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Reference: C.N.24.2011.TREATIES-4 (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: SWEDEN

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 20 January 2011, the Secretary-General received a note verbale, dated 20 January 2011, from the Permanent Mission of Sweden 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 Sweden.

On 1 February 2011, the Secretary-General received from the Economic and Social Council the attached Council document E/2011/48, dated 21 January 2011, for circulation to all States parties.
.....

25 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

Distr.: General
21 January 2011

Original: English

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 20 January 2011 from the Permanent Mission of Sweden 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 20 January 2011 from the Permanent Mission of Sweden to the United Nations addressed to the Secretary-General

The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the proposal by the Government of the Plurinational State of Bolivia, communicated in Depositary Notification C.N.194.2009.TREATIES-2 of 6 April 2009, to amend article 49, paragraphs 1 (c) and 2 (e) of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs (the Convention). The States parties to the Convention have been asked to pronounce themselves on the proposal, aimed at the recognition of the traditional use of coca leaf.

Sweden is fully aware of the importance of the efforts of the Plurinational State of Bolivia to reduce the production and trade in illicit coca products. Sweden also understands the concern that the Government of the Plurinational State of Bolivia has expressed concerning the conflict between the drug control conventions of the United Nations and the traditional chewing of coca leaf.

However, the Government of Sweden is of the opinion that the proposal poses the risk of creating a political precedent and might directly infringe on the international legal framework for the fight against drugs. This would send a negative signal that would be out of step with the actions undertaken in order to fight drug trafficking and drug use. The opening of a plenipotentiary conference to discuss these matters should also be avoided.

For the above-mentioned reasons, Sweden therefore rejects the proposed amendment, in accordance with article 47, paragraph 2, of the Convention.



Consejo Económico y Social

Distr. general
21 de enero de 2011
Español
Original: inglés

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 ella.

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 20 de enero de 2011 enviada por la Misión Permanente de Suecia 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 20 de enero de 2011 dirigida al Secretario General por la Misión Permanente de Suecia ante las Naciones Unidas

La Misión Permanente de Suecia ante las Naciones Unidas saluda atentamente al Secretario General y tiene el honor de hacer referencia a la propuesta comunicada por el Gobierno del Estado Plurinacional de Bolivia en la notificación al depositario C.N. 194.2009.TREATIES-2, de 6 de abril de 2009, 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 1972 (la Convención). Se ha pedido a los Estados partes en la Convención que se pronuncien acerca de la propuesta, que apunta al reconocimiento de la utilización tradicional de la hoja de coca.

Suecia es plenamente consciente de la magnitud de los esfuerzos del Estado Plurinacional de Bolivia por reducir la producción y el comercio de productos ilícitos de la coca. Suecia comprende también la inquietud que ha expresado el Gobierno del Estado Plurinacional de Bolivia con respecto al conflicto entre las convenciones de las Naciones Unidas relativas a la lucha contra los estupefacientes y la práctica tradicional de mascar la hoja de coca.

Sin embargo, a juicio del Gobierno de Suecia, con la propuesta se corre el riesgo de crear un precedente político y de injerirse directamente en la estructura jurídica internacional de la lucha contra las drogas. Ello enviaría una señal negativa que no estaría acorde con las medidas adoptadas para combatir el tráfico y el consumo de drogas. Tampoco habría que convocar una conferencia plenipotenciaria para examinar estas cuestiones.

Por las razones mencionadas, Suecia, de conformidad con el párrafo 2 del artículo 47 de la Convención, rechaza la enmienda propuesta.
