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Reference: C.N.38.2011.TREATIES-11 (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 : ITALY

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 Italy 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 Italy.

On 11 February 2011, the Secretary-General received from the Economic and Social Council
..... the attached Council document E/2011/58, dated 31 January 2011, for circulation to all States parties.

28 February 2011

A handwritten signature in dark ink, appearing to be "J.G.W.", is written below the date.

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)).

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.



Economic and Social Council

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31 January 2011

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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 Italy 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 Italy to the United Nations addressed to the Secretary-General**

The Permanent Mission of Italy to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the Secretary-General's Depositary Notification dated 6 April 2009 (C.N.194.2009.TREATIES-2), which communicated a proposal by Bolivia to amend the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961 (the Single Convention); and to the Secretary-General's Depositary Notification dated 30 July 2009 (C.N.474.2009.TREATIES-3), which informed the parties to the Single Convention of the decision of the Economic and Social Council to initiate the procedure established under article 47, paragraph 1 (b), of the Single Convention with regard to the proposal.

Italy is fully aware of the importance of the efforts of Bolivia to reduce the production of and trade in illicit coca products. Italy is also fully aware of the cultural implications of the Bolivian amendment and, to this end, underlines the importance of respecting the cultural identity and traditions of indigenous populations, guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples. However, Italy believes that the dialogue aimed at further promoting respect for indigenous traditions should be fully coherent with and preserve the integrity of the Single Convention.

States parties to the Single Convention undertake an obligation to limit the trade in and use of narcotic drugs exclusively to medical and scientific purposes. States parties also recognize that measures against the abuse of narcotic drugs require coordinated and universal action. Schedule I to the Single Convention lists coca leaf as a narcotic drug.

Italy is therefore of the opinion that, in proposing amendments, States parties should be guided by the object and purpose of the Single Convention. The Bolivian proposal poses the risk of creating a political precedent and might directly impact the international anti-narcotics legal framework. This would send a negative signal, out of step with the actions undertaken so far in the fight against drug trafficking and drug use.

In the light of these considerations, the Government of Italy hereby informs the Secretary-General, in accordance with article 47, paragraph 1 (b), of the Single Convention, that it 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 y 28 de abril de 2011

Tema 3 del programa

Programa básico de trabajo 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 a los incisos 1 c) y 2 e) del artículo 49 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) sobre la propuesta del Gobierno del Estado Plurinacional de Bolivia de enmendar los incisos 1 c) y 2 e) del artículo 49 de la Convención Única sobre Estupefacientes de 1961, modificada por el Protocolo de 1972¹, decidió, de conformidad con lo dispuesto en el inciso 1 del artículo 47 de la Convención en su forma enmendada, iniciar los procedimientos establecidos en el inciso 1 b) de dicho artículo, en que se dispone que se pregunte a las partes si aceptan la modificación propuesta y se les pida que presenten al Consejo comentarios acerca de la misma.

El Secretario General, actuando en su 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.

El Secretario General comunica por la presente al Consejo Económico y Social una nota verbal de fecha 28 de enero de 2011 enviada por la Misión Permanente de Italia 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 Italia
ante las Naciones Unidas**

La Misión Permanente de Italia ante las Naciones Unidas saluda atentamente al Secretario General y tiene el honor de referirse a la notificación del depositario de fecha 6 de abril de 2009 (C.N.194.2009.TREATIES-2), en la que comunicó la propuesta del Gobierno del Estado Plurinacional de Bolivia de enmendar la Convención Única de 1961 sobre Estupefacientes, modificada por el Protocolo de 1972 de Modificación de la Convención Única de 1961 sobre Estupefacientes (la Convención Única), y también a la notificación del depositario de fecha 30 de julio de 2009 (C.N.474.2009.TREATIES-3), en la que informó a las partes en la Convención Única de la decisión del Consejo Económico y Social de iniciar los procedimientos establecidos en el inciso 1 b) del artículo 47 de la Convención Única en relación con la propuesta.

Italia es plenamente consciente de la importancia de los esfuerzos que está haciendo el Estado Plurinacional de Bolivia por reducir la producción y el comercio de productos de coca ilícitos. También es plenamente consciente de las repercusiones culturales de la enmienda del Estado Plurinacional de Bolivia, por lo cual subraya la importancia de respetar la identidad cultural y las tradiciones de las poblaciones indígenas, garantizadas en la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas. Sin embargo, Italia cree que el diálogo encaminado a seguir promoviendo el respeto por las tradiciones indígenas debe ser totalmente coherente con la Convención Única y preservar su integridad.

Los Estados partes en la Convención Única se comprometen a limitar exclusivamente el comercio y el uso de estupefacientes a los fines médicos y científicos. Los Estados partes también reconocen que las medidas contra el uso indebido de estupefacientes requieren una acción concertada y universal. En la Lista I de la Convención Única, la hoja de coca figura como estupefaciente.

En consecuencia, Italia opina que, al proponer enmiendas, los Estados partes deberían guiarse por el objeto y el propósito de la Convención Única. La propuesta del Estado Plurinacional de Bolivia entraña el riesgo de sentar un precedente político y podría afectar directamente el marco jurídico internacional contra los estupefacientes. Enviaría una señal negativa, que no estaría de acuerdo con las medidas adoptadas hasta ahora en la lucha contra el tráfico y el uso indebido de estupefacientes.

En vista de ello y de conformidad con el inciso 1 b) del artículo 47 de la Convención Única, el Gobierno de Italia comunica por la presente al Secretario General que no acepta la enmienda propuesta por el Estado Plurinacional de Bolivia.