opened for signature, the Secretary-General shall prepare texts of the Agreements, Conventions and Protocols revised in accordance with the present Protocol and shall send copies for their information to the Government of every Member of the United Nations and every non-member State to which this Protocol has been communicated by the Secretary-General.

ARTICLE V

The present Protocol shall be open for signature or acceptance by any of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs on [of] 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, to which the Secretary-General of the United Nations has communicated a copy of the present Protocol.

ARTICLE VI

States may become Parties to the present Protocol by

- (a) signature without reservation as to approval,
- (b) signature subject to approval followed by acceptance or
- (c) acceptance.

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

ARTICLE VII

1. The present Protocol shall come into force in respect of each Party on the date upon which it has been signed on behalf of that Party without reservation as to approval, or upon which an instrument of acceptance has been deposited.

2. The amendments set forth in the Annex to the present Protocol shall come into force in respect of each Agreement, Convention and Protocol when a majority of the Parties thereto have become Parties to the present Protocol.

ARTICLE VIII

In accordance with Article 102 of the Charter of the United Nations,⁹ the Secretary-General of the United Nations will register and publish the

⁹ TS 993, *ante*, vol. 3, p. 1176.

amendments made in each instrument by the present Protocol on the dates of the entry into force of these amendments.

ARTICLE IX

The present protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. The Agreements, Conventions and Protocols to be amended in accordance with the Annex being in the English and French languages only, the English and French texts of the Annex shall equally be the authentic texts and the Chinese, Russian and Spanish texts will be translations. A certified copy of the Protocol, including the Annex, shall be sent by the Secretary-General to each of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, as well as to all Members of the United Nations and non-member States mentioned in Article IV.

In faith whereof the undersigned, duly authorized, have signed the present Protocol on behalf of their respective Governments on the dates appearing opposite their respective signatures.

Done at Lake Success, New York, this eleventh day of December one thousand nine hundred and forty-six.

ANNEX

TO THE PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON 23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925 AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK ON 27 NOVEMBER 1931 AND AT GENEVA ON 26 JUNE 1936

1. AGREEMENT CONCERNING THE MANUFACTURE OF, INTERNAL TRADE IN, AND USE OF PREPARED OPIUM, WITH PROTOCOL AND FINAL ACT, SIGNED AT GENEVA ON 11 FEBRUARY 1925

In articles 10, 13, 14 and 15 of the Agreement, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations" and "the Secretariat of the United Nations" shall be substituted for "the Secretariat of the League of Nations".

In articles 3 and 4 of the Protocol, "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations".

2. INTERNATIONAL CONVENTION RELATING TO DANGEROUS DRUGS, WITH PROTOCOL, SIGNED AT GENEVA ON 19 FEBRUARY 1925

For article 8, the following article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any preparation containing any

of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the World Health Organization shall communicate this finding to the Economic and Social Council of the United Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present Convention will not be applicable to the preparation concerned.”

For article 10, the following article shall be substituted:

“In the event of the World Health Organization, on the advice of an expert committee appointed by it, finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this chapter of the Convention applies, the World Health Organization shall inform the Economic and Social Council accordingly and recommend that the provisions of the present Convention shall be applied to such drug.

“The Economic and Social Council shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-General of the United Nations, who will inform the other Contracting Parties.

“The provisions of the present Convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above.”

In the third paragraph of article 19, “the Economic and Social Council of the United Nations” shall be substituted for “the Council of the League of Nations”.

The fourth paragraph of article 19 shall be deleted.

In articles 20, 24, 27, 30, 32 and 38 (paragraph 1), “the Economic and Social Council of the United Nations” shall be substituted for “the Council of the League of Nations” and “the Secretary-General of the United Nations” shall be substituted for “the Secretary-General of the League of Nations”, wherever these words occur.

In article 32, “the International Court of Justice” shall be substituted for “the Permanent Court of International Justice”.

Article 34 shall read as follows:

“The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention.”

Article 35 shall read as follows:

“After the 30th day of September 1925, the present Convention may be acceded to by any State represented at the Conference at which this Convention was drawn up and which has not signed the Convention, by any Member of the United Nations, or by any non-member State mentioned in article 34.

“Accessions shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat of the United Nations. The Secretary-General shall at once notify such deposit to all the Members of the United Nations signatories of the Convention and to the signatory non-member States mentioned in article 34 as well as to the adherent States.”

Article 37 shall read as follows:

“A special record shall be kept by the Secretary-General of the United Nations showing which States have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Contracting Parties and shall be published from time to time as may be directed.”

The second paragraph of article 38 shall read as follows:

“The Secretary-General of the United Nations shall notify the receipt of any such denunciations to all the Members of the United Nations and to the States mentioned in article 34.”

3. INTERNATIONAL CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, WITH PROTOCOL OF SIGNATURE, SIGNED AT GENEVA ON 13 JULY 1931

In article 5, paragraph 1, the words “to all the Members of the League of Nations and to the non-member States mentioned in article 27” shall be replaced by the words “to all the Members of the United Nations and to the non-member States mentioned in article 28”.

For the first sub-paragraph of paragraph 6 of article 5, the following sub-paragraph shall be substituted:

“The estimates will be examined by a Supervisory Body consisting of four members. The World Health Organization shall appoint two members and the Commission on Narcotic Drugs of the Economic and Social Council and the Permanent Central Board shall each appoint one member.

“The secretariat of the Supervisory Body shall be provided by the Secretary-General of the United Nations who will ensure close collaboration with the Permanent Central Board.”

In article 5, paragraph 7, the words “December 15th in each year” shall be substituted for the words “November 1st in each year”, and the words “through the intermediary of the Secretary-General of the United Nations to all the Members of the United Nations and non-member States referred to

in article 28" shall be substituted for the words "through the intermediary of the Secretary-General, to all the Members of the League of Nations and non-member States referred to in article 27".

For paragraphs 2, 3, 4 and 5 of article 11, the following paragraphs shall be substituted:

"2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary-General of the United Nations, who shall advise the other High Contracting Parties and the World Health Organization.

"3. The World Health Organization, acting on the advice of the expert committee appointed by it, will thereupon decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in sub-group (b) of Group I or in Group II).

"4. In the event of the World Health Organization, on the advice of the expert committee appointed by it, deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Commission on Narcotic Drugs of the Economic and Social Council, and the third by the two members so selected.

"5. Any decision arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the United Nations, who will communicate it to all States Members of the United Nations and the non-member States mentioned in article 28."

In paragraphs 6 and 7 of article 11, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General".

In articles 14, 20, 21, 23, 26, 31, 32 and 33, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In article 21 for the words "by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs" shall be substituted the words "by the Commission on Narcotic Drugs of the Economic and Social Council".

For the second paragraph of article 25, the following paragraph shall be substituted:

"In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of

agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907¹⁰ for the Pacific Settlement of International Disputes.”

For the last paragraph of article 26, the following paragraph shall be substituted:

“The Secretary-General shall communicate to all Members of the United Nations or non-member States mentioned in article 28 all declarations and notices received in virtue of the present article.”

Article 28 shall read as follows:

“The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States to which the Secretary-General has communicated a copy of the Convention.”

Article 29 shall read as follows:

“The present Convention may be acceded to on behalf of any Member of the United Nations or any non-member State mentioned in article 28. The instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States mentioned in article 28.”

In the first paragraph of article 32, the last sentence shall read as follows:

“Each denunciation shall operate only as regards the High Contracting Party on whose behalf it has been deposited.”

The second paragraph of article 32 shall read as follows:

“The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 28 of any denunciation received.”

In the third paragraph of article 32, the words “High Contracting Parties” shall replace the words “Members of the League and non-member States bound by the present Convention”.

In article 33, the words “High Contracting Party” and “High Contracting Parties” shall replace the words “Member of the League of Nations or non-member State bound by this Convention” and “Members of the League of Nations or non-member States bound by this Convention”.

¹⁰ TS 536, *ante*, vol. 1, p. 577.

4. AGREEMENT FOR THE CONTROL OF OPIUM-SMOKING IN THE FAR EAST, WITH FINAL ACT, SIGNED AT BANGKOK ON 27 NOVEMBER 1931

In articles V and VII, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

5. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ILLICIT TRAFFIC IN DANGEROUS DRUGS, SIGNED AT GENEVA ON 26 JUNE 1936

In articles 16, 18, 21, 23 and 24, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

For article 17, second paragraph, the following paragraph shall be substituted:

"In case there is no such agreement between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes."

Paragraph 4 of article 18 shall read as follows:

"The Secretary-General shall communicate to all the Members of the United Nations and to the non-member States mentioned in article 20 all declarations and notices received in virtue of this article."

Article 20 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-member States to which the Secretary-General has communicated a copy of the Convention."

Paragraph 1 of article 21 shall read as follows:

"The present Convention shall be open to accession on behalf of any Member of the United Nations or non-member State mentioned in article 20."

In paragraph 1 of article 24, the words "High Contracting Party" shall be substituted for the words "Member of the League or non-member State".

The second paragraph of article 24 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-member States mentioned in article 20 of any denunciations received."

In paragraph 3 of article 24, the words "High Contracting Parties" shall replace the words "Members of the League or non-member States bound by the present Convention".

Article 25 shall read as follows:

"Request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notice addressed to the Secretary-General of the United Nations. Such notice shall be communicated by the Secretary-General to the other High Contracting Parties and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention."

For Afghanistan:

A. HOSAYN AZIZ
Dec. 11, 1946

For Argentina:

JOSÉ ARCE
December 11, 1946

For Australia:

Subject to the approval of the Government of Australia.
NORMAN J. O. MAKIN
December 11, 1946

For the Kingdom of Belgium:

G. KAECKENBEECK
December 11, 1946

For Bolivia:

E. SANJINÉS
December 14, 1946

For Brazil:

P. LEÃO VELLOSO
December 17, 1946

For the Byelorussian Soviet Socialist Republic:

K. KISELEV
December 11, 1946

For Canada:

PAUL MARTIN
11 Dec. 1946

For Chile:

F. NIETO DEL RIO
11 Dec. 1946

For China:

P. C. CHANG
11 December 1946

For Colombia:

ALFONSO LOPEZ
December 11, 1946.

For Costa Rica:

F. DE P. GUTIERREZ
Dec. 11, 1946

For Cuba:

Subject to approval by the Senate of the Republic [translation].
GUILLERMO BELT
December 12, 1946

For Czechoslovakia:

V. CLEMENTIS
11. XII. 1946

For Denmark:

GUSTAV RASMUSSEN
December 11, 1946

For the Dominican Republic:

EMILIO GARCIA GODOY
11 December 1946

For Ecuador:

Subject to approval.
F. ILLESCAS
Dec. 14, 1946

For Egypt:

A. SANHOURY
11 December 1946

For El Salvador:

For Ethiopia:

For France:

ALEXANDRE PARODI
December 11, 1946

For Greece:

V. DENDRAMIS
December 11, 1946

For Guatemala:

JORGE GARCIA GRANADOS
December 13, 1946

- For Haiti:
Ad referendum
HÉRARD C. L. ROY
December 14, 1946
- For Honduras:
TIBURCIO CARIAS, JR.
December 11, 1946
- For Iceland:
- For India:
M. C. CHAGLA
11th Dec. 1946
- For Iran:
NASROLLAH ENTEZAM
December 11, 1946
- For Iraq:
A. BAKR
December 12, 1946
- For Lebanon:
C. CHAMOUN
December 13, 1946
- For Liberia:
C. ABAYOMI CASSELL
December 11, 1946
- For the Grand Duchy of Luxembourg:
PIERRE ELVINGER
December 11th, 1946
- For Mexico:
LUIS PADILLA NERVO
Dec. 11, 1946
- For the Kingdom of the Netherlands:
E. N. VAN KLEFFENS
December 11, 1946
- For New Zealand:
C. A. BERENDSEN
11th December 1946
- For Nicaragua:
Subject to approval.
G. SEVILLA-SACASA
13 December 1946
- For the Kingdom of Norway:
FINN MOE
December 11th, 1946
- For Panama:
R. J. ALFARO
December 15, 1946
- For Paraguay:
Ad referendum
CÉSAR ROMEO ACOSTA
December 14, 1946
- For Peru:
- For the Philippine Republic:
CARLOS P. ROMULO
December 11, 1946
- For Poland:
DR. S. TUBIASZ
Dec. 11, 1946
- For Saudi Arabia:
AMIR FAISAL AL SAUD
December 11, 1946
- For Sweden:
- For Syria:
F. KHOURI
11/12/1966
- For Turkey:
Only in respect of Conventions to
which Turkey is a Party.
MUZAFFER GOKER
December 11, 1946
- For the Ukrainian Soviet Socialist
Republic:
Subject to approval.
L. MEDVED
December 11, 1946
- For the Union of South Africa:
H. T. ANDREWS
15 December 1946
- For the Union of Soviet Socialist
Republics:
Subject to approval.
N. NOVIKOV
11/XII-1946
- For the United Kingdom of Great
Britain and Northern Ireland:
HARTLEY SHAWCROSS
11. XII. 46
- For the United States of America:
Subject to approval.
WARREN R. AUSTIN
December 11, 1946
- For Uruguay:
Ad referendum
JOSÉ A. MORA
December 14, 1946
- For Venezuela:
Ad referendum
E. STOLK
December 11, 1946
- For Yugoslavia:
STANOJE SIMIĆ
December 11, 1946