

No. 15596

MULTILATERAL

South American Agreement on narcotic drugs and psychotropic substances (with additional protocols). Concluded at Buenos Aires on 27 April 1973

Authentic texts: Spanish and Portuguese.

Registered by Argentina on 30 March 1977.

MULTILATÉRAL

Accord sud-américain relatif aux stupéfiants et aux substances psychotropes (avec protocoles additionnels). Conclu à Buenos Aires le 27 avril 1973

Textes authentiques : espagnol et portugais.

Enregistré par l'Argentine le 30 mars 1977.

[TRANSLATION — TRADUCTION]

SOUTH AMERICAN AGREEMENT¹ ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The South American Plenipotentiary Conference on Narcotic Drugs and Psychotropic Substances, meeting at Buenos Aires from 25 to 27 April 1973;

Considering that the gravity of the problem of drug abuse requires the constant and conjoined attention of all South American countries, guided by common principles and objectives;

Considering that, while the magnitude, characteristics and scope of this problem may take a different form in each of the participating countries, the risks and damage affect all of them; and

Bearing in mind the recommendations of the Governmental Meeting of South American Experts held at Buenos Aires from 29 November to 4 December 1972;

Agrees:

One. To implement the necessary measures to achieve close collaboration and an effective exchange of information on all matters relating to combating the abuse of narcotic drugs and psychotropic substances, especially as regards: (a) control of licit traffic; (b) suppression of illicit traffic; (c) co-operation among national security agencies; (d) harmonization of criminal and civil legislation; (e) standardization of administrative provisions governing sales; (f) prevention of drug addiction; (g) treatment, rehabilitation and re-education of drug addicts.

Two. To set up or designate in each country an agency responsible for coordinating and centralizing at the national level all matters relating to the abuse of narcotic drugs and psychotropic substances.

Three. To hold annual technical meetings on all aspects of the subject. To engage in consultations and the exchange of information with a view to ensuring permanent linkage of all the national co-ordinating agencies.

Four. To promote plans for intensive community education by methods suited to the situation in each country and to its social and cultural characteristics, devoting special attention to children and adolescents, with emphasis on the family, teaching, student and social work aspects, under the supervision of specialized technical personnel.

Five. To give special support to any scientific research aimed directly or indirectly at increasing knowledge about drug addiction and its causes and consequences, the development or application of new methods to combat it and the improvement of existing methods.

¹ Came into force in respect of the following States on 26 March 1977, i.e., on the thirtieth day after the date of the deposit with the Government of Argentina of the fourth instrument of ratification or accession, in accordance with article 13:

State	<i>Date of deposit of the instrument of ratification</i>
Ecuador	16 January 1974
Brazil*	29 January 1974
Venezuela	13 October 1975
Argentina	24 February 1977

*See p. 84 of this volume for the text of the interpretative declaration made upon signature and confirmed upon ratification.

Six. To harmonize the legal regulations of the signatory countries, in accordance with the First Additional Protocol.

Seven. To take the necessary steps to secure for the staff of the security agencies engaged in combating the abuse of drugs and psychotropic substances a high standard of qualification and training, and thereby to promote closer co-ordination among the specialized agencies of the Contracting Parties.

Eight. In specific cases of illicit traffic or related activities which are such as to be of concern to more than one country, the Parties undertake to provide the co-operation necessary to enable the responsible agencies of the countries concerned to carry out the relevant investigations and actions jointly.

Procedures for such joint operations shall be decided upon in each individual case by the agencies concerned, using, for the purposes of exchanging information and co-operating at the specialized police level, the facilities provided by ICPO (INTERPOL) through its national affiliates (NCB).

Nine. To harmonize regulations for the legal sales of narcotic drugs and psychotropic substances in the manner laid down in the Second Additional Protocol.

Ten. To strengthen existing measures to destroy plantings of cannabis and coca, and to prohibit plantings of the opium poppy in South America, with the exception of supervised planting for the purposes of scientific research.

Eleven. The States Parties shall convene a Conference to consider the establishment of a Permanent Narcotic Drugs Secretariat, whose objective shall be to facilitate co-ordination in the matters mentioned in the preceding articles. The Conference shall consider methods of funding the Secretariat, and its site, structure and functions with the aim of making the best use possible of available resources and the activities being undertaken by the national agencies of the States Parties.

The co-ordination of national activities and the co-operation among States Parties provided for in the preceding articles shall take effect on the date on which this Agreement enters into force.

On the entry into force of the Agreement, the States Parties shall designate representatives who shall meet at Buenos Aires to carry out, with technical advice and secretarial support from the Central Drug Control Agency in the Republic of Argentina, the preparatory work for the Conference provided for in this article. Those representatives shall constitute an Interim Committee, which shall be authorized to assemble and centralize information, to consider and analyse possible ways of co-operation, to establish contact with the national co-ordinating agencies mentioned in article 2 and to have informal consultations with international agencies concerned with the problem.

Twelve. This Agreement shall be open until 30 June 1973 for signature by any State which participated in the South American Plenipotentiary Conference on Narcotic Drugs and Psychotropic Substances.

It shall be subject to ratification.

The instruments of ratification shall be deposited with the Government of the Argentine Republic.

After 30 June 1973 it shall be open for accession by the States referred to in paragraph 1 of this article. The instruments of accession shall be deposited with the Government of the Argentine Republic.

Thirteen. This Agreement shall enter into force on the thirtieth day following the date on which the fourth instrument of ratification or accession is deposited in accordance with article 12.

For each State ratifying the Agreement or acceding to it after the deposit of the fourth instrument of ratification or accession, the Agreement shall enter into force on the thirtieth day after the date on which that State deposited its instrument of ratification or accession.

Fourteen. After the expiry of two years from the date of entry into force of this Agreement, any State Party may denounce it by a communication in writing delivered to the Government of the Argentine Republic.

The denunciation shall take effect 180 days after the date of its formulation.

Fifteen. Any State Party may propose an amendment to this Agreement. The text of the amendment and the reasons for it shall be communicated to the Government of the Argentine Republic, which shall in turn communicate them to the other States Parties.

When a proposed amendment transmitted pursuant to the first paragraph of this article has been rejected by none of the States Parties within 180 days from the date of its transmission, it shall enter into force automatically.

If any of the States Parties rejects a proposed amendment, the depositary shall convene a conference to consider the amendment.

Sixteen. The original of this Agreement, the Spanish and Portuguese texts of which are equally authentic, shall be deposited with the Ministry of Foreign Affairs and Worship of the Argentine Republic.

DONE at Buenos Aires, the capital of the Argentine Republic, on the 27th day of April 1973.

For the Government
of the Argentine Republic:

[OSCAR PUIGROS]

For the Government
of the Federative Republic
of Brazil:¹

[JOSÉ JUSTINO ALVES PEREIRA]

For the Government
of the Republic
of Chile:

For the Government
of the Republic
of Paraguay:
[ADÁN GODOY JIMÉNEZ]

For the Government
of the Eastern Republic
of Uruguay:

[PABLO PURRIEL]

For the Government
of the Republic
of Bolivia:

[ALBERTO GUZMÁN SORIANO]

For the Government
of the Republic
of Colombia:

[IGNACIO VILLAVECES PARIS]

For the Government
of the Republic
of Ecuador:

[ALFONSO BARRERA VALVERDE]

For the Government
of the Republic
of Peru:

For the Government
of the Republic
of Venezuela:
[D. LUCIANO NOGUERA MORA]

¹ See p. 84 of this volume for the text of the interpretative declaration made upon signature.

FIRST ADDITIONAL PROTOCOL

I. CRIMINAL LEGISLATION

1. *Subject-matter*

Precision with regard to subject-matter is essential for satisfactorily categorizing offences. The subject-matter may be defined as follows: "Narcotic drugs and psychotropic and other substances capable of producing physical or psychological dependence, included in lists which shall be brought up to date periodically by Governments".

Countries which have not ratified the 1961 Single Convention on Narcotic Drugs,¹ the amendments² to it and the 1971 Convention on Psychotropic Substances³ may utilize the listings in those Conventions.

2. *Offences to be provided for*

- (a) In relation to the production process: sowing, cultivation, manufacture, extraction, preparation and any other form of production;
- (b) In relation to trading: import or export, deposit, sale, distribution, storage, transport and any other form of trading;
- (c) In relation to the organization and financing of the activities mentioned in the preceding subparagraphs;
- (d) Supply, administration, provision or delivery, with or without charge;
- (e) Supply, administration, provision or delivery, improperly or fraudulently by professionals authorized to prescribe;
- (f) Production, manufacture, preparation of use improperly or fraudulently by professionals authorized to carry out such activities;
- (g) Clandestine production, manufacture, preparation or use;
- (h) Possession, in cases other than the foregoing and without legitimate reason, of drugs and raw materials or components for producing them;
- (i) Provision, with or without charge, of movable or immovable property intended or used for the commission of these offences;
- (j) Instigation or promotion of or incitement to the use of the substances and their personal use in public.

3. *Offences with aggravating circumstances*

- (a) Supply, administration, provision or delivery to minors or mentally defective persons;
- (b) Supply, administration, provision or delivery with intent to establish or maintain a state of dependence;
- (c) Supply, administration, provision or delivery with the use of violence or fraud;
- (d) Commission of punishable acts involving the use of persons not amenable to the legislation;
- (e) Being a doctor, dentist, chemist, pharmacist, veterinarian or botanist or member of any other profession possessing specialized knowledge or engaged in similar occupations;

¹ United Nations, *Treaty Series*, vol. 520, p. 151.

² *Ibid.*, vol. 557, p. 280 (corrigendum to vol. 520, p. 309); vol. 570, p. 346 (procès-verbal of rectification of the authentic Russian text); and vol. 590, p. 325 (procès-verbal of rectification of the authentic Spanish text).

³ *Ibid.*, vol. 1019, p. 175.

- (f) Being a government official responsible for the prevention and prosecution of the offences in question;
 - (g) Commission of the offence in the vicinity of or in an educational establishment, welfare centre, place of detention, sports, cultural or social institution, or in places of public entertainment;
 - (h) Habitual offences;
 - (i) Conspiring to commit an offence;
 - (j) Being a teacher or educator of children or young people.
4. *Consequences of punishable acts*

(a) The types of penalties that may be imposed concurrently or alternatively, according to the gravity of the acts committed and other circumstances, are: deprivation of liberty, monetary penalties and disqualification from the exercise of a profession or function.

(b) If the convicted person is addicted to these substances, the judge shall in all cases make an order for a custodial treatment and rehabilitation measure and may, depending on the circumstances of the case, also deem him to have been punished sufficiently and apply only the measure, which shall be implemented before or after the sentence is served or concurrently with it.

The custodial treatment measure shall consist primarily of the appropriate detoxification treatment, without prejudice to other therapeutic and rehabilitation measures. It shall be carried out, preferably, in special treatment centres. It shall be administered for an indefinite period and shall be terminated by a decision of the court on the basis of an expert opinion that the person who is the subject of the measure has been rehabilitated or is at least capable of achieving an acceptable level of rehabilitation.

(c) Immediate destruction of plantings and crops.

(d) Immediate destruction of raw materials and substances which have no therapeutic application.

(e) Confiscation of raw materials, substances, instruments and articles which may be generally useful, to which end the competent authority shall arrange to take possession of them immediately.

II. CIVIL LEGISLATION

Regulations shall be adopted to protect the health and assets of the drug addict and defend his family—with particular reference to the psychological and educational status of the children—and third parties.

To these ends the following measures are suggested:

- (a) court-ordered disqualification from performing certain legal acts and consequent appointment of a curator;
- (b) commitment to an appropriate institution in cases of danger to the addict himself or third parties.

SECOND ADDITIONAL PROTOCOL

One. Each State Party, once it has decided to classify a specific substance or pharmaceutical preparation in the group of those capable of producing psychological or physical dependence, shall furnish a half-yearly report to the other States Parties.

Two. Each State Party, on being apprised of the classification of a specific substance in the group mentioned in the preceding article, shall likewise endeavour to classify it in the same group, taking into consideration in so doing the reasons it has been given.

Three. In co-operation among States Parties, the control requirements provided for in the 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances shall be maintained at all times.

Four. States Parties shall intensify measures to destroy plantings of coca and cannabis, to control the cultivation, harvesting, utilization and marketing of existing crops, and to prohibit the planting of opium poppies.

States Parties may authorize the utilization of such crops for scientific purposes or industrial applications subject to the most rigorous control.

Five. A licence from the competent national authorities shall be required for the extraction, production, manufacture, processing, preparation, possession, import, export, re-export, shipment, transport, display, offering, sale, purchase, exchange or possession, for any form of scientific or industrial use, of any of the substances specified in the preceding article.

Six. States Parties shall designate an authority responsible for granting certificates authorizing the import, export and re-export of narcotic or psychotropic substances.

Seven. Import certificates for narcotic drugs or psychotropic substances shall not be granted to any person convicted in criminal proceedings or to the company to which that person belongs, especially if the proceedings related to an offence against health regulations.

Eight. Applications to the competent authorities for import certificates for narcotic drugs or psychotropic substances shall specify the nature, origin and quantity of each of the products to be imported during the year to which the application refers, and the name of the exporting firm shall be stated.

Nine. Import certificates for narcotic drugs or psychotropic substances shall not be transferable.

Ten. If substances the control of which is provided for in the Conventions referred to in article three are imported without the required import certificate, the transaction shall be deemed to be smuggling, the goods shall be confiscated by the State Party and those responsible shall be punished in accordance with national legislation.

Eleven. A special licence from the competent authority shall be required for every chemical-pharmaceutical establishment manufacturing narcotic substances by synthesis or extractions or processing or purifying them.

Twelve. Such substances and/or pharmaceutical preparations containing them may be purchased only by duly authorized establishments and on the basis of an application signed by the person responsible.

Thirteen. The establishments referred to in the preceding article shall keep on file the documents authenticating the purchase and the disposal of narcotic and psychotropic substances.

Fourteen. For the quarters ending on the last day of March, June, September and December, returns showing the quantities of narcotic and psychotropic substances received, processed and in stock, based on models previously adopted by the competent national authorities, shall be submitted to the competent authorities.

Fifteen. Only legally authorized establishments may dispense narcotic and psychotropic substances to the public,

These substances shall be prescribed only by legally authorized professionals, and prescriptions for them shall be kept at the pharmacies for comparison and inspection by the competent national health inspection authorities.

Sixteen. Each pharmaceutical establishment (druggist's, pharmacy or other) shall maintain a suitable system for recording all prescriptions in a form that enables the quantity purchased and the quantity disposed of to be compared.

Seventeen. For narcotic drugs and other substances capable of producing physical or psychological dependence which are as dangerous as amphetamines and the like, an official prescription pad numbered, printed and supplied by the competent authority to each legally authorized professional shall be used.

Eighteen. For other pharmaceutical substances which act on the central nervous system, States Parties which deem it necessary shall allow the use of numbered prescription pads printed by the professional himself, without registration with the competent health inspection office; the name and address of the patient and the nature of the medication prescribed shall, however, be recorded on the counterfoil of the prescription sheet. In addition to these data, the prescription sheet shall contain data concerning the professional who signs the prescription.

Nineteen. Prescriptions shall be retained by the individual dispensing establishment (pharmacy, druggist's, etc.) for inspection by the competent health inspection unit.

Twenty. Prescriptions for pharmaceutical substances and/or preparations containing substances about which doubts prevail concerning their capacity to produce dependence shall be written on ordinary professional prescription pads kept at individual pharmacies.

Twenty-one. Drug addiction or habitual use of narcotic or psychotropic substances shall be considered a disease notifiable on a confidential basis to the competent local authority.

Twenty-two. Drug addicts and habitual users of narcotic drugs or the above-mentioned substances shall be subject to compulsory or voluntary commitment for treatment, on the basis of a suitable physical examination, for a specified or indeterminate period.

Twenty-three. Compulsory commitment shall be to institutions under or subject to official inspection.

Twenty-four. A drug addict undergoing compulsory commitment who has not been the subject of criminal proceedings shall be treated as a sick person, in accordance with the national legislation of each State Party.

INTERPRETATIVE DECLARATION
MADE UPON SIGNATURE AND
CONFIRMED UPON RATIFICA-
TION

BRAZIL

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

O Governo brasileiro, deseja deixar clara constância de sua inteligência do alcance do Artigo 11, qual seja de que o Comitê *Pro-tempore*, na centralização de informações em contato com os Organismos Nacionais, deverá ater-se aos aspectos relevantes no estudo do problema da criação de uma Secretaria Permanente.

2. Como o próprio artigo 11 indica a coordenação entre Organismos Nacionais estabelecer-se-á ao mesmo tempo da vigência do Acordo, para todas as finalidades nele previstas e, para o Governo brasileiro, existirá a possibilidade de contato direto com o Organismo Nacional de outro País Parte do Acordo, sem intermediário, quando o Acordo entrar em vigor para o Brasil e entrar em vigor entre os Países Partes.

3. O Governo brasileiro deseja, outrossim, indicar que compreende que o Órgão Nacional argentino terá a função de assessorar, do ponto de vista secretarial e técnico, o trabalho do Comitê *Pro-tempore*.

[TRANSLATION]

The Brazilian Government wishes to state clearly its understanding of the scope of article 11, namely, that the Interim Committee, when centralizing information through contact with national agencies, must confine itself to matters relevant to consideration of the question of establishing a Permanent Secretariat.

2. As article 11 itself states, coordination among national agencies will be established concurrently with the entry into force of the Agreement for all the purposes of the Agreement, and, in the Brazilian Government's view, direct contact may be made with the national agency of another State Party to the Agreement, without intermediaries, when the Agreement enters into force for Brazil and enters into force among other States Parties.

3. The Brazilian Government wishes also to state its understanding that the Argentine National Agency will have the function of providing secretarial and technical advice for the work of the Interim Committee.

DÉCLARATION INTERPRÉTATIVE
FAITE LORS DE LA SIGNATURE
ET CONFIRMÉE LORS DE LA RA-
TIFICATION

BRÉSIL

[TRADUCTION]

Le Gouvernement brésilien désire indiquer clairement la portée qu'il attribue à l'article 11, à savoir que le Comité intérimaire doit, lorsqu'il centralisera les renseignements fournis par les organismes nationaux, s'en tenir aux questions concernant la création d'un Secrétariat permanent.

2. Comme l'indique l'article 11, la coordination entre les organismes nationaux sera établie, lors de l'entrée en vigueur du présent Accord aux fins de toutes les dispositions de l'Accord et, selon le Gouvernement brésilien, le Brésil pourra se mettre directement en contact avec l'organisme national d'un autre Etat Partie à l'Accord, sans intermédiaires, dès que l'Accord entrera en vigueur pour lui et entre d'autres Etats Parties.

3. Le Gouvernement brésilien désire également indiquer que, selon son interprétation, l'organisme national argentin aura pour fonction de fournir des conseils administratifs et techniques en ce qui concerne les travaux du Comité intérimaire.