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Reference: C.N.829.2011.TREATIES-28 (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

BOLIVIA (PLURINATIONAL STATE OF): COMMUNICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 29 June 2011, the Government of Bolivia deposited an instrument of denunciation of the above Convention. The denunciation took effect on 1 January 2012 (see C.N.421.2011.TREATIES-26 of 30 June 2011).

On 29 December 2011, the Secretary-General received a letter from the President of the Plurinational State of Bolivia that contains an instrument of accession to the above Convention. The instrument of accession includes a reservation. The Government of Bolivia indicated that the reservation is submitted in accordance with article 50, paragraph 3, of the Convention and confirmed that its accession is subject to the authorization of the reservation by the States parties to the Convention and, that the instrument of accession is not to be deposited at this stage.

The text of the reservation reads as follows:

Reservation (Translation) (Original: Spanish)

The Plurinational State of Bolivia reserves the right to allow in its territory: traditional coca leaf chewing; the consumption and use of the coca leaf in its natural state for cultural and medicinal purposes; its use in infusions; and also the cultivation, trade and possession of the coca leaf to the extent necessary for these licit purposes.

At the same time, the Republic of Bolivia will continue to take all necessary legal measures to control the illicit cultivation of coca in order to prevent its abuse and the illicit production of the narcotic drugs which may be extracted from the leaf.

The effective accession of Bolivia to the aforementioned convention is subject to the authorization of this reservation.

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Article 50, paragraph 3, of the Convention reads as follows:

“A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of article 50 or with article 49 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.”

Accordingly, the twelve-month period for objections will expire on 10 January 2013.

..... A copy of the text of the letter is herewith attached.

10 January 2012

A handwritten signature in black ink, appearing to be 'J. G. W.', written in a cursive style.

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C.N.829.2011.TREATIES-28 (Annex 1)

La Paz, 28 December 2011

Mr. Secretary-General,

I have the honour to inform you that the Plurinational State of Bolivia submits its instrument of accession to the 1961 Single Convention on Drugs, as amended by the 1972 Protocol thereto, in accordance with article 41, paragraph 2 and submits a reservation in accordance with article 50, paragraph 3.

Furthermore, the voluntary accession of Bolivia to the aforementioned Convention is subject to authorization of the reservation attached to this letter.

Bolivia, through its ratification of 3 September 1976, has been a party to the 1961 Single Convention on Drugs, as amended by the 1972 Protocol thereto. As you are aware, the Plurinational State of Bolivia has been obliged to denounce that Convention in order to reconcile its international obligations under the Convention with its Constitution and also because of the objection from some States parties to the amendment proposed by Bolivia to article 49, paragraphs 1(c) and (e). This denunciation became effective through the instrument sent to you on 29 June 2011.

The cultivation, use and consumption of coca leaves is traditional and part of an age-old cultural identity for most of the 36 nations that make up the Plurinational State of Bolivia. The chewing of coca leaves is a "traditional licit use" that is recognized in article 14 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

The requirement of the Single Convention for the abolition of the coca leaf chewing is incompatible with the Constitution of Bolivia, article 384, which protects coca as a natural and medicinal resource that is part of the country's cultural heritage and establishes that coca in its natural state is not a narcotic drug. The aforementioned requirement also violates indigenous and cultural rights, as well as various international agreements, including the United Nations Declaration on the Rights of Indigenous Peoples.

This reservation is submitted in the same spirit as the reservation formulated by Bolivia concerning the use, consumption, possession, purchase or cultivation of the coca leaf in respect of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988¹, declaring that:

- The coca leaf is not, in and of itself, a narcotic drug or psychotropic substance;
- The use and consumption of the coca leaf do not cause psychological or physical changes greater than those resulting from the consumption of other plants and products which are in free and universal use;
- The coca leaf is widely used for medicinal purposes in the practice of traditional medicine, the validity of which is upheld by WHO and confirmed by scientific findings.

¹ Reservation of Bolivia to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, accepted by all States parties.

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The Plurinational State of Bolivia reiterates its commitment and expresses its political will to continue being a party to the Convention and will continue to take effective and necessary measures to control the cultivation and trade in coca in order to prevent the abuse and illicit production of narcotic drugs that can be extracted from the coca leaf, in order to avoid its diversion to the illicit market.

Bolivia, in its Law No. 147, has fully committed itself to complying with and carrying out the provisions set out in the 1961 Single Convention on Drugs, as amended by the 1972 Protocol thereto, with the exception of the provisions in the attached reservation, until its accession becomes effective.

Lastly, I should be grateful if you could circulate this letter with the instrument of accession and the attached reservation to the States parties of the aforementioned Convention.

Please accept, Sir, the renewed assurances of my highest consideration.

(Signed)

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C.N.829.2011.TREATIES-28 (Annex 2)

Accession with reservation

CONSIDERING that the Plurinational State of Bolivia must reconcile its international obligations with its Constitution;

CONSIDERING that the requirement of the Single Convention that coca leaf chewing be abolished is incompatible with article 384 of the Constitution of Bolivia, which protects coca as part of the country's cultural heritage and establishes that coca, in its natural form, is not a narcotic drug;

CONSIDERING that the above requirement also violates the indigenous and cultural rights recognized in the Constitution, as well as in various international human rights agreements, including the 2007 United Nations Declaration on the Rights of Indigenous Peoples;

CONSIDERING that the 1961 Single Convention on Drugs, as amended by the 1972 Protocol thereto, was adopted and is open for signature;

NOW, THEREFORE, I, Juan Evo Morales Ayma, Constitutional President of the Plurinational State of Bolivia, declare that the Government of Bolivia, having examined the aforementioned Convention, accedes to it under article 41, paragraph 2, with the exception of a reservation permitted under article 50, paragraph 3, which forms an integral part of the accession and is formulated as follows:

The Plurinational State of Bolivia reserves the right to allow in its territory: traditional coca leaf chewing; the consumption and use of the coca leaf in its natural state for cultural and medicinal purposes; its use in infusions; and also the cultivation, trade and possession of the coca leaf to the extent necessary for these licit purposes.

At the same time, the Republic of Bolivia will continue to take all necessary legal measures to control the illicit cultivation of coca in order to prevent its abuse and the illicit production of the narcotic drugs which may be extracted from the leaf.

The effective accession of Bolivia to the aforementioned convention is subject to the authorization of this reservation.

IN PROOF AND TESTIMONY OF WHICH, I have placed my signature and seal on this instrument.

(Signed)

DONE IN La Paz, on 28 December [2011].

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C.N.829.2011.TREATIES-28 (Annex 3)

Law No. 147

Law of 29 June 2011
EVO MORALES AYMA
Constitutional President of the Plurinational State of Bolivia

Considering that the Plurinational Legislative Assembly has approved the following law:

The Plurinational Legislative Assembly

Decreets:

Sole Article. I. In accordance with article 260 of the State Political Constitution, the determination of the executive branch to denounce, by 1 July 2011, the Single Convention on Drugs, 1961, as amended by the Protocol amending the Single Convention on Drugs, 1961.

II. On 1 January 2012, the executive branch shall request accession to the Single Convention on Drugs, 1961, as amended by the Protocol amending the Single Convention on Drugs, 1961, submitting at the same time a reservation in respect of article 49, paragraphs 1(c) and 2(e), in relation to article 26, in accordance with article 384 of the State Political Constitution, which refers to the preservation of coca leaf chewing and is aligned with the reservation submitted on 10 July 1990 in respect of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

III. The Plurinational State of Bolivia, in the context of its State Political Constitution, shall comply fully with the agreed terms of the Single Convention on Drugs, 1961, as amended by the Protocol amending the Single Convention on Drugs, 1961, until the new accession enters into force.

IV. Once the process of accession and reservation is concluded, the executive branch will submit the Single Convention on Drugs, 1961, as amended by the Protocol amending the Single Convention on Drugs, 1961 and the respective reservation to the Plurinational Legislative Assembly for ratification in accordance with article 158, paragraph 14 of the State Political Constitution.

For referral to the Executive Organ, for constitutional purposes.

Given in the Session Room of the Plurinational Legislative Assembly, on the twenty-eighth day of the month of June of the year two thousand and eleven.

René Oscar Martínez Callahuanca
President
Senate

Héctor Enrique Arce Zaconeta
President
Chamber of Deputies

Zonia Guardia Melgar
Senator, Secretary

Carmen García M.
Senator, Secretary

Agrípina Ramírez Nava
Deputy, Secretary

Victor Hugo Zamora Castedo
Deputy, Secretary

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Therefore, I promulgate it so that it can be established and complied with as a Law of the Plurinational State of Bolivia.

Government Palace, La Paz, on the twenty-ninth day of the month of June of the year two thousand and eleven.

Evo Morales Ayma

Constitutional President of the Plurinational State of Bolivia

David Choquehuanca Céspedes

Minister for Foreign Affairs

Carlos Romero Bonifaz

Minister of the Presidency

Sacha Sergio Llorentty Soliz

Minister of the Interior

[Seal]

(Signed)

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