

June 23, 1953

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

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 the 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 of 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, or 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 of 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 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;

(b) In the case of any Party (other than a Party referred to in subparagraph (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 subparagraph (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 subparagraph (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 subparagraph (a) of paragraph 2 of article 6 and may not be reinstated in that category; and the Board, upon receipt of such declaration, shall place such Party in the category referred to in subparagraphs (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 subparagraph (a) of this paragraph shall apply with respect to any declaration by any Party wishing to be changed from the category referred to in subparagraph (b) of paragraph 1 of this article to the category referred to in subparagraph (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 subparagraphs (a) and (c) 4 of paragraph 1 of this article shall be calculated on the basis of the statistical

established by the Board in its annual report and including 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