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Reference: C.N.48.2011.TREATIES-18 (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: ECUADOR

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 31 January 2011, the Secretary-General received a note verbale, dated 31 January 2011, from the Permanent Mission of Ecuador 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 Ecuador.

On 11 February 2011, the Secretary-General received from the Economic and Social Council
..... the attached Council document E/2011/64, dated 1 February 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

Distr.: General
1 February 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 31 January 2011 from the Permanent Mission of Ecuador 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 31 January 2011 from the Permanent Mission of Ecuador to the United Nations addressed to the Secretary-General

[Original: Spanish]

The Permanent Mission of Ecuador 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 to amend article 49 of the Single Convention on Narcotic Drugs, 1961.

The United Nations Declaration on the Rights of Indigenous Peoples, in particular articles 11, 12 and 13, requires that the rights of indigenous peoples shall be respected and protected, that indigenous peoples shall have the right to practise and revitalize their cultural traditions and customs and to manifest, practise, develop and teach their traditions and customs, and that States shall take effective measures to ensure that these rights are protected.

Consequently, Ecuador supports the amendment proposed by Bolivia to end the prohibition against coca leaf chewing, an indigenous cultural practice that does not affect and is not contrary to the necessary efforts to combat the illicit manufacture and trafficking of cocaine. The prohibition is unjustifiable and discriminates against indigenous peoples that maintain this ancestral practice.



Consejo Económico y Social

Distr. general
1 de febrero 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 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) sobre 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, modificada por el Protocolo de 1972¹, decidió, de conformidad con lo dispuesto en el artículo 47, párrafo 1, de la Convención en su forma enmendada, iniciar los procedimientos establecidos en el párrafo 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 31 de enero de 2011 enviada por la Misión Permanente del Ecuador 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 31 de enero de 2011 dirigida al Secretario General por la Misión Permanente del Ecuador ante las Naciones Unidas

[Original: español]

La Misión Permanente del Ecuador ante las Naciones Unidas saluda atentamente al Secretario General de las Naciones Unidas y tiene el honor de referirse a la propuesta del Gobierno del Estado Plurinacional de Bolivia, de enmienda al artículo 49 de la Convención Única de 1961 sobre Estupefacientes.

La Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas, en particular sus artículos 11, 12 y 13, exige el respeto y protección de los derechos de los pueblos indígenas; que los pueblos indígenas tengan derecho a practicar y revitalizar sus tradiciones y costumbres culturales; a manifestar, practicar, desarrollar y enseñar sus tradiciones y costumbres; y que los Estados adopten medidas eficaces para garantizar la protección de estos derechos.

En tal virtud el Ecuador apoya la propuesta boliviana de enmienda, con el propósito de poner fin a la prohibición del masticado de la hoja de coca, práctica indígena cultural que no afecta ni es contraria a la necesaria lucha contra la fabricación y el tráfico ilícito de cocaína. Dicha prohibición es injustificable y discriminatoria para los pueblos indígenas que conservan esa práctica ancestral.
