



# THE BECKLEY FOUNDATION

## THE BECKLEY FOUNDATION CANNABIS COMMISSION

### DRAFT FRAMEWORK

### CONVENTION ON CANNABIS CONTROL

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#### BACKGROUND

Cannabis is subject to international control by the 1961 Single Convention on Narcotic Drugs, as amended in 1972 ([http://www.incb.org/incb/convention\\_1961.html](http://www.incb.org/incb/convention_1961.html)), and it is also affected by the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances ([http://www.incb.org/incb/convention\\_1988.html](http://www.incb.org/incb/convention_1988.html)). Because a basic principle of these conventions is that legitimate use of substances covered by them should be limited to medical and scientific purposes, they have been an effective block to efforts at a national or sub-national level to move in any way to a regulatory system of control that aims to regulate use so as to minimize social and health harm

While in principle these Conventions can be amended, this is not a practical possibility at the present time. An alternative path is for like-minded states to adopt a new Convention specifically devoted to cannabis. On the legal principle of “last in time” taking precedence, this can be argued to take precedence in and between those states adopting such a new convention (Room et al., 2008: 159-162).

A precedent for a new convention covering a single psychoactive substance is the Framework Convention on Tobacco Control (FCTC; [http://www.who.int/fctc/text\\_download/en/index.html](http://www.who.int/fctc/text_download/en/index.html)). This convention was negotiated under WHO auspices, was adopted in 2003, and came into force in 2005. It has been proposed that cannabis might be added to this Convention (Spivack, 2004), but this would require an amendment process which is also not presently a practical possibility. The alternative, which is

explored here, is to adopt a new convention, which might well be modeled on the tobacco convention.

#### ADAPTING THE TOBACCO CONVENTION AS A MODEL

Comparative studies of the dangerousness of drugs are in substantial consensus that cannabis is less harmful to health than tobacco (Room et al., 2008:52-56). By this criterion, modeling a new cannabis convention of the FCTC can be seen as a relatively conservative option. On the other hand, the FCTC is not as strong as public health advocates would wish. A major area of weakness is in terms of its lack of measures to monitor and control the international legal trade. This is an area in which the 1961 Single Convention is strong, reflecting a half-century of experience already at that time in regulating the legal trade in opiates and other medications. These provisions of the 1961 Single Convention would remain in force for any trade involving countries which remained outside a new cannabis Convention. It therefore seems prudent (and less confusing) to adopt the same provisions on international legitimate trade as in the 1961 Single Convention. Accordingly, these provisions are included in the proposed Convention, although their level of detail might seem at times excessive.

The model of the FCTC has also been strengthened in two other respects. The draft Cannabis Convention provides that it takes precedence over free trade and equal-treatment provisions of WTO and other trade agreements. This issue was omitted from the FCTC since no agreement satisfactory to public health could be reached on it. The draft Cannabis convention also includes provisions concerning control of on-premise sales and consumption, drawing on experience from the alcohol field. On the other hand, the draft Cannabis Convention omits some wording from the FCTC that arose from the particularly iniquitous and duplicitous history of tobacco industry interference in science and policy, and the understandable special emphasis in the FCTC on tobacco smoke and emissions.

#### NOTES ON SOURCES AND ADAPTATIONS IN THE DRAFT CONVENTION

When it stated below that the draft uses another treaty's language "unchanged", substitutions such as "cannabis" for "tobacco" will have been made. The following Articles are essentially unchanged from the FCTC, or have only minor adaptations, and are not commented on here: 2, 5-7, 11-13, 15, 17-38.

*Preamble:* Modeled on the preamble in the Tobacco Convention, but trimmed down.

*Art. 1 – Use of terms:* adapted from the FCTC largely unchanged, with an additional definition (h) for "cannabis for personal use". Note that the definition of "cannabis products", as for "tobacco products", is in terms of their intended use for human consumption (phrased slightly more widely for cannabis than in the FCTC). An alternation would be a definition

in terms of psychoactive content, but this would be difficult to enforce. Note also Article 3 (2), taken from the 1961 Convention, specifically excludes from the draft Convention cannabis grown for industrial or horticultural use.

*Art. 3 – Objective:* restated in terms appropriate for cannabis: (a) supporting provision for legal non-medical use in States which allow this; (b) supporting prohibition in States which do not. Paragraphs 2 and 3 are taken from Paragraphs 2 and 3 of Article 28 of the 1961 Single Convention, except “or misuse of” is omitted from the latter.

*Art. 4 – Guiding principles:* Slimmed down a little from the FCTC, dropping tobacco-specific provisions on liability and on economic assistance for displaced growers and workers.

*Art. 8 – Regulation of production and sale:* Replaces “Protection from exposure to tobacco smoke” in the FCTC.

Article 28 of the 1961 Single Convention, on Cannabis control, applies Article 23 (written concerning opium) to cannabis. Accordingly, Paragraph 1 here is taken from Article 23, Para. 1 of the 1961 Single Convention.

Para. 2 is a new provision exempting “cannabis for personal use” from Paras. 3 and 4

Paras. 3 and 4 are from Article 23, Para. 2 of the 1961 Single Convention. The 1961 Convention provision that the state Agency must serve as the crop wholesaler is softened by allowing also licensed wholesalers or manufacturers to receive the crop.

Para. 5 is from Article 19 of the 1961 Single Convention.

Para. 6 is from Article 30 of the 1961 Single Convention, adding provisions taken from experience with alcohol control for on-premise licenses and for controls of hours and days of sale, and for effective enforcement backed up by the threat of license suspension or loss.

*Article 9 – Sales to minors:* this is from Article 16 of the FCTC, dropping the provision on sale of cigarettes “individually or in small packets”, and providing for a total ban on cannabis vending machines.

*Article 10 – Regulation of contents and disclosures:* this is taken unchanged from Arts. 9 and 10 of the FCTC.

*Article 14 – Demand reduction measures:* “limitation of use” is added to the FCTC text on “cessation”.

*Article 16 – Provisions relating to international trade:* Paragraphs 1-15 of Article 16 here, in all their excruciating detail, are taken from Article 31 of the 1961 Single Convention, except that “form of the cannabis product” is substituted for the provisions on listing the name of the drug. Paragraph 16 is added, stating the precedence of the draft convention over any treaty which “provides for free movement or equitable treatment of goods or services in

trade or commerce". The adequacy for its purpose of the language of this paragraph should be checked.

#### ADOPTING THE DRAFT CONVENTION

In principle, any state can call a conference of parties to negotiate a new treaty – it was at the call of the United States that the original Hague Opium Convention was negotiated. However, modern practice has usually been for an intergovernmental agency – regional or global – to auspice treaty negotiations. Thus the World Health Organization was the convening body for the Framework Convention on Tobacco Control, and it will be seen that some provisions in the draft convention assume WHO auspices, since they are unchanged from the FCTC. Another intergovernmental body which has served as the convenor for a convention in the drug field is the Council of Europe, under which an Anti-Doping Convention was negotiated which eventually included signatory states from outside Europe, and which is presently considering a "European convention promoting public health policy in the fight against drugs" ([http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11344,htm](http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11344.htm)).

Further discussion of considerations in adopting a new convention on cannabis can be found on pp. 165-168 of the Beckley Foundation Global Cannabis Commission Report (Room et al., 2008).

#### REFERENCES

- Room, R., Fischer, B., Hall, W., Lenton, S. & Reuter, P. *Cannabis Policy: Moving beyond Stalemate*. Beckley Park, Oxford: The Beckley Foundation, 2008.  
[http://www.beckleyfoundation.org/pdf/BF\\_Cannabis\\_Commission\\_Report.pdf](http://www.beckleyfoundation.org/pdf/BF_Cannabis_Commission_Report.pdf)
- Spivack, D. *A Fourth International Convention for Drug Policy: Promoting Public Health Policies*. Paris: The Senlis Council, 2004.  
[http://www.senliscouncil.net/modules/publications/007\\_publication](http://www.senliscouncil.net/modules/publications/007_publication)

## DRAFT FRAMEWORK CONVENTION ON CANNABIS CONTROL

### *Preamble*

The Parties to this Convention,

*Determined* to give priority to their right to protect public health,

*Recognizing* that the control of the market for psychoactive cannabis products is a global issue with serious consequences for public health, calling for a comprehensive international response,

*Reflecting* the concern of the international community about the health and social consequences of cannabis consumption,

*Concerned* about the extent of worldwide consumption and production of cannabis products, as well as about the burden this places on families and on national health systems,

*Recognizing* that scientific evidence has established health and safety risks associated with the use of cannabis, including, but not limited to, its use by smoking

*Recognizing also* that cannabis dependence is separately classified as a disorder in major international classifications of diseases, and that regular users of cannabis may become dependent,

*Deeply concerned* about smoking and other forms of cannabis consumption by children and adolescents worldwide,

*Seriously concerned* to forestall all forms of advertising, promotion and sponsorship aimed at encouraging the use of cannabis products,

*Recognizing* that cooperative action is necessary to eliminate all forms of illicit trade in cannabis products, including smuggling, illicit manufacturing and counterfeiting,

*Acknowledging* that cannabis control at all levels and particularly in developing countries and in countries with economies in transition requires substantial financial and technical resources,

*Mindful* of the social and economic difficulties that cannabis control programmes may engender in the medium and long term in some developing countries and countries with economies in transition, and recognizing their need for technical and financial assistance in the context of nationally developed strategies for sustainable development,

*Conscious* of the valuable work being conducted by many States on cannabis control and commending the leadership of the Commission on Narcotic Drugs, the UN Office on Drugs and Crime, and the World Health Organization as well as the efforts of other organizations and bodies of the United Nations system and other international and regional intergovernmental organizations on drug control,

*Emphasizing* the special contribution of nongovernmental organizations and other members of civil society, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, to cannabis control efforts nationally and internationally and the vital importance of their participation in national and international cannabis control efforts,

*Recognizing* the need to be alert to any efforts by producers or distributors of cannabis products to undermine or subvert control efforts, and the need to be informed of activities of those involved in the cannabis market that have a negative impact on cannabis control efforts,

*Recalling* Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which states that it is the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recalling also* the preamble to the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition,

*Determined* to promote measures of cannabis control based on current and relevant scientific, technical and economic considerations,

*Have agreed*, as follows:

## **PART I: INTRODUCTION**

### ***Article 1***

#### *Use of terms*

For the purposes of this Convention:

- (a) “illicit trade” means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity;
- (b) “regional economic integration organization” means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters;<sup>1</sup>
- (c) “cannabis advertising and promotion” means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a psychoactive cannabis product or cannabis use either directly or indirectly;
- (d) “cannabis control” means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of cannabis products and exposure to cannabis smoke;
- (e) “cannabis industry” means cannabis manufacturers, wholesale distributors and importers of cannabis products;
- (f) “cannabis products” means products entirely or partly made of any part of the cannabis plant as raw material which are manufactured or sold to be used for smoking, sucking, chewing, snuffing, or other human consumption;
- (g) “cannabis sponsorship” means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a cannabis product or cannabis use either directly or indirectly;
- (h) “cannabis for personal use” means a limited amount of cannabis or cannabis products, with maximum amounts set by legislation, which is cultivated or kept for personal or shared use without any remuneration or other consideration;

## *Article 2*

### *Relationship between this Convention and other agreements and legal instruments*

1. In order to better protect human health, Parties may implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law.

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<sup>1</sup> Where appropriate, national will refer equally to regional economic integration organizations.

2. The provisions of the Convention and its protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat.

## **PART II: OBJECTIVE, GUIDING PRINCIPLES AND GENERAL OBLIGATIONS**

### ***Article 3***

#### *Objective*

1. The objective of this Convention and its protocols is to provide a framework for cannabis control measures to be implemented by the Parties at the national, regional and international levels, thereby:
  - (a) Supporting States which legally provide for nonmedical sale or use to structure and control the market for cannabis products so as to minimize social and health harm from use;
  - (b) Supporting the cannabis control policies of States where nonmedical cannabis sale or use is prohibited.
2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes.
3. The Parties shall adopt such measures as may be necessary to prevent illicit traffic in the leaves of the cannabis plant.

### ***Article 4***

#### *Guiding principles*

To achieve the objective of this Convention and its protocols and to implement its provisions, the Parties shall be guided, *inter alia*, by the principles set out below:

1. Every person should be informed of the risk of health consequences and potential addictive nature of cannabis consumption, especially of long-term frequent use.

2. Strong political commitment is necessary to develop and support, at the national, regional and international levels, comprehensive multisectoral measures and coordinated responses.
3. International cooperation, particularly transfer of technology, knowledge and financial assistance and provision of related expertise, to establish and implement effective cannabis control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, is an important part of the Convention.
4. Comprehensive multisectoral measures and responses at the national, regional and international levels are essential so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to cannabis consumption.
5. The participation of civil society is essential in achieving the objective of the Convention and its protocols.

## ***Article 5***

### *General obligations*

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national cannabis control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.
2. Towards this end, each Party shall, in accordance with its capabilities:
  - (a) establish or reinforce and finance a national coordinating mechanism or focal points for cannabis control; and
  - (b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for cannabis control.
3. In setting and implementing their public health policies with respect to cannabis control, Parties shall act to protect these policies from commercial and other vested economic interests, including those of the cannabis industry. 4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.
6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms.

### **PART III: MEASURES RELATING TO THE REDUCTION OF DEMAND FOR CANNABIS**

#### *Article 6*

##### *Price and tax measures to reduce the demand for cannabis*

1. The Parties recognize that price and tax measures are an effective and important means of controlling cannabis consumption by various segments of the population, in particular young persons.
2. Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning cannabis control and adopt or maintain, as appropriate, measures which may include:
  - (a) implementing tax policies and, where appropriate, price policies, on cannabis products so as to contribute to the health objectives aimed at minimizing harmful patterns of cannabis consumption; and
  - (b) prohibiting or restricting, as appropriate, sales to and/or importations by international travellers of tax- and duty-free cannabis products.
3. The Parties shall provide rates of taxation for cannabis products and trends in cannabis consumption in their periodic reports to the Conference of the Parties, in accordance with Article 21.

#### *Article 7*

##### *Non-price measures to reduce the demand for cannabis*

The Parties recognize that comprehensive non-price measures are an effective and important means of reducing cannabis consumption. Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its

obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall propose appropriate guidelines for the implementation of the provisions of these Articles.

## *Article 8*

### *Regulation of the production and sale of cannabis*

1. If a Party permits the cultivation of the cannabis plant for the production of cannabis other than for personal use, it shall maintain one or more government agencies (hereinafter referred to in this article as the Agency) to carry out the functions required by this article.
2. A Party may choose to allow cultivation and possession of cannabis or cannabis products for personal use, within upper limits on amounts which are set by legislation. Such cannabis for personal use may be exempted from sections 3 and 4 below.
3. The Agency shall designate the areas in which, and the plots of land on which, cultivation of cannabis for use in cannabis products shall be permitted. Only cultivators licensed by the Agency shall be authorized to engage in such cultivation. Each license shall specify the extent of the land or the premises on which the cultivation is permitted.
4. All cultivators are required to deliver their total crops to the Agency or to one or more licensed wholesalers or manufacturers. The cannabis which is cultivated must be put in the physical possession of the Agency, wholesaler or manufacturer no later than four months after the end of the harvest.
5. The Parties shall require that each wholesaler and manufacturer of cannabis and cannabis products be under licence, except where the wholesaler or manufacturer is a State enterprise. The Parties shall: (a) Control all persons and enterprises carrying on or engaged in the wholesaling or manufacture of cannabis or cannabis products; (b) Control under licence the establishments and premises in which such wholesaling or manufacture may take place; (c) Require that licensed wholesalers and manufacturers obtain periodical permits specifying the kinds and amounts of products they shall be entitled to manufacture or handle, and that they meet specified standards of quality control.
6. The Parties shall require that trade in, distribution of, and places for use of cannabis and cannabis products be under licence except where such trade or distribution is carried out by a State enterprise. The Parties shall: (a) Control all persons and enterprises carrying on or engaged in the trade or distribution of cannabis or cannabis products; (b) Control under licence the establishments and premises in which such trade, distribution or provision

may take place; (c) Require that licensed traders, distributors, and keepers of premises for use obtain periodical permits specifying the conditions of trade and distribution; (d) Specify hours and days when places for sale or use may be open for business; (e) Provide means for effective enforcement of cannabis controls, with provision for licenses to be suspended or revoked for non-compliance.

## *Article 9*

### *Sales to and by minors*

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of cannabis products to persons under the age set by domestic law, national law or eighteen. These measures may include:
  - (a) requiring that all sellers of cannabis products place a clear and prominent indicator inside their point of sale about the prohibition of cannabis sales to minors and, in case of doubt, request that each cannabis purchaser provide appropriate evidence of having reached full legal age;
  - (b) banning the sale of cannabis products in any manner by which they are directly accessible, such as store shelves; and
  - (c) prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of cannabis products which appeal to minors
2. Each Party shall prohibit or promote the prohibition of the distribution of free cannabis products to the public and especially minors.
3. The Parties recognize that in order to increase their effectiveness, measures to prevent cannabis product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.
4. Each party shall prohibit the introduction or use of cannabis vending machines within its jurisdiction.
5. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-4 of this Article.

6. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of cannabis products by persons under the age set by domestic law, national law or eighteen.

### ***Article 10***

#### *Regulation of the contents of and disclosures concerning cannabis products*

1. The Conference of the Parties, in consultation with competent international bodies, shall propose guidelines for testing and measuring the contents and emissions of cannabis products, and for the regulation of these contents and emissions. Each Party shall, where approved by competent national authorities, adopt and implement effective legislative, executive and administrative or other measures for such testing and measuring, and for such regulation.
2. Each Party shall, in accordance with its national law, adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of cannabis products to disclose to governmental authorities information about the contents and emissions of cannabis products. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the cannabis products and the emissions that they may produce.

### ***Article 11***

#### *Packaging and labelling of cannabis products*

1. Each Party shall adopt and implement, in accordance with its national law, effective measures to ensure that:
  - (a) cannabis product packaging and labelling do not promote a cannabis product by any means. Further, any cannabis product packaging and labelling shall not provide information that is false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emission.; and
  - (b) each unit packet and package of cannabis products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of cannabis use, and may include other appropriate messages, including information on laws which apply and treatment referral information . These warnings and messages:
    - (i) shall be approved by the competent national authority,
    - (ii) shall be rotating,

- (iii) shall be large, clear, visible and legible,
  - (iv) should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas,
  - (v) may be in the form of or include pictures or pictograms.
2. Each unit packet and package of cannabis products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of cannabis products as defined by national authorities.
  3. Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of cannabis products and any outside packaging and labelling of such products in its principal language or languages.
  4. For the purposes of this Article, the term “outside packaging and labelling” in relation to cannabis products applies to any packaging and labelling used in the retail sale of the product.

## ***Article 12***

### *Education, communication, training and public awareness*

Each Party shall promote and strengthen public awareness of cannabis control issues, using all available communication tools, as appropriate. Towards this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote:

- (a) broad access to effective and comprehensive educational and public awareness programmes on the health risks including the addictive characteristics of cannabis consumption;
- (b) public awareness about the health risks of cannabis consumption smoke, and about the benefits of the cessation of cannabis use and cannabis-free lifestyles as specified in Article 14.2;
- (c) effective and appropriate training or sensitization and awareness programmes on cannabis control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons;

- (e) awareness and participation of public and private agencies and nongovernmental organizations in developing and implementing intersectoral programmes and strategies for cannabis control; and
- (f) public awareness of and access to information regarding adverse health and other consequences of cannabis production and consumption.

### ***Article 13***

#### *Cannabis advertising, promotion and sponsorship*

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship will tend to reduce the consumption of cannabis products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all cannabis advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.
3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all cannabis advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, restrictions or a comprehensive ban on advertising, promotion and sponsorship originating from its territory with cross-border effects. In this respect, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.
4. As a minimum, and in accordance with its constitution or constitutional principles, each Party shall:
  - (a) prohibit all forms of cannabis advertising, promotion and sponsorship that promote a cannabis product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;
  - (b) require that health or other appropriate warnings or messages accompany all cannabis advertising and, as appropriate, promotion and sponsorship;

- (c) restrict the use of direct or indirect incentives that encourage the purchase of cannabis products by the public;
  - (d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the cannabis industry on advertising, promotion and sponsorship not yet prohibited. The Party should make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21;
  - (e) undertake a comprehensive ban or, in the case of a Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, restrict cannabis advertising, promotion and sponsorship on radio, television, print media and, as appropriate, other media, such as the internet, within a period of five years; and
  - (f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, cannabis industry sponsorship of international events, activities and/or participants therein.
5. Parties are encouraged to implement measures beyond the obligations set out in paragraph 4.
  6. Parties shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.
  7. Parties which have a ban on certain forms of cannabis advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border cannabis advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law. This paragraph does not endorse or approve of any particular penalty.
  8. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship.

#### ***Article 14***

##### *Demand reduction measures concerning cannabis dependence and cessation or limitation of use*

1. Each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation or limitation of cannabis use and adequate treatment for cannabis dependence.
2. Towards this end, each Party shall endeavour to:

- (a) design and implement effective programmes aimed at promoting the cessation or limitation of cannabis use, in such locations as educational institutions, health care facilities, workplaces and sporting environments;
- (b) include diagnosis and treatment of cannabis dependence and counselling services on cessation or limitation of cannabis use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers as appropriate;
- (c) establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating cannabis dependence; and
- (d) collaborate with other Parties to facilitate accessibility and affordability for treatment of cannabis dependence including pharmaceutical products pursuant to Article 22. Such products and their constituents may include medicines, products used to administer medicines and diagnostics when appropriate.

## **PART IV: MEASURES RELATING TO CONTROLLING LEGAL TRADE AND SUPPRESSING ILLEGAL TRADE IN CANNABIS**

### *Article 15*

#### *Illicit trade in cannabis products*

1. The Parties recognize that the elimination of all forms of illicit trade in cannabis products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of cannabis control.
2. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of cannabis products and any outside packaging of such products are marked to assist Parties in determining the origin of cannabis products, and in accordance with national law and relevant bilateral or multilateral agreements, assist Parties in determining the point of diversion and monitor, document and control the movement of cannabis products and their legal status. In addition, each Party shall:
  - (a) require that unit packets and packages of cannabis products for retail and wholesale use that are sold on its domestic market carry the statement: “Sales only allowed in (insert name of the country, subnational, regional or federal unit)” or carry any other effective marking indicating

the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market; and

- (b) develop a practical tracking and tracing regime in compliance with Article 16 that would further secure the distribution system and assist in the investigation of illicit trade.
3. Each Party shall require that the packaging information or marking specified in paragraph 2 of this Article shall be presented in legible form and/or appear in its principal language or languages.
4. With a view to eliminating illicit trade in cannabis products, each Party shall:
- (a) monitor and collect data on cross-border trade in cannabis products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements;
  - (b) enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in cannabis products, including counterfeit and contraband cannabis cigarettes;
  - (c) take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cannabis and cannabis products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law;
  - (d) adopt and implement measures to monitor, document and control the storage and distribution of cannabis and cannabis products held or moving under suspension of taxes or duties within its jurisdiction; and
  - (e) adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in cannabis products.
5. Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21.
6. The Parties shall, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in cannabis products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of cannabis products.

7. Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of cannabis products in order to prevent illicit trade.

## ***Article 16***

### *Provisions relating to international trade*

1. The Parties shall not knowingly permit the export of cannabis or cannabis products to any country or territory except in accordance with the laws and regulations of that country or territory.
2. The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.
3. The Parties shall:
  - (a) Control under licence the import and export of cannabis and cannabis products except where such import or export is carried out by a State enterprise.
  - (b) Control all persons and enterprises carrying on or engaged in such import or export.
3. (a) Every Party permitting the import or export of cannabis or cannabis products shall require a separate import or export authorization to be obtained for each import or export. The authorization may allow an importation or exportation in more than one consignment.
  - (b) Such authorization shall state the form of the cannabis product, the quantity to be imported or exported, and the name and address of the importer and exporter, and shall specify the period in which the importation or exportation must be effected.
  - (c) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.
5. Before issuing an export authorization the Parties shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation referred to therein is approved, and such certificate shall be produced by the person or establishment applying for the export authorization.
6. A copy of the export authorization shall accompany each consignment and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.
7. (a) The Government of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization with an endorsement to that effect, to the Government of the exporting country or territory.
  - (b) The endorsement shall specify the amount actually imported.

- (c) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.
8. Exports of consignments to a post office box, or to a bank to the account of a party other than the party named in the export authorization, shall be prohibited.
9. Exports of consignments to a bonded warehouse are prohibited unless the Government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such a purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination, shall be treated as if it were a new export within the meaning of the Convention.
10. Consignments of drugs entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.
11. A party shall not permit any cannabis or cannabis products consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such a consignment is produced to the competent authorities of such Party.
12. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7(a) and (b) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.
13. No consignment of cannabis or cannabis products while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change its nature. The packing may not be altered without the permission of the competent authorities.
14. The provisions of paragraphs 11 to 13 relating to the passage of cannabis or cannabis products through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

15. Except as provided in paragraph 16, the provisions of this article are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over drugs in transit.
16. In view of the health and social harms which can result from the use of cannabis or cannabis products, this convention takes precedence over any international agreement or treaty which provides for free movement or equitable treatment of goods or services in trade or commerce.

#### ***Article 17***

##### *Provision of support for economically viable alternative activities*

Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternatives for cannabis workers, growers and, as the case may be, individual sellers.

### **PART V: PROTECTION OF THE ENVIRONMENT**

#### ***Article 18***

##### *Protection of the environment and the health of persons*

In carrying out their obligations under this Convention, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of cannabis cultivation and manufacture within their respective territories.

### **PART VI: QUESTIONS RELATED TO LIABILITY**

#### ***Article 19***

##### *Liability*

1. For the purpose of cannabis control, the Parties shall consider taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate.
2. Parties shall cooperate with each other in exchanging information through the Conference of the Parties in accordance with Article 21 including:
  - (a) information on the health effects of the consumption of cannabis products in accordance with Article 20.3(a); and
  - (b) information on legislation and regulations in force as well as pertinent jurisprudence.

3. The Parties shall, as appropriate and mutually agreed, within the limits of national legislation, policies, legal practices and applicable existing treaty arrangements, afford one another assistance in legal proceedings relating to civil and criminal liability consistent with this Convention.
4. The Convention shall in no way affect or limit any rights of access of the Parties to each other's courts where such rights exist.
5. The Conference of the Parties may consider, if possible, at an early stage, taking account of the work being done in relevant international fora, issues related to liability including appropriate international approaches to these issues and appropriate means to support, upon request, the Parties in their legislative and other activities in accordance with this Article.

## **PART VII: SCIENTIFIC AND TECHNICAL COOPERATION AND COMMUNICATION OF INFORMATION**

### ***Article 20***

#### *Research, surveillance and exchange of information*

1. The Parties undertake to develop and promote national research and to coordinate research programmes at the regional and international levels in the field of cannabis control. Towards this end, each Party shall:
  - (a) initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments, and in so doing promote and encourage research that addresses the determinants and consequences of cannabis consumption as well as research for identification of alternative crops; and
  - (b) promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in cannabis control activities, including research, implementation and evaluation.
2. The Parties shall establish, as appropriate, programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of cannabis consumption. Towards this end, the Parties should integrate cannabis surveillance programmes into national, regional and global health surveillance programmes so that data are comparable and can be analysed at the regional and international levels, as appropriate.
3. Parties recognize the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies. Each Party shall endeavour to:

- (a) establish progressively a national system for the epidemiological surveillance of cannabis consumption and related social, economic and health indicators;
  - (b) cooperate with competent international and regional intergovernmental organizations and other bodies, including governmental and nongovernmental agencies, in regional and global cannabis surveillance and exchange of information on the indicators specified in paragraph 3(a) of this Article; and
  - (c) cooperate with the World Health Organization in the development of general guidelines or procedures for defining the collection, analysis and dissemination of cannabis-related surveillance data.
4. The Parties shall, subject to national law, promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the cannabis industry and the cultivation of cannabis, which is relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition. Each Party shall endeavour to:
- (a) progressively establish and maintain an updated database of laws and regulations on cannabis control and, as appropriate, information about their enforcement, as well as pertinent jurisprudence, and cooperate in the development of programmes for regional and global cannabis control;
  - (b) progressively establish and maintain updated data from national surveillance programmes in accordance with paragraph 3(a) of this Article; and
  - (c) cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on cannabis production, manufacture and the activities of the cannabis industry which have an impact on the Convention or national cannabis control activities.
5. Parties should cooperate in regional and international intergovernmental organizations and financial and development institutions of which they are members, to promote and encourage provision of technical and financial resources to the Secretariat to assist developing country Parties and Parties with economies in transition to meet their commitments on research, surveillance and exchange of information.

## ***Article 21***

### *Reporting and exchange of information*

1. Each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention, which should include the following:
- (a) information on legislative, executive, administrative or other measures taken to implement the Convention;

- (b) information, as appropriate, on any constraints or barriers encountered in its implementation of the Convention, and on the measures taken to overcome these barriers;
  - (c) information, as appropriate, on financial and technical assistance provided or received for cannabis control activities;
  - (d) information on surveillance and research as specified in Article 20; and
  - (e) information specified in Articles 6.3, 13.2, 13.3, 13.4(d), 15.5 and 19.2.
2. The frequency and format of such reports by all Parties shall be determined by the Conference of the Parties. Each Party shall make its initial report within two years of the entry into force of the Convention for that Party.
  3. The Conference of the Parties, pursuant to Articles 22 and 26, shall consider arrangements to assist developing country Parties and Parties with economies in transition, at their request, in meeting their obligations under this Article.
  4. The reporting and exchange of information under the Convention shall be subject to national law regarding confidentiality and privacy. The Parties shall protect, as mutually agreed, any confidential information that is exchanged.

## **Article 22**

### *Cooperation in the scientific, technical, and legal fields and provision of related expertise*

1. The Parties shall cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition. Such cooperation shall promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, to establish and strengthen national cannabis control strategies, plans and programmes aiming at, *inter alia*:
  - (a) facilitation of the development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to cannabis control;
  - (b) provision of technical, scientific, legal and other expertise to establish and strengthen national cannabis control strategies, plans and programmes, aiming at implementation of the Convention through, *inter alia*:
    - (i) assisting, upon request, in the development of a strong legislative foundation as well as technical programmes, including those on prevention of initiation, and promotion of cessation or limitation of use;
    - (ii) assisting, as appropriate, cannabis workers in the development of appropriate economically and legally viable alternative livelihoods in an economically viable manner; and

- (iii) assisting, as appropriate, cannabis growers in shifting agricultural production to alternative crops in an economically viable manner;
  - (c) support for appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12;
  - (d) provision, as appropriate, of the necessary material, equipment and supplies, as well as logistical support, for cannabis control strategies, plans and programmes;
  - (e) identification of methods for cannabis control, including comprehensive treatment of cannabis dependence; and
  - (f) promotion, as appropriate, of research to increase the affordability of comprehensive treatment of cannabis dependence.
2. The Conference of the Parties shall promote and facilitate transfer of technical, scientific and legal expertise and technology with the financial support secured in accordance with Article 26.

## **PART VIII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES**

### ***Article 23***

#### *Conference of the Parties*

1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the World Health Organization not later than one year after the entry into force of this Convention. The Conference will determine the venue and timing of subsequent regular sessions at its first session.
2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one-third of the Parties.
3. The Conference of the Parties shall adopt by consensus its Rules of Procedure at its first session.
4. The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.
5. The Conference of the Parties shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation and

may adopt protocols, annexes and amendments to the Convention, in accordance with Articles 28, 29 and 33. Towards this end, it shall:

- (a) promote and facilitate the exchange of information pursuant to Articles 20 and 21;
  - (b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data, in addition to those provided for in Article 20, relevant to the implementation of the Convention;
  - (c) promote, as appropriate, the development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;
  - (d) consider reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;
  - (e) promote and facilitate the mobilization of financial resources for the implementation of the Convention in accordance with Article 26;
  - (f) establish such subsidiary bodies as are necessary to achieve the objective of the Convention;
  - (g) request, where appropriate, the services and cooperation of, and information provided by, competent and relevant organizations and bodies of the United Nations system and other international and regional intergovernmental organizations and nongovernmental organizations and bodies as a means of strengthening the implementation of the Convention; and
  - (h) consider other action, as appropriate, for the achievement of the objective of the Convention in the light of experience gained in its implementation.
6. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

#### ***Article 24***

##### *Secretariat*

1. The Conference of the Parties shall designate a permanent secretariat and make arrangements for its functioning. The Conference of the Parties shall endeavour to do so at its first session.
2. Until such time as a permanent secretariat is designated and established, secretariat functions under this Convention shall be provided by the World Health Organization.
3. Secretariat functions shall be:
  - (a) to make arrangements for sessions of the Conference of the Parties and any subsidiary bodies and to provide them with services as required;

- (b) to transmit reports received by it pursuant to the Convention;
- (c) to provide support to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
- (d) to prepare reports on its activities under the Convention under the guidance of the Conference of the Parties and submit them to the Conference of the Parties;
- (e) to ensure, under the guidance of the Conference of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies;
- (f) to enter, under the guidance of the Conference of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions; and
- (g) to perform other secretariat functions specified by the Convention and by any of its protocols and such other functions as may be determined by the Conference of the Parties.

#### ***Article 25***

##### *Relations between the Conference of the Parties and intergovernmental organizations*

In order to provide technical and financial cooperation for achieving the objective of this Convention, the Conference of the Parties may request the cooperation of competent international and regional intergovernmental organizations including financial and development institutions.

#### ***Article 26***

##### *Financial resources*

1. The Parties recognize the important role that financial resources play in achieving the objective of this Convention.
2. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes.
3. Parties shall promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive cannabis control programmes of developing country Parties

and Parties with economies in transition. Accordingly, economically viable alternatives to cannabis production, including crop diversification should be addressed and supported in the context of nationally developed strategies of sustainable development.

4. Parties represented in relevant regional and international intergovernmental organizations, and financial and development institutions shall encourage these entities to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention, without limiting the rights of participation within these organizations.

5. The Parties agree that:

(a) to assist Parties in meeting their obligations under the Convention, all relevant potential and existing resources, financial, technical, or otherwise, both public and private that are available for cannabis control activities, should be mobilized and utilized for the benefit of all Parties, especially developing countries and countries with economies in transition;

(b) the Secretariat shall advise developing country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate the implementation of their obligations under the Convention;

(c) the Conference of the Parties in its first session shall review existing and potential sources and mechanisms of assistance based on a study conducted by the Secretariat and other relevant information, and consider their adequacy; and

(d) the results of this review shall be taken into account by the Conference of the Parties in determining the necessity to enhance existing mechanisms or to establish a voluntary global fund or other appropriate financial mechanisms to channel additional financial resources, as needed, to developing country Parties and Parties with economies in transition to assist them in meeting the objectives of the Convention.

## **PART IX: SETTLEMENT OF DISPUTES**

### *Article 27*

#### *Settlement of disputes*

1. In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation. Failure to reach agreement by good offices, mediation or conciliation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it.

2. When ratifying, accepting, approving, formally confirming or acceding to the Convention, or at any time thereafter, a State or regional economic integration organization may declare

in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by consensus by the Conference of the Parties.

3. The provisions of this Article shall apply with respect to any protocol as between the parties to the protocol, unless otherwise provided therein.

## **PART X: DEVELOPMENT OF THE CONVENTION**

### ***Article 28***

#### *Amendments to this Convention*

1. Any Party may propose amendments to this Convention. Such amendments will be considered by the Conference of the Parties.
2. Amendments to the Convention shall be adopted by the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories of the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to the Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote. Any adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 of this Article shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least two-thirds of the Parties to the Convention.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

### ***Article 29***

#### *Adoption and amendment of annexes to this Convention*

1. Annexes to this Convention and amendments thereto shall be proposed, adopted and shall enter into force in accordance with the procedure set forth in Article 28.
2. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto.
3. Annexes shall be restricted to lists, forms and any other descriptive material relating to procedural, scientific, technical or administrative matters.

## **PART XI: FINAL PROVISIONS**

### ***Article 30***

#### *Reservations*

No reservations may be made to this Convention.

### ***Article 31***

#### *Withdrawal*

1. At any time after two years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

### ***Article 32***

#### *Right to vote*

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 of this Article.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

### ***Article 33***

#### *Protocols*

1. Any Party may propose protocols. Such proposals will be considered by the Conference of the Parties.
2. The Conference of the Parties may adopt protocols to this Convention. In adopting these protocols every effort shall be made to reach consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For the purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote.
3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption.
4. Only Parties to the Convention may be parties to a protocol.
5. Any protocol to the Convention shall be binding only on the parties to the protocol in question. Only Parties to a protocol may take decisions on matters exclusively relating to the protocol in question.
6. The requirements for entry into force of any protocol shall be established by that instrument.

### ***Article 34***

#### *Signature*

This Convention shall be open for signature by all Members of the World Health Organization and by any States that are not Members of the World Health Organization but are members of the United Nations and by regional economic integration organizations at the World Health Organization headquarters in Geneva from XX to YY, and thereafter at United Nations Headquarters in New York, from YY to ZZ.

### ***Article 35***

#### *Ratification, acceptance, approval, formal confirmation or accession*

1. This Convention shall be subject to ratification, acceptance, approval or accession by States and to formal confirmation or accession by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its Member States being a Party shall be bound by all the obligations under the Convention. In the case of those organizations, one or more of whose Member States is a Party to the Convention, the organization and its Member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under the Convention concurrently.
3. Regional economic integration organizations shall, in their instruments relating to formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

### *Article 36*

#### *Entry into force*

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.
2. For each State that ratifies, accepts or approves the Convention or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.
3. For each regional economic integration organization depositing an instrument of formal confirmation or an instrument of accession after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession.
4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of the organization.

### *Article 37*

#### *Depositary*

The Secretary-General of the United Nations shall be the Depositary of this Convention and amendments thereto and of protocols and annexes adopted in accordance with Articles 28, 29 and 33.

***Article 38***

*Authentic texts*

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at PLACE this [DATE].