PROTOCOL FOR LIMITING AND REGULATING THE CULTIVATION OF POPPY PLANT, THE PRODUCTION OF, INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM

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Note: The Agreement was concurred in by the Senate, Sit. No. 36, March 15, 1955. The Philippine instrument of ratification was signed by the President, May 9, 1955 and was deposited with the U.N., June 1, 1955. The Agreement entered into force, March 8, 1953, and with respect to Ihe Philippines, on the same date. It was proclaimed by the President, Proc. No. 232, S. 1956.

Reference: This Agreement is also published in 456 UNTS, p. 56. The Presidential proclamation of the Agreement is published in 52 O.G., p. 21. (Jan. 1956).

PREAMBLE

Determined to continue their efforts to combat drug addiction and illicit traffic in narcotic substances and aware that these efforts can only achieve the desired results by close collaboration between all States.

Recalling that, through a series of international instruments, efforts have been directed to the development of an effective system of narcotics control and desiring to strengthen such control at both the national and international level,

Considering, however, that it is essential to limit to medical and scientific needs and regulate the production of the raw materials from which natural narcotic drugs are obtained and realizing that the most urgent problems are those of the control of the cultivation of the poppy and of the production of opium.

The Contracting Parties,

Having resolved to conclude a Protocol for these purposes,

Have agreed as follows:

CHAPTER I

DEFINITIONS

ARTICLE 1

DEFINITIONS

Except where otherwise expressly indicated, or where the context otherwise requires, the following definitions shall apply throughout this Protocol:

"1925 Convention" means the International Opium Convention, signed at Geneva on 19 February 1925, as amended by the Protocol of 11 December 1946;

"1931 Convention" means the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended by the Protocol of 11 December 1946;

"Board" means the Permanent Central Board set up under article 19 of the 1925 Convention;

"Supervisory Body" means the Supervisory Body set up under article 5 of the 1931 Convention;

"Commission" means the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations;

"Council" means the Economic and Social Council of the United Nations;

"Secretary-General" means the Secretary-General of the United Nations;

"Poppy" means the plant Papaver somniferum L., and other species of Papaver which may be used for the production of Opium;

"Poppy straw" means all parts o£ the poppy after mowing (except the seeds) from which narcotics can be extracted;

"Opium" means the coagulated juice of the poppy in whatever form including raw opium, medicinal opium, and prepared opium, but excluding galenical preparations;

"Production" means the cultivation of the poppy with a view to harvesting opium;

"Stocks" means the total amount of opium lawfully held in a State other than (1) opium held by retail pharmacists and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions, and (2) opium held by, ox under the control of, the government of that State for military purposes;

"Territory" means any part of a State which is treated as a separate entity in the application of the system iof import certificates and export authorizations provided for in the 1925 Convention;

"Export" and "import" mean, in their respective connotations, the physical transfer of opium from one State to another State or from one territory to another territory of the same State.

CHAPTER II

REGULATION OF THE PRODUCTION AND USE OF OPIUM, AND TRADE IN OPIUM

ARTICLE 2

USE OF OPIUM

The Parties shall limit the use of opium exclusively to medical and scientific needs.

ARTICLE 3

CONTROL IN PRODUCING STATES

With a view to controlling the production and use of opium, and trade in opium:

1. Every producing State shall establish, if it has not already done so, and maintain one or more government agencies (hereafter in this article referred to as the Agency) to perform the functions assigned to it or to them, as the case may be, in this article. The functions referred to in paragraphs 2 to 6 of this article shall be discharged by

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a single agency if the Constitution of the State concerned permits it.

2. Production shall be limited to areas designated by the Agency or other competent government authorities.

3. Only cultivators licensed by the Agency or other competent government authorities shall be permitted to engage in production.

4. Each license shall specify the extent of the area on which the cultivation of the poppy is permitted.

5. All cultivators of the poppy shall be required to deliver their total opium
crops to the Agency. The Agency shall purchase and take physical possession of such opium crops as soon as possible.

6. The Agency or other competent government authorities shall have the exclusive right of importing, exporting and wholesale trading in, opium and of maintaining opium stocks other than those held by manufacturers licensed to manufacture alkaloids from opium.

7. Nothing in this article shall be deemed to permit derogation from the obligations already assumed or to detract from the effect of the law enacted by any Party in accordance with existing Conventions with respect to the control of the cultivation of the poppy.

ARTICLE 4

CONTROL OF THE POPPY PLANT CULTIVATED FOR PURPOSES
OTHER THAN THE PRODUCTION OF OPIUM

A Party which permits the cultivation and use of the poppy for purposes other than the production of opium shall, whether or not it also permits the production of opium:

(a) Enact all such laws or regulations as may be necessary to ensure

(i) That opium is not produced from poppies cultivated for a purpose other than the production of opium, and

(ii) That the manufacture of narcotic substances from poppy straw is adequately controlled;

(b) Transmit to the Secretary-General copies of any laws or regulations so enacted; and

(c) Transmit annually to the Board, at a date fixed by it, the statistics of poppy straw imported or exported during the previous year for any purpose whatsoever.

ARTICLE 5

LIMITATION OF STOCKS

With a view to limiting to medical and scientific needs the quantity of opium produced in the world;

1. The Parties shall regulate the production, export and import of opium in such a way as to ensure that the stocks held by any Party shall not, on 31 December of any year, exceed the following amounts:

(a) In the case of a producing State listed in sub-paragraph (a) of paragraph 2 of Article 6, the total amount of opium exported from that State for medical and scientific purposes, and of opium used within that State for the manufacture of alkaloids in any two years, plus a quantity equal to one half the amount exported and used for the manufacture of alkaloids in any other year at that Party's choice, provided that the years selected shall not include any year before 1 January 1946. Any such Party shall be entitled to select different periods for the computation of the amounts exported and the amounts used;

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(b) In the case of any Party (other than a Party referred to in subpa-ragraph (a) of this paragraph) which, having regard to the provisions of the 1925 and 1951 Conventions in so far as applicable to such Party, permits the manufacture of alkaloids, its normal requirements for a period of two years. Such requirements shall be determined by the Board;

(c) In the case of any other Party, the total amount of opium consumed during the preceding five years.

2. (a) If a producing State referred to in subparagraph (a) of paragraph 1 of this article decides to cease producing opium for export and wishes to be removed from the category of producing State under sub-paragraph (a) of paragraph 2 of article 6, it shall make a declaration to this effect to the Board at the time at which the next annual notification is due in accordance with sub-paragraph (b) of paragraph 3 of this article. Upon making such declaration, any such Party shall for the purposes of this Protocol be deemed no longer to be a State mentioned in sub-paragraph (a) of paragraph 2 of article 6 and may not be reinstated in that category; and the Board, upon receipt of such declaration, l shall place such Party in the category; and the Board, upon receipt of such declaration, shall place such Party in the category referred to in sub-paragraphs (b) or (c) of paragraph 1 of this article, whichever is applicable, and shall notify all other Parties to this Protocol accordingly. For the purposes of this Protocol, any such change of category shall be effective as from the date of such notification by the Board;

(b) The procedure laid down in sub-paragraph (a) of this paragraph shall apply with respect to any declaration by any Party wishing to be changed from the category referred to in sub-paragraph (b) of paragraph 1 of this article to the category referred to in sub-paragraph (c) of paragraph 1 of this article or vice versa, except that any such Party may, at its request, be reinstated in its former category.

3. (a) The amount of opium referred to in sub-paragraphs {a) and (c) 4 of paragraph 1 of this article shall be calculated on the basis of the statistica established by the Board in its annual report and ncluding those for the period I ending 31 December of the preceding year as published subsequently;

(b) Any Party to which sub-paragraph (a) or (b) of paragraph 1 of this article applies, shall annually notify to the Board:

(i) The periods it has chosen in accordance with sub-paragraph (a) of paragraph 1 of this article or, as the case may be,

(ii) The amount of opium it wishes to be considered as its normal requirements for determination by the Board in accordance with sub-paragraph (b) of paragraph 1 of this article;

(c) The notification referred to in the preceding sub-paragraph shall reach the Board not later than 1 August of the year preceding the date to which it refers;

(d) If a Party which is required to transmit a notification in accordance with sub-paragraph (b) of this paragraph fails to do so in time, the Board shall without prejudice to the provisions of the following sub-paragraph, adopt the data contained in that Party's last relevant notification from the Party concerned, it shall, without further consultation with the Party, but after giving due consideration to the information at its disposal, to the aims of the Protocol and to the interest of the Party:

(i) Choose the periods referred to in sub-paragraph 1 of this article; or, as the case may be,

(ii) Determine the normal requirements referred to in sub-paragraph (b) of paragraph 1 of this article;

(e) If the Board receives a notification at a date later than that prescribed by sub-paragraph (c) of this paragraph, it may proceed as if such notification had been received in time;

(f) The Board shall annually notify:

(i) Each. Party referred to in sub-paragraph (a) of paragraph 1 of this article, of the years chosen in accordance with that sub-paragraph or with sub-paragraphs (d) and (e) of paragraph 3 of this article;

(ii) Each Party referred to in sub-paragraph (b) of paragraph 1 of this article, of the amount of opium which, in accordance with that sub-paragraph it considered as that Party's normal requirements;

(g) The Board shall transmit the notification referred to in sub-paragraph (f) of this paragraph not later than 15 December of the year preceding the date to which the data contained therein refer.

4. (a) With respect to a State which is a Party to this Protocol on the date of its coming into force, the provisions of paragraph 1 of this article shall be effective as from 31 December of the year following the year in which the Protocol has come into force;

(b) With respect to any other State, the provisions of Paragraph 1 of this article shall be effective as from 31 December of the year following the year in which any such State has become a Party.

5. (a) If the Board considers the circumstances exceptional, it may, under conditions to be prescribed and for a designated period of time, exempt a Party from compliance with the requirements stipulated in paragraph 1 of this article as to the maximum level of opium stocks;

(b) If at the time of the coming into force of this Protocol, a producing State referred to in sub-paragraph (a) of paragraph 2 of article 6 has opium stocks in excess of the maximum level permitted by sub-paragraph (a) of paragraph 1 of this article, the Board shall, in the exercise of its discretion, have regard to this fact with a view to avoiding economic difficulties which would result in such State from too rapid a reduction of opium stocks to the maximum level prescribed in sub-paragraph (a) of paragraph 1 of this article.

ARTICLE 6

INTERNATIONAL TRADE IN OPIUM

The Parties shall limit the import and export of opium exclusively to medical and scientific purposes.

(a) Without prejudice to the provisions of article 7, paragraph 5, the Parties shall not permit the import and export of opium other than opium produced in any one of the following States which at the time of the import or export in question shall be a Party to this Protocol:

Bulgaria
Greece
India
Iran
Turkey
Union of Soviet Socialist Republics
Yugoslavia;

(b) The Parties shall not permit the import of opium from any State which is not a Party to this Protocol.

3. Notwithstanding the provisions of sub-paragraph (a) of paragraph 2 of this article, a Party may authorize, exclusively for its domestic consumption, the import and export as between its territories of an amount of opium produced in any of those territories not exceeding its needs for one year.

4. The Parties shall apply to the import and export of opium the system of import certificates and export authorizations provided for in chapter V of the 1925 Convention, except that article 18 thereof shall not apply. A Party may, however, impose, with respect to its imports and exports of opium, conditions more restrictive than

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those required by Chapter V of the 1925 Convention.

ARTICLE 7

DISPOSAL OF SEIZED OPIUM

1. Except as provided in this article, all opium seized in the illicit traffic shall be destroyed.

2. A Party may, under Government control, convert, in whole or in part, the narcotic substances contained in such opium into non-narcotic substances, or appropriate, in whole or in part, such opium or the alkaloids manufactured therefrom for medical or scientific use by or under the control of the government.

3. Any producing State listed in sub-paragraph {a) of paragraph 2 of article 6 which is a Party to this Protocol may consume and export opium seized in its country, or the alkaloids manufactured therefrom.

4. Seized opium which can be identified as having been stolen from a government or licensed warehouse may be returned to its lawful, owner.

5. A Party which permits neither the production of opium nor the manufacture of opium alkaloids may obtain permission from the Board to export in exchange for opium alkaloids or drugs containing opium alkaloids, or for the purpose of extracting such alkaloids for that Party's own medical or scientific needs, a specified quantity of opium seized by the authorities of that Party to the territory of a Party which manufactures opium alkaloids. However, the quantity of opium so exported in any one year may not exceed the equivalent, in opium, of one year's requirements of the exporting Party concerned in the form both of medicinal opium and of drugs containing opium or alkaloids thereof; and any surplus shall be destroyed.

CHAPTER III

INFORMATION TO BE SUPPLIED BY GOVERNMENTS

ARTICLE 8

ESTIMATES

1. Each Party shall, in a similar manner to that required for drugs by the 1931 Convention, forward to the Board, in respect of each of its territories, estimates for the following year of:

> (a) The quantity of opium required for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations exempted under article 8 of the 1925 Convention;
>
> (b) The quantity of opium required for the manufacture of alkaloids;
>
> (c) The stocks which, having regard to the provisions of article 5, it proposes to maintain and the amount of opium necessary to add to or deduct from its existing stocks in order to bring those stocks to the desired level;
>
> (d) The amounts of opium it proposes to add to its stocks, if any, held for military purposes, or to transfer therefrom to lawful trade.

2. The total of the estimate for each country or territory shall consist of the sum of the amounts specified under sub-paragraphs (a) and (b) of the preceding paragraph, with the addition of the amount necessary to bring the stocks specified under sub-paragraphs (c) and (d) of the same paragraph to the desired level or after the deduction of any amounts by which those stocks may exceed that level. These additions or deductions shall not, however, be

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taken into account except in so far as the Parties concerned have forwarded at the proper time the necessary estimates to the Board.

3. Each Party which permits the production of opium shall forward annually to the Board, in respect of each of its territories, an estimate of the extent of the area (in hectares) stated, as exactly as possible, on which it proposes to cultivate the poppy for the purpose of harvesting opium, and estimates, as accurate as practicable, of the amount of opium to be harvested, based on the average yield of opium in the preceding five years. If the cultivation of the poppy for this purpose is permitted in more than one region, this information shall be shown separately for each such region.

4. (a) The estimates referred to in paragraphs 1 and 3 of this article shall be made in the form prescribed from time to time by the Board,

> (b) Every estimates shall be dispatched so as to reach the Board by a date determined by it. The Board may prescribe different dates for the estimates referred to in paragraph 1 of this article and for those referred to in paragraph 3 thereof; it may also, taking into consideration varying harvesting times, prescribe different dates for the estimates to be furnished by Parties under paragraph 3 of this article.

5. Every estimate shall be accompanied by a statement explaining the method by which it has been compiled and by which the several amounts in it have been calculated.

6. Supplementary estimates either decreasing or increasing the original estimates may be furnished and shall be sent to the Board without delay, together with an explanation of the reason for such revision. The provisions of this article, except sub-paragraph (b) of paragraph 4 and paragraph 9 shall apply to such supplementary estimates.

7. The estimates shall be examined by the Supervisory Body which may request any further information in order to make an estimate complete, or to explain anything contained therein and, with the consent of the government concerned, amend such estimates.

8. The Board shall request estimates for countries or territories to which this Protocol does not apply to be made in accordance with the provisions of this Protocol.

9. If in respect of any country or territory any estimates do not reach the Board by the date prescribed by it under sub-paragraph (b) of paragraph 4 of this article, such estimates shall, as far as practicable, be established by the Supervisory Body.

10. The estimates referred to in paragraph 1 of this article, including such estimates established by the Supervisory Body in accordance with paragraph 9 of this article, shall not be exceeded by the Parties unless or until they have been modified by supplementary estimates.

11. If it appears from the import and export returns made to the Board under article 9 of this Protocol or article 22 of the 1925 Convention that the quantity of opium exported to any country or territory exceeds the total of estimates for that country or territory as defined in paragraph 2 of this article, with the addition of the amount shown to have been exported, the Board shall immediately notify all the Parties. The Parties agree that they will not, during the currency of the year in question, authorize any new exports to that country or territory except:

> (a) In the event of a supplementary estimate being furnished for that country or territory in respect both of any quantity over-imported and of the additional quantity required; or
>
> (b) In exceptional cases where the export in the opium of the exporting Party is essential in the interests of humanity or for the treatment of the sick.

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ARTICLE 9

STATISTICS

1. The Parties shall furnish to the Board in respect of each of their territories:

(a) Not later than 31 March, statistics relating to the preceding year showing:

(i) The extent of the area on which poppy was cultivated with a view to harvesting opium and the amount of opium harvested thereon;

(ii) The amount of opium consumed, i.e., the amount of opium delivered for retail trade, or to be dispensed or administered by hospitals, or by qualified and duly authorized persons in the exercise of their professional or medical functions;

(iii) The amount of opium used for the manufacture of alkaloids and opium preparations, including the quantity required for the manufacture of preparations for the export of which export authorizations are not required, whether such preparations are intended for domestic consumption or for export, in accordance with the Convention of 1925 and 1931;

(iv) The amount of opium seized in the illicit traffic, the amount disposed of and the method of disposal; and

(b) Not later than 31 May, statistics showing the stocks held on the preceding 31 December; the statistics concerning these stocks shall exclude the opium held by a Party for military purposes on 31 December 1953, but shall include any amounts subsequently added to such opium or transferred therefrom to lawful trade; and

(c) Not later than four weeks from the end of the period to which they relate, quarterly statistics showing the amounts of opium imported and exported.

2. The statistics referred to in paragraph 1 of this article shall be furnished on such forms and in such manner as may be determined by the Board.

3. If they have not already done so, producing States which are Parties to the Protocol shall furnish to. the Board as exactly as possible for 1946 and the following years the statistics referred to in sub-paragraph (a) (i) of paragraph 1 of this article.

4. The Board shall publish the statistics referred to in this article in such form and at such intervals as it may deem appropriate.

ARTICLE 10

REPORTS TO THE SECRETARY-GENERAL

1. The Parties shall furnish to the Secretary-General:

(a) A report on the organization of and functions assigned under article 3 to the Agency referred to therein, and on the functions assigned under article 3 to the other competent authorities, if any;

(b) A report on the legislative and administrative measures adopted in accordance with this Protocol;

(c) An annual report on the working of this Protocol. This report shall be made in accordance with the form prescribed by the Commission, and may be included in or annexed to the annual reports referred to in article 21 of the 1931 Convention.

2. The Parties shall furnish the Secretary-General with additional information regarding any important changes

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concerning the matters set out in the preceding paragraph.

CHAPTER IV

INTERNATIONAL SUPERVISION AND ENFORCEMENT MEASURES

ARTICLE 11

ADMINISTRATIVE MEASURES

1. In order to supervise the operation of this Protocol the Board may adopt the following measures:

(a) Request for information

The Board may ask Parties confidentially for information regarding, the implementation of this Protocol and, in this connection, make appropriate suggestions to the Parties concerned;

(b) Request for explanation

If on the basis of information at its disposal the Board is of the opinion that any important provision of this Protocol is not being observed in any country or territory or .that the opium situation therein requires elucidation, the Board shall have the right to ask confidentially for an explanation from the Party concerned;

(c) Proposal of remedial measures

If the Board thinks fit, it may confidentially call the attention of a government to its failure to carry out substantially any important provision of this Protocol or to a gravely unsatisfactory opium situation in any of the territories under its control. The Board may also call upon the government to study the possibility of adopting such remedial measures as the situation may require;

(d) Local inquiry

If the Board considers that a local inquiry would contribute to the elucidation of the situation it may propose to the government concerned that a person or a committee of inquiry designated by the Board be sent to the country or territory in question. If the government fails to reply within four months to the Board's proposal such failure shall be considered a refusal to consent. If the government expressly consents to the inquiry it shall be made in collaboration with officials designated by that government.

2. The Party concerned shall be entitled to be heard by the Board through its representative before a decision is taken under sub-paragraph (c) of the preceding paragraph.

3. Decisions of the Board taken in accordance with sub-paragraphs (c) and (d) of paragraph 1 of this article shall be made by a majority of the whole number of the Board.

4. If the Board publishes its decisions taken under sub-paragraph (d) of paragraph 1 of this article or any information relating thereto, it shall also publish the views of the government concerned if the latter so requests.

ARTICLE 12

ENFORCEMENT MEASURES

1. Public declarations

If the Board finds that the failure of a Party to carry out provisions of this Protocol is seriously impeding the

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control over narcotic substances in any territory of that Party or in any territory of another State, it may adopt the following measures:

(a) Public notification

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

(b) Public statements

If the Board considers that its action taken in accordance with the preceding sub-paragraph has not had the desired results, it may issue a statement that a Party has violated its obligations under this Protocol, or that any other State has failed to take the necessary measures to prevent the opium situation in any of its territories from becoming a danger to effective control of narcotic substances in one or several of the territories of other Parties or States. If the Board makes a public statement it shall also publish the views of the government concerned if the latter so requests.

2. Recommendation of embargo

If the Board finds:

(a) as a result of its study of the estimates and statistics furnished under articles 8 and 9, that a Party has failed substantially to carry out its obligations under this Protocol or that any other State is seriously impeding the effective administration thereof, or

(b) in the light of the information at its disposal, that excessive quantities of opium are accumulating in any country or territory or that there is a danger of any country or territory becoming a center of illicit traffic, it may recommend to the Parties an embargo on the import of opium, the export of opium, or both, or to the country or territory concerned, either for a designated period or until it shall be satisfied as to the opium situation in such country or territory. The State concerned may bring the matter before the Council, in accordance with the relevant provisions of article 24 of the 1925 Convention.

3. Mandatory embargo

(a) Announcement of, and imposition of embargo

The Board may, on the basis of findings made under sub-paragraphs (a) or (b) of paragraph 2 of this article, adopt the following measures:

(i) The Board may announce its intention to impose an embargo on the import of opium or the export of opium, or both, from or to the country or territory concerned;

(ii) If the announcement mentioned in sub-paragraph (a) (i) of this paragraph fails to remedy the situation the Board may impose the embargo provided that the lesser measures set out in sub-paragraphs (a) and (b) of paragraph 1 of this article have failed or are unlikely to correct the unsatisfactory situation. The embargo may be imposed either for a definite period or until the Board is satisfied as to the situation in the country or territory concerned. The Board shall forthwith notify the State concerned and the Secretary-General of its decision. The decision of the Board shall be confidential and, except as expressly provided in this article, shall not be disclosed until it is established in accordance with sub-paragraph (c) (i) of paragraph 3 of this article that the embargo is to take effect.

(b) Appeal

(i) A State in respect of which a decision to impose a mandatory embargo has been taken may, within thirty days of receipt by that State of such decision, notify the Secretary-General confidentially in writing of its intention to appeal and, within another thirty days, furnish in writing the reasons for such appeal;

(ii) The Secretary-General shall at the time of coming into force of this Protocol request the President of the International Court of Justice to appoint an Appeals Committee consisting of three members and two alternates who, by their competence, impartiality and disinterestedness, will command general confidence. If the President of the International Court of Justice informs the Secretary-General that he is unable to make the appointment, or does not make it within a period of two months from the receipt of the request to do so, the Secretary-General shall make the appointment. The term of office of the members of the Appeals Committee shall be five years and any member may be eligible for reappointment. The members shall, in accordance with arrangements made by the Secretary-General, receive remuneration only for the duration of the sittings of the Appeals Committee;

(iii) Vacancies on the Appeals Committee shall be filed in accordance with the procedure set out in sub-paragraph (b) (ii) of this paragraph;

(iv) The Secretary-General shall forward to the Board copies of the written notification and the reasons for the appeal referred to in sub-paragraph (b) (i) of this paragraph and, without delay, provide for a meeting of the Appeals Committee to hear and determine the appeal and shall make all arrangements necessary for the Appeals Committee's work. He shall furnish the members of the Appeals Committee with copies of the Board's decision, the communications referred to in sub-paragraph (b) (i) of this paragraph, the Board's reply if available and all other relevant documents;

(v) The Appeals Committee shall adopt its own rules of procedure;

(vi) The appellant State and the Board shall be entitled to be heard by the Appeals Committee before a decision is taken;

(vii) The Appeals Committee may affirm, vary or reverse the Board's decision relative to the imposition of the embargo. The decision of the Appeals Committee shall be final and binding and shall forthwith be communicated to the Secretary-General;

(viii) The Secretary-General shall communicate the decision of the Appeals Committee to the appellant State and to the Board;

(ix) If the appellant State withdraws the appeal, the Secretary-General shall notify the Appeals Committee and the Board of such withdrawal.

(c) Execution of the embargo

(i) The embargo imposed in accordance with sub-paragraph {a) of this paragraph shall come into force sixty days after the Board's decision unless notice of appeal is given in accordance with sub-paragraph (b) (i) of this paragraph. In this case the embargo shall come into force thirty days after the withdrawal of the appeal or after a decision of the Appeals Committee upholding the embargo in whole or in part;

(ii) As soon as it has established in accordance with sub-paragraph (c) (i) of this paragraph that the embargo is to take effect, the Board shall notify all the Parties of the terms of the embargo and the Parties shall comply therewith.

4. Procedural safeguards

(a) Decisions of the Board taken in accordance with this article shall be made by a majority of the whole number of the Board.

(b) The State concerned shall be entitled to be heard by the Board through its representative before a decision is taken under this article.

(c) If the Board publishes a decision taken under this article or any information relating thereto, it shall also

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publish the views of the government concerned if the latter so requests. If the decision of the Board is not unanimous the views of the minority shall be stated.

ARTICLE 13

UNIVERSAL APPLICATION

The Board may also, if possible, take the measures referred to in this chapter, in respect of States which are not Parties to this Protocol, and in respect of territories to which, under article 20, this Protocol does not apply.

CHAPTER V

FINAL ARTICLES

ARTICLE 14

MEASURES OF IMPLEMENTATION

The Parties shall adopt all legislative and administrative measures necessary for the purpose of making fully effective the provisions of this Protocol.

ARTICLE 15

DISPUTES

1.The Parties expressly recognize that the International Court of Justice is competent to settle disputes concerning this Protocol.

2. Unless the Parties concerned agree to another mode of settlement, any dispute between two or more Parties relating to the interpretation or application of this Protocol shall be referred to the International Court of Justice for settlement at the request of any one of the Parties to the dispute.

ARTICLE 16

SIGNATURE

The Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall until 31 December 1953 be open for signature on "behalf of any Member of the United Nations and of any non-member State invited, in accordance with the instructions of the Council, to participate in the Conference which drew up this Protocol, and of any other State to which the Secretary-General at the request of the Council, has sent a copy of this Protocol.

ARTICLE 17

RATIFICATION

This Protocol shall be ratified. The instruments of ratification shall be deposited with the Secretary-General.

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ARTICLE 18

ACCESSION

This Protocol may be acceded to on behalf of any Member of the United, Nations or any non-member State referred to in article 16 or any other non-member State to which the Secretary-General, at the request of the Council, has sent a copy of this Protocol, The instruments of accession shall be deposited with the Secretary-General.

ARTICLE 19

TRANSITIONAL MEASURES

1. As a transitional measure, any Party may, provided that it has made an express declaration to that effect at the time of signature or deposit of its instrument of ratification or accession, permit:

(a) The use, in any of its territories, of opium for quasi-medical purposes;

(b) The production, import or export of opium for such purposes from or to any State or territory to be designated at the time of making the above-mentioned declaration, provided that:

(i) On 1 January 1950 such use, import or export of opium was traditional in the territory in respect of which the declaration is made and was there permitted at that date;

(ii) no export shall be permitted to a State not a Party to this Protocol; and

(iii) the Party undertakes to abolish, within a period which shall be specified by that Party at the time of the declaration and which shall in no case extend beyond fifteen years after the coming into effect of this Protocol the use, production, import and export of opium for quasi-medical purposes.

2. Any Party having made a declaration under paragraph 1 of this article shall, for the period referred to in sub-paragraph (b) (iii) of that paragraph, be authorized, in each year, to hold in addition to the maximum stocks provided for in article 5, stocks equal to the amount consumed for quasi-medical purposes in the two preceding years.

3. Any Party may also, as a transitional measure, provided that it has made an express declaration to this effect at the time of signature or deposit of its instrument of ratification or accession, permit the smoking of opium by addicts not under 21 years of age registered by the appropriate authorities for that purpose on or before 30 September 1953, provided that-on 1 January 1950 opium smoking was permitted by the Party concerned.

4. A Party invoking the transitional measures under this article shall:

(a) Include in the annual report, to be furnished to the Secretary-General in accordance with article 10, an account of the progress made during the preceding year towards the abolition of the use, production, import or export of opium for quasi-medical purposes and of opium for smoking;

(b) Submit separately in respect of opium used, imported, exported and held for quasi-medical purposes, and of opium used and held for purposes of smoking such estimates and statistics as are required by article 8 and 9 of this Protocol.

5. (a) If a Party, which invokes the transitional measures in accordance with this article, fails to submit:

(i) The report referred to in sub-paragraph (a) of paragraph 4 within six months after the end of the year to which the information relates,

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(ii) The statistics referred to in sub-paragraph (b) of paragraph 4 within three months after the date on which they are due in accordance with article 9,

(iii) The estimates referred to in sub-paragraph (b) of paragraph 4 within three months after the date fixed for that purpose by the Board in accordance with article 8,

the Board or the Secretary-General as the case may be shall send to the Party concerned a notification of the delay and request it to submit such information within a period of three months after the receipt of that notification.

(b) If a Party fails to comply within such period with this request of the Board or the Secretary-General, the transitional measures permitted under this article shall no longer be applicable to that Party as from the expiration of that period.

ARTICLE 20

TERRITORIAL APPLICATION

This Protocol shall apply to all the non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of a non-metropolitan territory is required by the Constitution of the Party or of the non-metropolitan territory, or required by custom. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible and when that consent is obtained the Party shall notify the Secretary-General. This Protocol shall apply to the territory or territories named in such 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 21

COMING INTO FORCE

1. This Protocol shall come into force on the thirtieth day after the date of deposit of the instruments of ratification or accession of at least twenty-five States including at least three of the producing States named in sub-paragraph (a) of paragraph 2 of article 6 and at least three of the following manufacturing States: Belgium, France, Federal Republic of Germany, Italy, Japan, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

2. This Protocol shall come into force in respect of any State depositing an instrument of ratification or accession after the deposit of those necessary for the coming into force of this Protocol in accordance with paragraph 1 of this article, on the thirtieth day following the date on which the State concerned has deposited its instrument.

ARTICLE 22

REVISION

1. Any Party may request revision of this Protocol at any time by a notification addressed to the Secretary-General.

2. The Council, after consultation with the Commission, shall recommend the steps to be taken in respect of such request.

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ARTICLE 23

DENUNCIATIONS

1. After the expiration of five years from the date of the coming into force of this Protocol, a Party may denounce this Protocol, by depositing with the Secretary-General an instrument in writing.

2. The denunciation referred to in paragraph 1 of this article shall take effect on 1 January of the first year following the date on which it has been received by the Secretary-General.

ARTICLE 24

TERMINATION

This Protocol shall cease to be in force if, as a result of denunciations made in accordance with article 23, the list of Parties does not fulfill all the conditions laid down in article 21.

ARTICLE 25

RESERVATIONS

Save as expressly provided in article 19 respecting the declarations therein permitted and to the extent authorized in article 20 expecting territorial application, no party may make any reservation respecting any of the provisions of this Protocol.

ARTICLE 26

COMMUNICATIONS BY THE SECRETARY-GENERAL

The Secretary-General shall notify to all Members of the United Nations and the other States referred to in articles 16 and 18:

(a) Signatures affixed to this Protocol after the end of the United Nations Opium Conference and the deposit of instruments of ratification and accession in accordance with articles 16, 17 and 18;

(b) Any territory which, in accordance with article 20, has been included by a State responsible for its international relations among the territories to which the Protocol shall apply;

(c) The coming into force of this Protocol in accordance with article 21;

(d) Declarations and notifications made in accordance with the transitional measures provided for in Article 19, the dates of their expiration and of their ceasing to be effective}

(e) Denunciations made in accordance with article 23;

(f) Requests for revision of this Protocol shall cease to be in force in accordance with article 24.

This Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General. The Secretary-General shall send a certified true copy to all Members of the United Nations and to all other States referred to in articles 16 and 18 of this Protocol.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Protocol in a single copy on behalf of their respective Governments.

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New York, this twenty-third day of June one thousand nine hundred and fifty-three.

Argentina Ivory Coast

Australia[1] Japan

Belgium[2] Jordan

Brazil Korea

Cambodia Liechtenstein[5]

Cameroon Luxembourg

Central African Republic Madagascar

Ceylon Monaco

Chile New Zealand[6]

Congo (Brazzaville) Nicaragua

Congo (Leopoldville) Niger

Cuba Pakistan[4]

Dominican Republic Panama

Ecuador Philippines

El Salvador Rwadan

France Senegal

Federal Republic of Germany[3] South Africa

Greece Spain

Guatemala Sweden

India[4] Switzerland

Indonesia Turkey

Iran[4] United Arab Republic

Israel United States[8]

Italy Western Samoa

---

[1] Including Papua, Norfolk Island and Trust Territories of New Guinea and Nauru.

[2] Including Ruanda-Urundi. Application to Burundi has not been determined.

[3] Applies to Land Berlin

[4] With a declaration

[5] Applied by a declaration by Switzerland

[6] Including Cook Islands (including Niue) and Tokelau Island,

[7] Including Southwest Africa.

[8] Including all territories for the foreign relations of which the United States is responsible.

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