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Reference: C.N.36.2011.TREATIES-9 (Depositary Notification)

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, AS AMENDED BY THE
PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC
DRUGS, 1961

NEW YORK, 8 AUGUST 1975

PROPOSAL OF AMENDMENTS BY THE PLURINATIONAL STATE OF BOLIVIA TO ARTICLE
49, PARAGRAPHS 1 (C) AND 2 (E)¹: FRANCE

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

Reference is made to the decision by the Economic and Social Council on the proposal of the Government of the Plurinational State of Bolivia to amend article 49, paragraphs 1 (c) and 2 (e) of the above Convention, to initiate the procedures established in article 47, paragraph 1 (b), which states that the parties shall be asked whether they accept the proposed amendment and also asked to submit to the Economic and Social Council any comments on the proposal. The Secretary-General communicated to all States concerned the text of the Council's decision in depositary notification C.N.474.2009. TREATIES-3 dated 30 July 2009.

On 28 January 2011, the Secretary-General received a note verbale, dated 28 January 2011, from the Permanent Mission of France to the United Nations. The Secretary-General subsequently communicated to the Council, by way of a Note by the Secretary-General, the note verbale from the Permanent Mission of France.

On 11 February 2011, the Secretary-General received from the Economic and Social Council
..... the attached Council document E/2011/56, dated 31 January 2011, for circulation to all States parties.

28 February 2011

¹ Refer to depositary notification C.N.194.2009.TREATIES-2 of 6 April 2009
(Proposal of amendments by Bolivia to article 49, paragraphs 1 (c) and 2 (e)).

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Economic and Social Council

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Organizational session for 2011

18 January, 15-18 February and 27 and 28 April 2011

Agenda item 3

Basic programme of work of the Council

Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961 (New York, 8 August 1975)

Proposal of amendments by the Plurinational State of Bolivia to article 49, paragraphs 1 (c) and 2 (e)

Note by the Secretary-General

In its decision 2009/250 of 30 July 2009, the Economic and Social Council, taking note of the note by the Secretary-General (E/2009/78) on the proposal of the Government of the Plurinational State of Bolivia to amend article 49, paragraphs 1 (c) and 2 (e), of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,¹ decided, in accordance with article 47, paragraph 1, of the Convention as amended, to initiate the procedures established in paragraph 1 (b) of that article, which states that the parties shall be asked whether they accept the proposed amendment and also asked to submit to the Economic and Social Council any comments on the proposal.

The Secretary-General, acting in his capacity as depositary, communicated to the parties to the Convention the text of Council decision 2009/250 in a Depositary Notification² dated 30 July 2009.

The Secretary-General is hereby communicating to the Council a note verbale dated 28 January 2011 from the Permanent Mission of France to the United Nations (see annex).

¹ United Nations, *Treaty Series*, vol. 976, No. 14152.

² C.N.474.2009.TREATIES-3.



Annex**Note verbale dated 28 January 2011 from the Permanent Mission of France to the United Nations addressed to the Secretary-General**

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General and has the honour to refer to note CN.194.2009.TREATIES-2 (Depositary Notification), dated 6 April 2009, by which the Secretary-General communicated the proposal of the Government of Bolivia to repeal article 49, paragraphs 1 (c) and 2 (e), of the United Nations Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol. It further wishes to refer to note CN.474.2009.TREATIES-3 (Depositary Notification), dated 30 July 2009, by which the Secretary-General informed the parties of the decision taken by the Economic and Social Council to initiate the procedures established in article 47, paragraph 1 (b), of the Single Convention.

The proposed amendment concerns the “ancestral custom” of coca leaf chewing, a practice that Bolivia asserts is among the rights of indigenous peoples established, in particular, by the United Nations Declaration on the Rights of Indigenous Peoples, to which France is deeply committed.

Inasmuch as coca leaf chewing is not only an ancient custom of the Bolivian people but also of the Andean peoples, France is aware that the issue is of particular importance to Bolivia, a country where coca leaf chewing is considered a component of cultural identity.

France is therefore open to dialogue aimed at arriving at a solution that would better accommodate the tradition of coca leaf chewing while maintaining the integrity of the Single Convention of 1961.

Since the proposed amendment concerns a controlled narcotic substance (which is listed in Schedule I of the Single Convention), it has the potential to weaken the framework and general obligations set out in article 4, to which all States parties to the Single Convention are committed, in order to combat the trade in and use of narcotics. It is also desirable to avoid setting a precedent that would undermine the international legal framework for combating narcotic drugs.

Therefore, in accordance with the above-mentioned provisions of article 47, paragraph 1 (b), of the Single Convention, the Permanent Mission of France to the United Nations would like to inform the Organization that, in view of the obligations imposed on the States parties to the Convention, the Government of France does not accept the amendment proposed by Bolivia.



Consejo Económico y Social

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Período de sesiones de organización de 2011

18 de enero, 15 a 18 de febrero y 27 a 28 de abril de 2011

Tema 3 del programa

Programa de trabajo básico del Consejo

Convención Única de 1961 sobre Estupefacientes, enmendada por el Protocolo de Modificación de la Convención Única de 1961 sobre Estupefacientes (Nueva York, 8 de agosto de 1975)

Propuesta de enmiendas al artículo 49, párrafos 1 c) y 2 e) presentada por el Estado Plurinacional de Bolivia

Nota del Secretario General

En su decisión 2009/250, de 30 de julio de 2009, el Consejo Económico y Social, tomando nota de la nota del Secretario General (E/2009/78) relativa a la propuesta del Gobierno del Estado Plurinacional de Bolivia de enmendar el artículo 49, párrafos 1 c) y 2 e) de la Convención Única de 1961 sobre Estupefacientes, enmendada por el Protocolo de 1972¹, decidió, de conformidad con el artículo 47, párrafo 1 de la Convención enmendada, iniciar los procedimientos establecidos en el párrafo 1 b) de dicho artículo, que dispone que se pregunte a las partes si aceptan la modificación propuesta y se les pida que presenten al Consejo Económico y Social comentarios acerca de la misma.

El Secretario General, actuando en calidad de depositario, comunicó a las partes en la Convención el texto de la decisión 2009/250 del Consejo en una notificación del depositario² de fecha 30 de julio de 2009.

Por la presente, el Secretario General comunica al Consejo una nota verbal de fecha 28 de enero de 2011 de la Misión Permanente de Francia ante las Naciones Unidas (véase el anexo).

¹ Naciones Unidas, *Treaty Series*, vol. 976, núm. 14152.

² C.N.474.2009.TREATIES-3.



Anexo**Nota verbal de fecha 28 de enero de 2011 dirigida al Secretario General por la Misión Permanente de Francia ante las Naciones Unidas**

La Misión Permanente de Francia ante las Naciones Unidas saluda atentamente al Secretario General y tiene el honor de hacer referencia a la nota C.N.194.2009.TREATIES-2 (notificación del depositario), de fecha 6 de abril de 2009, por la cual el Secretario General comunicó la propuesta del Gobierno del Estado Plurinacional de Bolivia de derogar el apartado c) del párrafo 1 y el apartado e) del párrafo 2 del artículo 49 de la Convención Única de 1961 sobre Estupefacientes, enmendada por el Protocolo de 1972, así como a la nota C.N.474.2009.TREATIES-3 (notificación del depositario), de fecha 30 de julio de 2009, por la cual el Secretario General informó a las partes de la decisión del Consejo Económico y Social de iniciar los procedimientos previstos en el párrafo 1 b) del artículo 47 de la Convención Única.

La enmienda propuesta se refiere a una “costumbre ancestral”, la masticación de la hoja de coca, en razón de que el Estado Plurinacional de Bolivia ha invocado los derechos de los pueblos indígenas, consagrados especialmente en la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas, y por los cuales Francia siente un profundo respeto.

En esta medida, por tratarse de una costumbre ancestral del pueblo boliviano, pero que es parte también de la cultura de los pueblos andinos, Francia es consciente de que la cuestión reviste una importancia especial para el Estado Plurinacional de Bolivia, país en el que la masticación de la hoja de coca es considerada una parte integrante de la identidad cultural.

Por consiguiente, Francia está a favor de que se entable un diálogo para buscar una mejor forma de tener en cuenta la tradición de la masticación de la hoja de coca preservando al mismo tiempo la integridad de la Convención Única de 1961.

En efecto, la enmienda propuesta, dado que se refiere a una sustancia estupefaciente (enumerada en el cuadro de sustancias estupefacientes de la Convención Única) sometida a las obligaciones de control, presenta el riesgo de menoscabar el marco y las obligaciones generales suscritas en virtud del artículo 4 por el conjunto de los Estados partes en la Convención Única a fin de luchar contra el tráfico y el uso de estupefacientes. Por lo demás, conviene evitar que se sienta un precedente que pueda socavar el marco jurídico internacional de lucha contra los estupefacientes.

En consecuencia, conforme a las disposiciones mencionadas *supra* del párrafo 1 b) del artículo 47 de la Convención Única, la Misión Permanente de Francia ante las Naciones Unidas informa a la Organización de que el Gobierno de la República Francesa, de conformidad con las obligaciones que incumben a los Estados partes en la Convención Única, no acepta la enmienda propuesta por el Estado Plurinacional de Bolivia.