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Twenty-eighth session

SUMMARY RECORD OF THE 864TH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 15 February 1979, at 9.30 a.m.

Chairman: Dr. SMITH (Canada)

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The meeting was called to order at 9.35 a.m.

IMPLEMENTATION OF THE INTERNATIONAL TREATIES ON THE CONTROL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, INCLUDING ANNUAL REPORTS OF GOVERNMENTS (agenda item 5) (E/CN.7/624 and Add.1 and 2)

1. The CHAIRMAN conveyed the condolences of the Commission to the United States delegation on the tragic death of the United States Ambassador to Afghanistan, Adolph Dubs, who, among his many other activities, had done so much to combat illicit opium smuggling there.

2. Mr. NOLL (Secretary of the Commission) said that under agenda item 5, the Commission had before it documents E/CN.7/624 and Add.1 and 2. He suggested that the debate might be clearer if the Commission began by considering the first and last of those documents on the implementation of treaties on narcotic drugs and psychotropic substances, and discussed the annual reports of governments, as dealt with in document E/CN.7/624/Add.1, at a later stage.

3. The CHAIRMAN invited the Director of the Division of Narcotic Drugs to introduce the item.

4. Dr. LING (Director, Division of Narcotic Drugs) said that for the second time separate documentation was submitted to the Commission on the implementation of international treaties on narcotic drugs and psychotropic substances, with which most of its work was concerned. Document E/CN.7/624 set out precise and detailed legal measures to be considered by the Commission for any action it might deem appropriate. Chapter I dealt with general matters relating to the treaties and their implementation, including the collection of information by the secretariat from governments. Chapter II was concerned with specific matters arising under both the original and amended versions of the Single Convention on Narcotic Drugs, 1961, but the rest of the document was devoted to the implementation of the 1971 Convention on Psychotropic Substances, which, in his view, warranted serious consideration as the Commission was in a position to take action at the international level to induce governments to accede to that Convention. He hoped that the Commission would also carefully consider the conclusions in chapter IV.

5. Mr. NOLL (Secretary of the Commission) made some introductory comments as Chief of the Treaty Implementation and Commission Secretariat. Document E/CN.7/624, in chapter I, paragraph 3, referred to a tabular statement on the status of multilateral treaties on narcotic drugs and psychotropic substances, updated to 31 December 1978 (E/CN.7/624/Add.1), but the list of Parties to the three most recent and important treaties had been updated as of February 1979 and distributed to all delegations. The Division was making every effort, in the notifications sent out on behalf of the Secretary-General, to induce governments to accede to the 1971 Convention on Psychotropic Substances, in compliance with the repeated appeals made by the General Assembly and transmitted to them by the Secretary-General.

6. Progress had been made with Arabic texts of the Conventions mentioned in paragraph 5 and it was hoped that they would shortly be ready for publication.

7. Referring to the difficulty of obtaining information from governments on their implementation of international drug control treaties, which was raised in paragraph 15, he said that the Commission had received only 16 replies to its request although 159 governments had been approached in 1978. The secretariat hoped that the Commission, in its report, would make a renewed appeal to governments to provide better information, as the secretariat would otherwise be unable to carry out some of the tasks entrusted to it. Operative paragraph 4 of General Assembly resolution 33/168 was relevant in that connexion.

8. With regard to paragraph 17, he reported that General Farag of Egypt had been elected a member of the Board in place of the late Dr. Sadek, and that his term of office would run from 9 February 1979 to 1 March 1980. The Committee on Candidatures would meet on 12 and 13 March to establish a panel of candidates for the election of members to the INCB. The Governments composing that Committee would be those of Argentina, the Federal Republic of Germany, India, Japan, Sweden, the United Kingdom and the United States. With regard to paragraphs 22 to 26, ICPO/Interpol had provided additional information on the procedure adopted for the international transfer of samples of seized drugs; it had been distributed to delegations.

9. Turning to chapter II, paragraphs 34 to 36, he informed the Commission that no recommendation had yet been received from WHO. In regard to chapter III, paragraph 38, he drew attention to resolution EB/63/R.29 of the WHO Executive Board, which had been distributed to participants. Referring to paragraph 41, he said that the response from governments had been the only encouraging one, with 53 replies. He also informed the Commission, in connexion with paragraphs 44, 45 and 46, that replies had subsequently been received from Thailand and South Africa, and that both Governments had indicated their agreement with the WHO recommendation on methaqualone. The Governments had also explained that they were not officially requesting the re-scheduling or addition of secobarbital, meprobamate and chlorphentermine hydrochloride to the Schedules of the 1971 Convention, but were simply informing the Secretary-General of the status of those drugs under their national legislation. Consequently, the Commission was not called upon to take any action in those matters.

10. The import and export authorization forms, samples of which had been distributed to delegations, and the model forms for certain notifications and notices, which were referred to in paragraphs 51-54 and 55-58 respectively, were widely used by governments. Referring to paragraphs 63 and 64, he said that the Government of Australia also had transmitted a return receipt concerning the import prohibition by Pakistan and that additional return receipts had been received from the Governments of Australia, Egypt, Haiti, Togo and Yugoslavia concerning the import prohibitions imposed by the Governments of Madagascar and South Africa.

11. He drew the Commission's attention to paragraph 77, and the suggestion that a footnote should be added to the guidelines proposed by WHO, which could be used as a basis for the guidelines to be recommended by the Commission on the subject; the WHO guidelines were in annex 2.

12. The CHAIRMAN invited the Commission to consider document E/CN.7/624 in detail, by subchapters.

Paragraphs 1-4

13. Mr. ANGAROLA (United States of America) reported that the necessary legislation to implement the 1971 Convention had been enacted in 1978. In signing the Bill, President Carter had requested the Senate to give high priority to ratification of the Convention.

14. The CHAIRMAN said the secretariat would duly note the fact.

15. Dr. KHAN (Observer for the World Health Organization) gave further information about documents made available by WHO. One was the "Review of Psychotropic Substances" (MNH/7825), which described how WHO evaluated such substances. Page 7 of the document listed background papers which he would be glad to supply to any members of the Commission who might be interested in them. The second was Executive Board resolution EB63.R29 of 25 January 1979, which had been made available at the present session. The third was the report of a WHO Travelling Seminar in the USSR on the "Safe use of psychotropic and narcotic substances" (MNH/78.24), which he would speak about at the appropriate time.

16. Mr. BUBBEAR (United Kingdom) reported that the 1972 Protocol had been ratified effective in June 1978, and there had been two developments with respect to the 1971 Convention on Psychotropic Substances, which brought it nearer to ratification: first, the Advisory Council on the Misuse of Drugs was considering bringing four barbituric substances under the control of legislation on the misuse of drugs included in Schedule III and, secondly, legislation had recently been introduced to include phencyclidine, although not yet a problem in the United Kingdom, among the most dangerous drugs of abuse which attracted the most severe penalties.

17. Dr. BABAIAN (Union of Soviet Socialist Republics) emphasized that a system for the control of psychotropic substances had been established in the Soviet Union a long time ago. All legal provisions on narcotic drugs applied to those substances as well. Some psychotropic substances were dispensed on prescription only, production was limited, and they were subject to the same system of accounting as narcotic drugs. The Permanent Committee on Narcotic Drugs now dealt with psychotropic substances as well. The 1971 Convention had been ratified in every territory and Republic of the USSR, but the controls imposed by the Soviet Union itself on psychotropic substances were far more stringent than those provided for in the Convention. That was a very important factor, the result being that not one case of abuse had been recorded in the Soviet Union. The 1971 Convention was nevertheless very important in principle, since new psychotropic substances were constantly emerging, and as such substances tended to be used widely in medical practice, being essential for certain kinds of treatment, it was vital to keep them under constant and strict supervision.

18. Mr. HUYGHE (Belgium) said that a draft law had been prepared for the ratification of the 1972 Protocol, but had not yet been sent to Parliament because time was needed to study the administrative implications of ratification, and the legal measures that would have to be taken, for example in regard to extradition. There might also be some reservations about the quotas that would be imposed.

19. With regard to the 1971 Convention on Psychotropic Substances, legislation on such had already been modified in Belgium and enabling regulations adopted as far back as 1975. However, before applying them it had been thought advisable to explore their administrative and medical implications more thoroughly, and he himself had prepared a compendium of the 9,000 medicaments sold on the Belgian market, which had clarified the situation and had made it easier to determine which preparations could be exempted.

20. Mr. ANT (Turkey) said that the formalities for ratification of the 1971 Convention were well advanced in Turkey, and the Government hoped that Parliament would shortly adopt the draft law on the subject. In the meantime, the competent authorities were already implementing the Convention in practice on the basis of administrative measures. A licensing system had been set up for imports and exports of psychotropic substances, and the importation, manufacture, use and sale of products containing amphetamines and other substances with similar effects were banned by government decree.

21. Mr. ROCHA (Observer for Portugal) informed the Commission that his Government had ratified the 1972 Protocol in December 1978, and in January of the current year it had ratified the 1971 Convention.

22. Mr. MOTOHASHI (Japan) said that his Government had not yet ratified the 1971 Convention as it needed more time to settle some technical problems encountered in finalizing the draft rules for submission to the Diet. In the meantime, many psychotropic substances abused in Japan were controlled by national legislation; heavy penalties were imposed for the smuggling and illicit manufacture of amphetamines, for example.

23. Dr. BABAIAN (Union of Soviet Socialist Republics) asked the secretariat to include, in paragraph 1, the Byelorussian Soviet Socialist Republic among the countries that had ratified the 1971 Convention.

24. Mr. NOLL (Secretary of the Commission) said that the Byelorussian Soviet Socialist Republic would be included in that paragraph. It had not been listed originally because it had become a party only after the document had been issued, but had already been included in the updated list distributed to delegations.

Paragraph 5

25. Dr. KUŠEVIC (Yugoslavia) thought it was particularly important for the Commission to know whether countries that were experiencing constitutional or other difficulties in ratifying the 1971 Convention were nevertheless taking steps to apply it. The point was a very important one. Developing countries, for instance, which had no machinery for the effective control of the legal or semi-legal importation of psychotropic substances, should invoke article 13 of the Single Convention as a step towards establishing such control. He hoped that point would be emphasized in the Commission's report.

26. Mr. NOLL (Secretary of the Commission) drew the attention of the Yugoslav representative to paragraphs 59 to 65 of the document under consideration, which bore out the view that article 12 provided governments with an extremely useful tool for keeping out unwanted imports.

27. Mr. EL ACHMAQUI (Observer for the Arab Narcotics Bureau of the Arab Organization for Social Defence against Crime, League of Arab States) thanked the secretariat, on behalf of his organization, for the statement in paragraph 5 concerning the translation of the texts of the Conventions into Arabic, which would be a step towards their ratification by the Arab States. He had been authorized by the Ministers of the Interior of the Arab States to assure the secretariat that the organization would be glad to participate in the work of the Commission, in which they were keenly interested, and to contribute financially to it, if appropriate. It was hoped that Arabic would become a working language of the Commission in the near future.

28. Mr. di GENNARO (Italy) said that, although Italy had not yet ratified the 1971 Convention, it was already applying its provisions under its domestic legislation, and regularly supplied the United Nations with the relevant information on the control of psychotropic substances in its annual reports.

29. Mr. FOURATI (Tunisia) said that the formalities for ratifying the 1971 Convention were well advanced in Tunisia, and that the provisions of the Convention were already being applied there since the control of psychotropic substances was as stringent as for narcotic drugs.

Paragraphs 6-9

30. Mr. NOLL (Secretary of the Commission) said that the series of texts referred to in paragraph 6 was becoming increasingly difficult to prepare with the inclusion of psychotropic substances, but was widely used by governments and institutions in their work and should therefore be continued. It would be helpful if governments would keep a complete set of the texts for purposes of consultation by persons who would not otherwise have access to them. The Cumulative Index to that series, although extremely useful, was one of the most technically complicated to prepare, and it had been suggested in paragraph 9 that both its contents and the method of preparing it should be reconsidered.

31. Dr. SCHRODER (Federal Republic of Germany) said that after the amendment of the law on narcotic drugs following the entry into force on the 1971 Convention on 2 March 1978, a new draft law covering both narcotic drugs and psychotropic substances would be passed by Parliament during the current legislative session. It divided them into three categories: those that were prohibited for commercial and therapeutic use; those that could be marketed as the raw material for certain admissible products, and those that could be sold on prescription. All psychotropic substances in Schedules III and IV, except for SPA, which was in Schedule I, came into the last category. Their inclusion posed the biggest practical problems for the lawmakers because about 50 substances on prescription formed the basis of about 450 different preparations. He wished to emphasize that all the substances in question had been obtainable on prescription only for many years, and as his country had no intention of changing its laws in that respect, it would no doubt have to make considerable use of the possibilities of exemption allowed under

article 3, paragraph 2. In his opinion, nearly all drug manufacturing countries would be confronted with the same problem. It would have been more helpful for the enforcement of the Convention, for instance, if the WHO Expert Group that had met in September 1977 had suggested withdrawing phenobarbital from the Convention altogether instead of merely envisaging the possibility of releasing it from compulsory prescription.

32. With regard to the penal aspects of the new draft law, maximum penalties for serious offences had been increased, and no distinction would be made between hard and soft drugs in judging offenders. Penalties would be graded in accordance with the quantity of the drugs, which would henceforth be calculated on the basis of consumption units defined in terms of an average single therapeutic dose.

33. Dr. BABAIAN (Union of Soviet Socialist Republics) said that legislation played a very important role in supporting the regulatory mechanism necessary for controlling the production of narcotic drugs and psychotropic substances with appropriate administrative and penal measures. As it was essential for persons dealing with such substances to be aware of the existing laws and regulations, the competent authorities, which regularly reviewed the relevant Soviet legislation, prepared summaries for specialists in the drug field. Specialists were also given regular briefings on domestic and foreign legislation, and compilations were made of legislation in other countries for reference. In that connexion, the information furnished by the Division of Narcotic Drugs was extremely useful to the Soviet Union.

34. The Permanent Committee drew up lists of substances and preparations incorporating narcotic drugs or psychotropic substances, divided into three sections: the first, comprising those that were prohibited altogether, the second, consisting of dangerous preparations that could be used for therapeutic purposes on the basis of prescriptions that were identified by special coded symbols and subject to strict accounting, and the third, drugs that were less dangerous but could not be obtained without an ordinary prescription.

35. The legislation in the Soviet Union prescribed severe penalties for the use and resale of narcotic drugs and psychotropic substances, making no distinction between more and less dangerous drugs. The Supreme Soviet often discussed the application of such legislation to assess its effectiveness.

36. Mr. EYRIES VALMACEDA (Observer for Spain) said that the control of narcotic drugs and psychotropic substances in Spain was now exercised by the Pharmaceuticals Division of the newly established Ministry of Health and Social Security. In consequence of his country's ratification of the 1971 Convention and the 1972 Protocol, national legislation had been amended by a considerable number of measures, the most significant of which was royal decree No.2829 relating to psychotropic substances. Regularly updated multilingual lists, similar to those for narcotic drugs, might facilitate compliance with the 1971 Convention.

37. Mr. TIGNER (France) reported that phencyclidine and its salts would be subjected to national regulations on narcotic drugs, and that its manufacture and marketing would be prohibited. With regard to the point raised in paragraph 9, there appeared to be two alternatives. The Cumulative Index could be reduced to an index of fundamental laws only and national authorities might be requested to deal with applications for information. Alternatively, the Cumulative Index might be dispensed with altogether and the present system of disseminating texts by the Division improved. In any event, it would be desirable for each country to indicate to the secretariat the address of the national body responsible for compiling texts.

38. Mr. PRONO (Indonesia) said that the new Narcotics Act contained three important provisions. First, dextro propoxyphene had been included in the list of narcotics. Second, acetic anhydride had been placed under strict control to prevent illicit heroin production. Third, poppy seeds had been placed under control to prevent illicit production, and would be imported for scientific purposes only. Most of the provisions of the 1971 Convention were implemented in Indonesia and psychotropic substances in the first schedule were prohibited for medical use. Legislation for the ratification of the 1971 Convention had already been drafted and would be submitted to the Indonesian Parliament.

39. Mr. PUENTE (Argentina) said that recent legislation, complemented by administrative regulations, made provision for the destruction of seized drugs, in order to reduce the possibility of their future use for illicit purposes. Legislation would shortly be enacted to create a system of data collection at the federal level concerning cases of illicit drug use or unlawful traffic in drugs. The information would be stored in a data bank which would be available to all competent government authorities.

40. Mr. LO (Observer for Senegal) said that the basic legislation on drugs dating from 1972 had been amended in December 1977 in respect of penalties incurred by drug traffickers. His delegation supported the French proposal concerning the distribution of texts from various countries and said that Senegal would be extremely interested to receive texts relating to the 1971 Convention.

41. Mr. GUJRAL (India) said that comprehensive legislation on narcotic drugs and psychotropic substances would soon be enacted to implement the main provisions of the 1971 Convention at the national level. Already, many regulations envisaged in the 1971 Convention in respect of domestic transactions in psychotropic substances were implemented under the Drugs and Cosmetics Act. The proposed legislation would fill gaps in the existing enforcement laws by making unauthorized possession of psychotropic substances an offence and by prescribing appropriate penalties for illicit traffic in those substances.

42. Mrs. de RODRIGUEZ (Panama) said that her country had ratified the 1971 Convention in 1972. Certain substances not included in the Convention and which her Government considered to be psychotropic had been placed under control. Other countries had been informed of the measures applied in Panama relating to import licences for drugs and psychotropic substances. Her country welcomed President Carter's announcement concerning the application of the 1971 Convention.

43. Mr. CHAVALIT YODMANI (Thailand) said that a new law on narcotic drugs was expected to enter into force in March 1979. It would ensure a more stringent control over certain substances and prescribe harsher penalties than the existing legislation.

44. Mr. HOLL (Secretary of the Commission), said that the Secretariat would examine the proposals made by the French delegation and report on them at the Commission's next session. There could, however, be no question of dispensing entirely with the Cumulative Index, as without that index the E/NL... series would become unusable.

Paragraphs 10-11

45. Mr. ROCHA (Observer for Portugal) expressed his Government's appreciation of the assistance furnished by the Division for the drafting of a new law on the control of drugs and psychotropic substances.

Paragraphs 12-15

46. Mr. HUYGHE (Belgium) supported the remarks in paragraph 13 concerning the need for resources and noted the appeal in paragraph 15 for better and more prompt co-operation from governments. Since communications sent from the Division to Ministries of Foreign Affairs usually took a long time to reach the competent services, would it not be possible to write direct to those services?

47. Mr. ANT (Turkey) said that, in view of the increasing workload of the Division, his delegation was prepared to participate in any initiative to facilitate its work by providing it with the resources and staff it needed, under the United Nations regular budget. Since the implementation of the 1971 Convention had given rise to a number of urgent questions which called for decisions by the Commission, it might be better to envisage a special session of the Commission to be held in 1980.

48. Mr. LO (Observer for Senegal) said that he was in complete agreement with the proposal by the Belgian representative that communications should be sent directly to the competent national authorities.

49. Mr. TIGNER (France) said that his delegation would like the Division to be provided with the funds it needed to discharge its difficult task, under the United Nations regular budget. It was also in agreement with the proposal made by the Belgian representative.

50. Mr. KUŠEVIC (Yugoslavia) supported the proposal to increase the Division's resources and suggested that a decision to that effect should be drafted for inclusion in the Commission's report. Since the Commission's special sessions were in reality regular sessions, they should be legalized; he proposed that regular sessions should be held every year.

51. Mr. HOLL (Secretary of the Commission) said that the secretariat noted with satisfaction the support given by several delegations to the question of the resources to be allocated to the secretariat to enable it to carry out its increasing workload. With the Commission's authorization, a decision or

recommendation could be drafted by delegations for its consideration. The question of regular or special sessions would no doubt be brought up under the item on the Commission's programme of work and priorities and the Commission could take a decision at that time. The Belgian representative was correct in stating that a great deal of the delay in the transmission of requests from the secretariat occurred at the national level. The secretariat was, however, obliged to use the official diplomatic channels and to send documents to Ministries of Foreign Affairs. However, as requested and agreed by the Commission, the secretariat would in future send, at the same time, a copy of the communication to the department directly concerned.

Paragraphs 16-19

52. The CHAIRMAN said that the paragraphs did not call for comment.

Paragraphs 20-21

53. The CHAIRMAN said that the paragraphs did not call for comment.

Paragraphs 22-27

54. Mr. MORRIS (International Criminal Police Organization) said that he had little to add to paragraphs 22 to 27, which, when read in conjunction with the ICPO/Interpol circular letter of 27 September 1978 containing proposals for the simplification of existing procedures for the international transfer of seized drug samples, set out the background clearly enough. He wished to emphasize, however, that the Interpol circular letter and the authorization form attached to it, had been prepared in close co-operation with officers of the Division of Narcotic Drugs. Mr. Noll's valuable advice on its legal aspects had been very much appreciated.

55. He noted from paragraph 26 that the National Central Bureaux of Interpol in Switzerland and New Zealand had been in contact with the Division of Narcotic Drugs and that the General Secretariat of Interpol had been informed by its National Central Bureaux in Iraq and Cyprus, and also by the Arab Narcotics Bureau, that they, too, agreed to adopt the simplified procedure. Interpol understood that several other countries in Europe had the matter under consideration.

56. Mr. BUBBEAR (United Kingdom) said that he would like, at that juncture, to introduce the United Kingdom paper entitled "The carriage of drugs by international travellers and others and the transfer of samples of seized drugs" containing comments on two issues raised in document E/CN.7/624. He noted that paragraphs 20 to 27 of document E/CN.7/624 brought out the urgent need for a uniform procedure for authorizing the international transfer of seized drugs for forensic and evidential purposes. Paragraphs 78 and 79 of the same document concerned the need for a uniform procedure for authorizing the legitimate possession of controlled drugs by international travellers. The two apparently unconnected matters both arose from the common difficulty that, while a national authority had the competence to authorize the export of the drugs, it had no power to free the carrier or exporter from the legal and procedural restrictions which might be and were in practice applied in the country to which the drugs were consigned.

57. The essence of the United Kingdom proposal was that the responsibility for authorizing all such transfers should be exercised unilaterally by the competent authority of the exporting country, using universally agreed forms of authorization. His delegation commended the initiative of ICPO/Interpol in proposing a scheme to deal with the transfers of material for evidential and forensic purposes. The United Kingdom proposals sought to develop and extend that scheme by applying the same principles to all international transfers of small quantities of drugs which were legitimate but non-commercial. There was a range of such transfers, examples of which were given in the United Kingdom paper. It was not solely a question of transfers for evidential and forensic purposes, though that aspect quite properly was of most concern to ICPO/Interpol.

58. Referring to one aspect of the ICPO/Interpol proposal, he asked whether it was wise to have a multitude of different organizations empowered to authorize such transfers. In his view, it was a matter solely for the body in each country empowered under the Conventions to issue such certificates and authorizations for the import and export of drugs. Those bodies were already established and known to all other competent authorities, and if the United Kingdom proposal were accepted, there would be no need for the names of the authorities issuing the new document to be specially notified internationally. Since the issue was wider in scope than that covered by the ICPO/Interpol proposal, his delegation would suggest that, in order to avoid the proliferation of different forms authorized by different bodies, the Commission might wish to ask the International Narcotics Control Board to produce a common document for which the Interpol paper was a valuable starting point.

59. Mr. SCHRODER (Federal Republic of Germany) said that his delegation fully supported the view expressed by the United Kingdom delegation and agreed with the Interpol proposal, with the important reservation that the designated national authority should, wherever possible, be the special administration in the sense of the Convention.

60. Mr. McKIM (Canada) recalled that his delegation had supported in 1978 a resolution concerning the need for a mechanism to transfer between countries samples of seized drugs needed for laboratory or evidential purposes. In its working paper, the United Kingdom had suggested that the mechanism should be extended to a number of other important areas, such as provisions allowing sick persons in international travel to take their personal medication with them and the transfer of very small amounts of drugs required as reference samples by scientific institutions.

61. His delegation supported those proposals in principle, but believed that they needed close consideration in order to avoid certain pitfalls. It was necessary to ensure that the carrying of drugs by individuals could not be manipulated into becoming avenues for illicit traffic. Such provisions would require amendments in Canadian domestic laws. His delegation felt that clarification was needed as to what was meant by small samples for investigatory purposes. What amounts of drugs should a sick person be allowed to carry as an emergency supply?

62. His delegation agreed that adequate provision should be made to ensure availability of narcotic drugs for the relief of pain and suffering. It considered, nevertheless, that if those provisions were to be extended beyond the scope of the transfer of samples between countries for enforcement purposes, the competent authorities which normally issued permits for the import and export of drugs should issue those authorizations, otherwise confusion might arise.

63. Mr. NOLL (Secretary of the Commission) thought that there should be a clear distinction between the transfer of small quantities of drugs and the carriage of drugs by travellers. It was important not to confuse the two issues.

64. The CHAIRMAN suggested that the Commission should confine its discussion to the international transfer of drugs, whether for forensic and evidential purposes, or other purposes.

65. Mr. HUYGHE (Belgium) said that he agreed with the remark by the representative of the Federal Republic of Germany that there should be only one authority and one document.

66. Mr. TIGNER (France) considered, in connexion with paragraphs 25 to 27, that it would be desirable for the list of national agencies to be published as a separate annex to the normal lists, even though they might be the same authority.

67. Mr. KUEVI-BEKU (Togo) supported the views expressed by the Belgian and French delegations.

68. Mr. NOLL (Secretary of the Commission) suggested that it might be difficult to close the debate without arriving at some conclusion or decision, since the Commission was confronted with the procedure already firmly established by ICPO/Interpol. If the united Kingdom delegation wished the Commission, which was not itself bound by ICPO/Interpol procedures, to take measures concerning either the combined set covering cases of transfer of samples for forensic and evidential, university or other research laboratory purposes, and for drugs required to replenish the medical stores of ships, then a suggestion would have to be made, or the secretariat would have to be asked to prepare a document or a form for future consideration by the Commission. However, at the fifth special session, when the secretariat had already suggested that course of action, the Commission had adopted a resolution stating that the national authorities should act on a bilateral basis. If the Commission now felt that the procedure should be a uniform one, the secretariat would have to be instructed to prepare a document in that sense.

69. Dr. BABAIAN (Union of Soviet Socialist Republics) said that even an individual who needed to carry a drug in order to treat an illness should have the permission of the national authorities empowered to issue certificates and authorizations for the import and export of narcotic drugs. In his delegation's view, only those bodies should issue such permission. In his own country, there was only one body empowered to issue authorizations for the import and export of narcotic drugs and psychotropic substances.

70. Mr. di GENNARO (Italy) endorsed the suggestion by the secretary that the Commission should request the secretariat to work out a uniform procedure for consideration at the next session. In so doing, members would not be committing themselves but would enable the Commission to have a factual basis on which to take an appropriate decision at the next session.

71. Mr. SVIRIDOV (Union of Soviet Socialist Republics) drew attention to the fact that, in document E/NA.1977 the list of national authorities empowered to issue certificates and authorizations for the import and export of narcotic drugs and psychotropic substances included a Federal German agency - the Federal Opium Section - of the Ministry of Health of the Federal Republic of Germany. Reference in an official United Nations document to that agency could only be regarded as an attempt to abuse the authority of the United Nations for the purpose of legalizing the unlawful establishment of government agencies of the Federal Republic of Germany in West Berlin. The presence of such agencies in West Berlin was in direct contravention of a provision of the Quadripartite Agreement of 3 September 1971 to the effect that West Berlin did not form a constituent part of the Federal Republic of Germany and should not be governed by it. His delegation therefore hoped that the federal agency in question would not be mentioned in official United Nations documents so as to avoid creating unnecessary difficulties that would hinder the United Nations in the performance of its functions.

72. He requested the secretariat of the Commission to arrange for the inclusion of his statement in the Commission's report.

73. Dr. SCHNEIDEWIND (German Democratic Republic) said that the inclusion of the Federal Health Office in the list of national authorities empowered to issue import certificates and export authorizations for narcotic drugs as the competent authority of the Federal Republic of Germany could only be regarded as an action aimed at misusing the authority of the United Nations in order to legalize that country's institutions illegally situated in West Berlin. The activities of the Federal Health Office were in direct contradiction with the provision of the Quadripartite Agreement of 3 September 1971 to the effect that West Berlin was not a constituent part of the Federal Republic of Germany and should not be governed by it.

74. Mr. BAILEY (Secretariat) said that the secretariat had taken note of the statements by the delegations of the USSR and the German Democratic Republic. The issue had been raised at the fifth special session and the secretariat was following up the matter with the Legal Office at New York. It would revert to the matter at a later stage, since it should be discussed in connexion with the question of the annual reports of governments.

75. Mr. CAVANAUGH (United States of America), speaking also on behalf of the delegations of the United Kingdom and France, said that the establishment of the Federal Health Office in the Western sectors of Berlin had been approved by the British, French and American authorities acting on the basis of their supreme authority. Those authorities were satisfied that the Federal Health Office did not perform in the Western sectors of Berlin acts in exercise of direct State authority over those sectors. Neither the location nor the activities of the Office therefore contravened any of the provisions of the Quadripartite Agreement.

76. Furthermore, there was nothing in that Agreement which supported the contention that residents of the Western sectors of Berlin might not be included in delegations of the Federal Republic of Germany to international conferences. In fact, Annex IV of the Agreement stipulated that, provided matters of security and status were not affected, the Federal Republic of Germany might represent the interests of the Western sectors of Berlin in international conferences and that residents of those sectors might participate jointly with participants from the Federal Republic of Germany in international exchanges. Moreover, as a matter of principle, it was for the Federal Republic of Germany alone to decide on the composition of its delegation.

77. With regard to other statements on the question, he said that States which were not parties to the Quadripartite Agreement were not competent to comment authoritatively on its provisions.

78. Mr. ADT (Federal Republic of Germany) said that his Government shared the position just set out by the delegation of the United States. It regretted the attempts of the delegations of the USSR and the German Democratic Republic to interfere with regard to the reference in official United Nations documents to the Federal Health Office, which represented his Government's contribution to the work of the Commission. It was, as a matter of principle, for every member country alone to decide which institutions it wished to involve in its contributions to the work of the United Nations.

79. Moreover, the Federal Health Office had been listed in the documents of the Commission on Narcotic Drugs for many years. Until recently, there had never been problems in the Commission concerning the co-operation of the Federal Health Office. It was his Government's view that the purpose of the meeting was to promote international co-operation in the field of drug abuse control and not to discuss political matters which were beyond the scope of the Commission. His delegation therefore regretted that co-operation within the framework of the Commission and other United Nations bodies concerned with the fight against drug abuse as a whole was hampered by such politically motivated statements as those to which he had referred.

80. In response to a point raised by Mr. LO (Observer for Senegal), Mr. NOLL (Secretary of the Commission) said that, in the absence of a uniform procedure, Interpol was free as a separate organization to use its own form.

Paragraphs 28-33

81. Mr. NOLL (Secretary of the Commission), referring to paragraph 33, said that the matter was straightforward and that the task before the Commission was to formulate a decision similar to that taken the previous year. If the Commission agreed, the secretariat would draft a decision for adoption by the Commission, in the light of the recommendation by WHO.

Paragraphs 34-36

82. Mr. HUYGHE (Belgium) said that his Government had requested the Secretary-General to include the substance sufentanil in Schedule I because the drug was more active than fentanil. Paragraph 3 (iii) of article 3 of the Single Convention, and of that Convention as amended by the 1972 Protocol, could perhaps be applied, but it was not necessary, since the drug had not yet been marketed. In his delegation's view, WHO should be left to study the question more thoroughly before a decision was taken.

83. Dr. KHAN (World Health Organization) said that his Organization was in touch with the Government of Belgium and the pharmaceutical industry in an effort to obtain some information which it regarded as necessary before submitting the matter to its Advisory Group.

84. Mr. MONTGOMERY (Australia) thought that, in view of the fact that the drug in question was so potent, WHO might consider including it in Schedule IV.

85. Mr. HUYGHE (Belgium) thought that it would not be necessary to place the drug in Schedule IV. On the basis of studies carried out, there seemed to be no need to prohibit the use of the drug. In any event, WHO would have all the necessary information before it on the question.

86. Mr. MONTGOMERY (Australia) said that the substance need not necessarily be a prohibited drug.

87. Dr. KHAN (World Health Organization) assured the Commission that, in preparing the case for submission to its experts, his Organization would take account of the various views expressed and would evaluate the substance exactly as it was required to do under the Convention.

88. Dr. LING (Director, Division of Narcotic Drugs) said that the compound in question was used primarily as an anaesthetic under carefully controlled conditions. It was a very potent substance but its use was highly specific and it could be adequately controlled.

Paragraphs 37-38

89. The CHAIRMAN said that paragraphs 37-38 did not call for comment.

Paragraphs 39-42

90. Dr. KHAN (World Health Organization) said that during the current year his Organization had received a notification regarding methaqualone and had reviewed the status of phenobarbital.

91. In reply to a question put by the representative of the Federal Republic of Germany concerning phenobarbital, he said that the WHO Advisory Group had regarded the substance as being of important therapeutic usefulness and had therefore recommended its retention in Schedule IV.

Paragraphs 43-46

92. Mr. NOLL (Secretary of the Commission) said that the only issue before the Commission in connexion with the paragraphs under consideration was a decision on the recommendation made by WHO, since the requests by South Africa and Thailand had become obsolete.

93. Mr. TIGNER (France) said that his delegation fully agreed with the terms of the communication on methaqualone and would vote in favour of its transfer to Schedule II. It should be noted that controls had been imposed on methaqualone in his country since 1974 and that its legal consumption was only one-twentieth of what it had been at that time, a fact which had had considerable impact on the illicit use of the substance. Moreover, the previous year, tilidine had been included in the list of substances placed under control.

94. Dr. KUŠEVIC (Yugoslavia) said that, in his delegation's opinion, an official statement by a government representative in the Commission could also be regarded as a notification. He would welcome clarification in that regard from the Secretary of the Commission.

95. Reverting to paragraph 39, he said that consideration should be given to the possibility of transferring cannabis derivatives to the Psychotropic Convention, since if the most potent substances were under that Convention, it was only logical that not so potent drugs containing the same substances should also be covered by it. If the matter involved legal difficulties, the cannabis preparations in question might be placed under both the Single Convention and the Convention on Psychotropic Substances provisionally. His delegation supported the recommendation that methaqualone should be transferred to Schedule II of the Convention on Psychotropic Substances.

96. Mr. NOLL (Secretary of the Commission) said that in accordance with the provisions of the Single Convention, a notification was a written formal communication from a government containing a request in a certain well-defined and traditionally recognized form. It had always been the practice of the Division and the Commission to refuse even letters requesting the insertion of a substance if they had not been submitted through the official diplomatic channels of the particular Ministry of Foreign Affairs. He stressed that he could never agree to regard an oral statement as an official notification within the meaning of article 3 of the Single Convention.

97. With regard to the possibility of transferring cannabis derivatives from the Single Convention to the Psychotropic Convention, he said that such an important proposal would have to be made through the traditional channels and not by means of an oral statement or a paper handed to the secretariat.

98. Mr. ANGAROLA (United States of America) said that his Government welcomed the recommendation of the World Health Organization that methaqualone should be transferred from Schedule IV to Schedule II of the Psychotropic Convention. A few years previously, the United States had taken a similar step in view of the problems posed by methaqualone abuse. There had been disturbing reports recently of shipments of the drug from Europe to a country in Latin America without the knowledge of the importing government. Large quantities had been found later on the illicit market. The import-export authorization system applicable to drugs in Schedule II would ensure that governments were fully informed of methaqualone shipments coming across their borders and they could take appropriate measures to prevent diversion to the illicit traffic.

99. Mrs. AGENAS (Sweden) thought that, in general, WHO should provide more information concerning the reasons for its recommendations. Furthermore, WHO papers should be communicated to delegations in sufficient time in order to enable national consultations to take place. Such consultation should examine the reasons for the scheduling of substances as well as the consequences of scheduling substances that were still of medical value.

100. With regard to the substance under consideration, she said that no preparations containing methaqualone would be approved in Sweden after 1 April 1979. The recommendation by WHO could therefore be easily supported by her Government.

101. Mr. McKIM (Canada) said that his delegation supported the recommendation made by WHO. Methaqualone had been subject to substantial abuse in Canada some years previously and it had therefore been controlled for a number of years at a level provided by Schedule II of the 1971 Convention.

102. Mr. di GENNARO (Italy) said that his delegation supported the WHO recommendation.

103. He shared the view that a notification must be made formally by an accredited national representative. Whether that person was a member of the Commission or not was a separate matter. The question whether such notification could be made in the Commission was also a matter for discussion. His delegation did not agree that there was only one channel through which notifications could be made.

104. Mr. CHAVALIT YODHANI (Thailand) said that his Government was in favour of transferring methaqualone to Schedule II of the 1971 Convention.

105. Dr. BABAIAN (Union of Soviet Socialist Republics) said that there was no methaqualone abuse in his country and that the substance had been under strict control for a long time. He supported the WHO recommendation, which he considered to be reasonable.

106. Dr. KUŠEVIC (Yugoslavia) said that he had not made a proposal in his previous statement but merely a suggestion that the Division of Narcotic Drugs and WHO should discuss the possibility of placing cannabis derivatives under the 1971 Convention and propose a course of action for consideration by the Commission at its next session.

107. Mr. FOURATI (Tunisia) said that his delegation supported the WHO recommendation. Since 1975 methaqualone had been under the same controls in his country as ordinary narcotic substances. Since then, its use had been reduced to zero.

108. Mr. KUEVI-BEKU (Togo) said that he supported the WHO recommendation. In any case, there was no abuse of the substance in his country.

109. Mrs. de RODRIGUEZ (Panama) said that her delegation fully supported the recommendation made by WHO regarding the transfer of methaqualone to Schedule II of the 1971 Convention.

110. Dr. SOLERO (Brazil) said that methaqualone was not available in his country.

Paragraphs 47-50

111. The CHAIRMAN said that in view of the information given previously by the Secretary, paragraphs 47-50 did not call for comment.

The meeting rose at 12.35 p.m.