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REVIEW AND IMPLEMENTATION OF THE PROGRAMME
OF STRATEGY AND POLICIES FOR DRUG CONTROL

Report of the expert group to study
the functioning, adequacy and enhancement
of the Convention on Psychotropic Substances

Contents

Paragraphs

I.	Introduction.....	1-9
II.	General discussion.....	10-14
III.	Discussion of topics in the first category...	15-47
IV.	Discussion of topics in the second category..	48-55
V.	Discussion of additional topics.....	56

Abbreviations and short forms

Commission for the Commission on Narcotic Drugs of the
Economic and Social Council

Division for the United Nations Division of Narcotic Drugs

INCB for the International Narcotics Control Board

Plenipotentiary Conference for the United Nations Conference
for the adoption of a Protocol on Psychotropic Substances

Single Convention for the Single Convention on Narcotic Drugs,
1961, and that Convention as amended by the 1972 Protocol
Amending the Single Convention on Narcotic Drugs, 1961

WHO for the World Health Organization

I. Introduction

1. An expert group to study the functioning, adequacy and enhancement of the Convention on Psychotropic Substances met at the Vienna International Centre from 18 to 22 October 1982. This was a project of the first year of the Five Year Programme of Action decided upon by the General Assembly by resolution 36/168 of 16 December 1981 in the context of the long-term strategy and policies for drug abuse control. ^{1/} The Division of Narcotic Drugs organized and serviced the meeting.

2. The expert group had before it two papers containing replies of Governments to a request by the Secretary-General for comments on the subject under examination, as well as a paper prepared by the Secretariat in which topics arising from the replies received were separated into two categories to facilitate the discussions of the group. Each topic was cross-referenced by the Secretariat to the replies received from Governments.

3. The first category of topics concerned issues which could conceivably be the object of an amendment to the Convention on Psychotropic Substances at some future date or which might be incorporated in some future instrument concerning international drug control. Those topics are set out hereafter as topics (i) through (ix). Governments which referred to each topic are indicated in parentheses.

- (i) Increase in scope of control (France, Federal Republic of Germany and Sweden)
- (ii) Decrease in scope of control (Federal Republic of Germany)
- (iii) Adequacy of classification system (Federal Republic of Germany)
- (iv) Adequacy of method for scheduling substances in the Convention on Psychotropic Substances (Canada and Federal Republic of Germany)
- (v) Adequacy of the system for the exemption of preparations (France, Federal Republic of Germany, Panama and Sweden)
- (vi) Introduction of a system of estimated requirements of psychotropic substances and statistical returns for substances in Schedules I and II to be furnished to INCB in a similar manner to the system established by the Single Convention (France, Federal Republic of Germany, Panama and Sweden)

^{1/} At its twenty-ninth session (2-11 February 1981), the Commission on Narcotic Drugs proposed a long-term international drug abuse control strategy and Five Year Programme of Action in response to a request formulated by the General Assembly in resolution 32/124 of 16 December 1977 (see report, twenty-ninth session, pp. 78-106). That "Strategy and policies for drug control" was endorsed by the Economic and Social Council and approved by the General Assembly in resolution 36/168 of 16 December 1981 entitled "International Drug Abuse Control Strategy".

- (vii) Introduction of a quota system to limit medical and scientific use of psychotropic substances (Panama)
- (viii) Adequacy of the system of import and export authorizations (France and Federal Republic of Germany)
- (ix) Adequacy of article 13 (Federal Republic of Germany and Sweden)

4. The second category of topics concerned issues which, while superficially similar to the foregoing category, did not seem appropriate for possible incorporation in either of the existing Conventions or a future instrument on international drug control, but were more susceptible to bilateral or regional multilateral agreements, or even simply to be adopted as recommendations or resolutions by national or international organs.

These topics are set out below as topics (a) through (f). Governments which referred to the issues are indicated as for the first group.

- (a) Adequacy of existing provisions regarding restrictions in free port areas (Panama)
- (b) Desirability of preparation of a detailed guideline on the obligations of Parties in respect of control measures applicable to the substances in the various schedules (Brazil)
- (c) Possible improvements in implementation measures at the national level (Australia, Canada, Singapore and Sweden)
- (d) Further requests to non-parties to take steps to become Parties (Australia, Federal Republic of Germany, Panama and Thailand)
- (e) Possibility of merging the Single Convention with the Convention on Psychotropic Substances (Australia, Canada, Federal Republic of Germany, France Iran, Panama, Poland, Switzerland and Yugoslavia)
- (f) Mandatory extradition rights (Egypt)

5. The expert group was composed of eight participants, chosen on the basis of their experience with various aspects of the implementation of the Convention on Psychotropic Substances as well as with a view to providing equitable representation of various geographical areas. 2/ The list of participants appears as an annex to this report.

6. The Secretariat of the International Narcotics Control Board was represented at the meeting by an observer.

7. The meeting was opened on behalf of the Secretary-General by the Director of the Division of Narcotic Drugs. In her opening statement, the Director emphasized that both the Single Convention and the Convention on Psychotropic

2/ Efforts to secure a ninth expert either from Asia and the Pacific or Eastern Europe were not successful.

Substances were the end products of the lengthy negotiations required to translate economic, social and cultural realities into broad based international instruments. The Convention on Psychotropic Substances had now been in force for somewhat over six years. The present meeting was part of a global review of both that Convention and the Single Convention on Narcotic Drugs.

8. The group elected Mr. M. M. Supnet as Chairman. General S. A. Farag was elected Rapporteur. In discussing and adopting its agenda the group recognized the usefulness of the preliminary analysis of topics into two categories which had been done by the Secretariat. It felt, nevertheless, that it should not confine its discussions only to those topics but could both combine them and add to them in the course of the debate.

9. At the invitation of the Chairman, the group observed a minute of silence in the memory of Mr. Leon Steinig, recently deceased. Mr. Steinig was a former Director of the Division of Narcotic Drugs and member of INCB. He had also been active in international drug control activities in the Secretariat of the League of Nations.

II. General discussion

10. The group recognized that the Convention on Psychotropic Substances could be considered a success for international drug abuse control when it was adopted in 1971, although some experts were of the opinion that it would have been preferable to combine both narcotic drugs and psychotropic substances in the same Convention from the beginning. The Convention was based on recognition of the fact that modern science and technology had developed products which could have a salutary effect on the health of humanity but which required control measures in order to avoid their misuse. In the course of the six years since the entry into force of the Convention a number of shortcomings had become obvious. These were more often connected with control measures applicable to substances in Schedules III and IV than to those in Schedules I and II. A number of those problems were identified in the comments of Governments and would be examined individually. It was essential to try to correct difficulties which had arisen in order to obtain greater adherence to the treaty. That would be a major contributing factor to the overall strengthening of the Convention.

11. In order to ensure availability of the controlled substances for medical and scientific purposes, the Convention instituted a control system which in some instances paralleled and in others differed from the system instituted in the Single Convention. One major shortcoming in the Convention under examination was that, although its main purpose was to regulate the licit traffic in psychotropic substances, it did not include provisions providing means for reasonable identification of actual medical and scientific needs on a world wide basis. The Single Convention had attempted to identify such needs for narcotic drugs through a system of estimated requirements and statistical returns. There was at present no question that the total quantity of licit manufacture of psychotropic substances was far in excess of the licit needs of the international community and that steps should be taken to bring production into line with real licit demand.

12. INCB had a crucial role to play in the implementation of the Convention on Psychotropic Substances as well as the Single Convention. It was at present not always in a position to monitor the international drug scene as thoroughly

as it could wish because of insufficient data. That state of affairs was occasionally due to inadequate implementation of treaty provisions and sometimes due to the absence of provisions calling for certain information to be reported to INCB. It might, therefore, be advisable to identify lacunae in the general reporting system of the Convention. In that same vein one expert thought that it would be useful to unify the rules governing licensing and registration of manufacturers, wholesalers and distributors of substances in all schedules in order to simplify the system of data collection.

13. The group recognized that an international instrument could not of itself eliminate the illicit traffic in narcotic drugs and psychotropic substances. There was, however, an urgent need to contain the illicit traffic as much as possible and certainly the Conventions should have as an objective to interdict access of illicit drug traffickers to licit sources of supply. The present situation with respect to psychotropic substances was not without a parallel with narcotic drugs earlier in the century. Before various narcotic drug treaties were concluded most of the opium and heroin in the illicit traffic was from licit sources. The narcotic drug conventions, culminating in the Single Convention, had radically changed that situation. Now, at a time when fully 90 percent of licit methaqualone production seemed ultimately to reach the illicit traffic, it was more than ever essential that the Convention on Psychotropic Substances should serve to strengthen national control and permit international co-operation among law enforcement authorities.

14. In order for the Convention to serve the protection needs of the international community, it was necessary continuously to monitor new substances and abuse patterns of both controlled and uncontrolled substances. As an example of substances now uncontrolled which were being increasingly abused, one expert mentioned inhalants including certain glues or solvents. In this connection, a number of experts also referred to the benzodiazepines. Moreover, some experts felt that the present scheduling procedure often seemed insufficiently documented before decisions were reached. Others felt that the process had been satisfactory to date but could still be further improved upon. Lastly, the economic, administrative and other consequences of scheduling decisions should be carefully weighed.

III. Discussion of topics in the first category

- (i) Increase in scope of control
- (ii) Decrease in scope of control
- (iii) Adequacy of classification system

15. The group agreed that the three topics under consideration were very closely inter-related and should accordingly be examined at the same time. In identifying problems which had arisen with respect to the level of control of various substances, the group examined the question of "precursors" and the general appropriateness of controlling substances in Schedules III and IV.

16. The group agreed that a clear distinction should be made between the notion of "precursor" substances and those substances which could be considered "essential chemicals" in various transformation processes. In this understanding, "precursor" designated a substance directly used for the synthesis of a psychotropic substance, e.g. piperidine was a "precursor" of PCP and lysergic acid was a "precursor" of

LSD. On the other hand, an "essential chemical" was a substance which was used in the manufacture of controlled substances but which also might have many other commercial uses and could be replaced in the transformation process by other substances; thus acetic anhydride was the preferred "essential chemical" for the acetylation of morphine to produce heroin, and ethyl ether was the preferred "essential chemical" used in processing cocaine from the coca leaf. The main distinction was that the "precursor" was directly convertible into a psychotropic substance while the "essential chemical" was merely used in the conversion process.

17. The group recognized that the subject had been discussed at previous Commission sessions and that there was general agreement that control of "essential chemicals" at the international level was impracticable. A national monitoring system could help to identify suspicious shipments and prove an important source of investigatory data for law enforcement authorities; but a monitoring system should not be considered as appropriate at the international level. Conversely, the group was of the opinion that "precursors" might be brought under some form of international control and many experts concluded that substances identified as "precursors" should be included in Schedule II of the Convention, amended in an appropriate manner.

18. Various international symposia, as well as ICPO/Interpol, had emphasized the necessity to control "precursors" and "essential chemicals", especially acetic anhydride, but had also recognized the complexity of such control. In this case a clear distinction should be made between desirability and practicability of control measures, which could be examined by each Government on an ad hoc basis. For example, Egypt required a licence by the Anti Narcotics Administration for the import of acetic anhydride, thus permitting the Government to monitor movement of that "essential chemical". Other countries were reported to have introduced an import certificate system for the same substance.

19. It was pointed out that clandestine laboratories inevitably had to have recourse to "precursor" substances and that monitoring movements of those substances and enacting control measures at the national level, might not only provide a source of valuable information for law enforcement authorities, but also define an additional criminal activity with which traffickers could be charged when apprehended.

20. One expert felt that Schedule II should not only be expanded to cover "precursors" but also to accommodate specific substances in Schedules III and IV which should be identified on the basis of their proven danger to society or abuse potential. He felt that there had been tendency toward an unnecessary increase in the substances having been scheduled or proposed for scheduling in Schedules III and IV. He stated that it might be advisable to consider doing away entirely with Schedule IV which, in any case, did not call for international control measures.

21. Conversely, Schedule IV could be restructured to serve as a sort of "waiting list" for substances being monitored for possible international control. The import of such substances could still be prohibited under the provisions of article 13.

22. The other experts felt that such an extreme change in the approach to classification in scheduling was not called for. The system was not perfect but some control was better than no control with respect to substances which,

they felt, did or could constitute a health hazard. The scheduling of many substances in Schedules III and IV did facilitate monitoring of abuse potential. While the system of import and export authorizations did not apply to substances in Schedule IV, the Convention created other obligations to introduce specific control measures at the national level, many of which had not been widely applied prior to the entry into force of the Convention.

23. In the opinion of the majority of experts, the existence of Schedule IV also constituted a sound basis for international co-operation as between Parties wishing to control those substances. It was important that new substances could be added to that Schedule in order to facilitate collection of data on abuse and to facilitate national control and international co-operation in the suppression of the illicit traffic. Also, Parties wishing to invoke the prohibition on import authorized by article 13 might wish to invoke that provision also with respect to substances in Schedule IV. Generally speaking, the benefits to be derived from the continued existence of Schedule IV more than offset the cost of the administrative regulatory structure required to control the substances in that Schedule.

(iv) Adequacy of method for scheduling substances in the
Convention on Psychotropic Substances

24. The group recognized that the question of scheduling was perhaps one of the most difficult ones faced by both the Commission and WHO. On the whole the present scheduling procedure was not working too badly since substances had either been scheduled when such action was required, were still under review or would be reviewed again shortly. Questions relating to modalities of data collection and the timing of the sequence of notifications to Governments had been addressed by both the Commission, in resolution 2(S-VII) of 8 February 1982, and WHO, in Executive Board resolution EB69.R9 of 22 January 1982. The distribution of responsibilities between the Commission, which had the responsibility for the final decision on the scheduling and WHO, which had the responsibility of making a well founded recommendation for or against scheduling to the Commission seemed to be fully appropriate.

25. In examining the functions of WHO, concern was expressed over the fact that the proof of abuse was not always clearly addressed in WHO recommendations, although the group recognized the occasional difficulty of collecting epidemiological data in that area. Certainly WHO had an obligation to study social aspects of the question as well as collecting pharmacological data, but the use of economic data and statistics concerned with the illicit traffic should be used with some circumspection. Such information might assist in identifying the existence of a social problem but was more directly related to the competence of the Commission.

26. One expert suggested that a two-stage evaluation process might be envisaged, whereby medical and pharmacological data could be first collected and supplied to Governments with a request that they be asked to furnish epidemiological data on abuse and other aspects to the Secretary-General for forwarding to WHO for further consideration.

27. Several experts pointed to the fact that no State Party had yet availed itself of the possibility of notifying the Secretary-General that it would apply a somewhat reduced control system to a newly scheduled substance because of exceptional circumstances, as is authorized by article 2, paragraph 7(a)-(e). Since that provision had been the result of a compromise at the Plenipotentiary Conference and since no Party had yet invoked it, it might be more in keeping with

the spirit of the Convention to consider a possible future amendment deleting the sub-paragraph in question. That was, of course, no urgent matter for review.

(v) Adequacy of the system for the exemption of preparations

28. The group noted that whereas in the Single Convention all preparations which could be exempted from specific control measures were clearly indicated in Schedule III of that Convention, no similar system existed under the Convention on Psychotropic Substances. The Convention under examination laid down general guidelines in the provisions of article 3 governing the control of preparations but without the specificity which might have been desired. In this context, it was, however, recognized that the Convention itself had been made possible only by a number of compromise solutions and that the system instituted by the Convention was just such a compromise. All participants agreed that the system was not functioning satisfactorily. The basic question was whether a general specific system such as that of the Single Convention might now be possible or, if not, what practical improvements could be made to the existing system.

29. The group was informed that WHO had scheduled a meeting at Brussels in November 1982 to examine further the question of possible criteria for exemption of preparations. Those criteria would be presented to the Commission at its thirtieth session in February 1983 for examination and possible approval. The group welcomed any effort to clarify the criteria which should be followed in reaching decisions on exempting preparations. At present the Parties were not clear on how WHO made its recommendations. One expert stated that one guiding principle might be that in the absence of proven serious abuse or illicit traffic in the preparation being exempted, there should be a presumption in favour of the decision by any Party to exempt a preparation in its national territory. Other participants felt that a minimum consensus should be sought with respect to the maximum acceptable quantity of a substance in an exempted preparation. This could be stated simply as a general criterion by the Commission or an amendment to article 3 could be made to introduce a system similar to that of the Single Convention.

30. One expert pointed out that article 3 seemed to exclude the exemption of preparations containing substances in Schedule I. There were, however, legitimate industrial and laboratory requirements for preparations containing trace amounts of such substances. Other experts felt that this question was sufficiently covered under the provisions of article 7 which permitted the use of such preparations for "scientific and very limited medical purposes by duly authorized persons". It was felt that the meaning of "scientific purposes" could be interpreted to cover activity such as urine analysis to identify the presence of certain substances. Similarly, reagents used by laboratories to check the authenticity of analyses could also be considered as adequately covered by the provisions of article 7. National legislation could reflect that interpretation.

31. The group recognized that there was a vastly larger number of preparations containing psychotropic substances than was the case with preparations containing narcotic drugs and that certain Governments might have recourse to widespread exemptions in order to avoid the additional expense and administrative control which would be necessary if many of those preparations were subject to all control measures. A satisfactory working solution to the problem would be

further sought at the next Commission session and would, no doubt, have high priority at a proposed meeting of a technical group of Government representatives in 1983. 3/

- (vi) Introduction of a system of estimated requirements of psychotropic substances and statistical returns for substances in Schedules I and II to be furnished to INCB in a similar manner to the system established by the Single Convention
- (vii) Introduction of a quota system to limit medical and scientific use of psychotropic substances

32. The group decided to discuss topics (vi) and (vii) at the same time. One expert pointed out that article 4(b) recognized the fact that large quantities of certain substances were transformed into non-psychotropic substances for industrial use. This was especially true with respect to amphetamine and metamphetamine. That fact would automatically cause some difficulties if any quota system were introduced and should also be borne in mind in any discussion on the possibility of introducing an estimates system.

33. The group recognized that on a number of occasions suggestions had been made that quotas should be imposed to limit either production or distribution of psychotropic substances. Such proposals seemed designed as a means of addressing the question of possible over-production and diversion from licit channels. One expert felt that such a system would not be acceptable to a majority of producer countries for a number of economic, scientific and other reasons which might influence research and availability of new substances with valid medical or scientific potential. The group as a whole agreed that a quota system was not an adequate response to the problem and felt that a more realistic solution might be found through application of an estimates system similar to that applied to narcotic drugs under the Single Convention.

34. The group was informed that the voluntary reporting system of estimated needs for psychotropic substances which had been requested by Council resolution 1981/7 of 6 May 1981 had been functioning only a short time but had already permitted INCB to have a clearer picture of annual world requirements for medical and scientific purposes. More than 70 countries had voluntarily co-operated with the Board. Furthermore INCB had, on the basis of data available to it, calculated the needs of many countries which had not voluntarily furnished estimates. All such estimates apply only to substances in Schedule II. The observer from INCB stated that the Board had not reached a definitive conclusion with respect to possible amendment of the Convention in the light of the experience gained in Governments' voluntary reporting of estimates.

35. The group commended INCB for its useful leadership in this field. The voluntary response by Governments had been excellent and the data available had, no doubt, aided in curbing possible diversion from licit production. The group believed, however, that the time had come to espouse the principle of formally amending the Convention in order to introduce a system of estimated requirements of psychotropic substances and quarterly statistical reports on international trade similar to the system existing under the Single Convention, which are

3/ See report of Commission on Narcotic Drugs, seventh special session paragraph 102.A1.

now often furnished on a voluntary basis. The group did not feel that it was within its competence to be specific as to the contents of such an amendment but recommended that it should apply only to substances in Schedule II. There was exceedingly little recognized licit use of substances in Schedule I and no reporting was considered necessary at the present time.

36. The group was of the opinion that present reporting on psychotropic substances might simply reflect the current sales or distribution situation; that could also include, in certain countries, quantities of licit production ultimately diverted for illicit use. By formalizing the estimate system INCB could more closely evaluate the actual needs for psychotropic substances in various countries. This would entail more detailed consideration at the national level of actual requirements for those substances and, in that connection, appropriate international bodies could assist the developing countries, when requested, to improve their administrative structure to better cope with determining their legitimate needs. The quarterly reports on export and import could permit more timely detection of diversions from licit market to illicit traffic.

(viii) Adequacy of the system of import and export authorizations

37. The group recognized that a certain number of problems had arisen with respect to the system of import and export authorizations as established under the terms of article 12 of the Convention. Such problems were in part attributable to the level of control applied to Schedule III substances or the absence of control governing import and export of Schedule IV substances, and, in part, to the failure of some Parties effectively to observe the existing obligations established by the treaty. The group further noted that because of forged permits and other issues discussed elsewhere in this report, problems had arisen in connection with substances in Schedule II.

38. One expert felt that some major problems fell into one of the three following categories: forged permits, which were appearing with greater frequency; failure to monitor and report excessive purchases; and the failure of some Parties adequately to apply the Convention's provisions in free ports and zones. The latter point was especially important because in some countries only the drug control authorities were aware of the requirements of the Conventions; sometimes customs officials or officials of the Ministry of Justice were not adequately informed.

39. There was general agreement that a method should be found to assure that Government authorities concerned with import and export should be informed of all movements in an adequate and timely manner. This might require some modification in the wording of article 12 or might be attempted through a resolution adopted by the Commission.

40. One expert emphasized that the question of being able to ascertain the "accreditation" of the importing company was important. The Government issuing an export document should be able to identify the importing company as one recognized as legitimate by the Government of the importing country. The governmental authority empowered to issue import authorizations or receive export declarations could send a notification ascertaining the official recognition of the importing firm. This notification should preferably be valid one year and be sent to the counterpart authority in the exporting country. Such a document would mainly be useful in connection with the export

declaration for Schedule III substances but could also be used, if so wished, in connection with import or export authorizations for other schedules.

41. One expert underlined how the system of import and export authorizations constituted an obvious weakness in the Convention. Substances in Schedule III were subject only to the requirement of issuing an export declaration and substances in Schedule IV were not subject to the authorization system, although a number of Parties seemed to have enacted national legislation requiring import and export licences for substances in both Schedules III and IV.

42. A majority of participants felt that, imperfect though it was, the present limited control was preferable to absence of control. The question was how best to improve it. In that context it was suggested that export declarations might also be introduced for Schedule IV substances. At any rate under the present system, where export declarations often reached Governments well after delivery of those exports in their country, it was necessary to ensure that all such declarations were sent as expeditiously as possible to the appropriate authorities in the importing country.

43. One expert drew attention to the fact that many developing countries were importing countries and suffered from the absence of timely information from the sources of supply. Importing authorities were often only aware of movement of substances when the importer presented the export authorization. If the exporting country would always and without delay send copies of export authorizations or declarations to the competent authorities of the importing country, as is required under the treaty, the latter could organize better control over the issuance of permits as well as forecast the future supply situation with respect to a given substance. The situation was unfortunately further complicated by the fact that certain major sources of export were in countries not yet Parties to the Convention or territories to which the Convention had not been applied. There was general agreement that article 12 should be scrupulously applied in all its aspects and that there could well be further examination of how its provisions might be strengthened and broadened.

44. In the course of the general discussion on the system of import and export authorizations one expert underlined a number of problems arising from improperly completed bills of lading or manifests accompanying shipments. Customs officials did not always have access to the export authorization which, under the terms of article 12, paragraph 1(d), should accompany each consignment. Their main source of information was often a manifest or bill of lading on which the identification of the shipment was often false or so vague as to be unclear. Shipments whose documents presented such shortcomings were often intended for the illicit traffic, yet even the discovery of the error in identification of the shipment did not necessarily lead to prosecution since it was usually not clear if a criminal act had been intended or committed. It was recognized that customs regulations were a prerogative of each State, but it might be possible to suggest some solutions to problems arising from misrepresentation in shipment documents by discussions in the Commission which might lead to the adoption of a resolution formulating some general recommendations on the question.

(ix) Adequacy of article 13

45. The group felt that article 13, which had primarily been intended to assist developing countries in preventing export of unwanted substances to their territories, could be invoked by more Parties than was now the case. It was also noted that Parties availing themselves of the provisions of article 13 did not thereby relieve themselves of all responsibility to continue to monitor imports strictly since legitimate errors could occur. Exporting countries had a clear responsibility to make every effort to fulfill their responsibilities in this areas, but that was often complicated by the fact that data on the export of substances in Schedules III and IV were often not available to the exporting authorities until after the export had occurred.

46. One expert underlined the obligation for all Parties to make whatever changes were necessary in their national legislation to fulfill obligations arising under the Convention. Various solutions should accordingly be examined by each Party at the national level. Furthermore, even though the unwanted export was often not identified until after the fact, it had been his experience that such export activity was usually repetitive in nature. Close monitoring of the situation could permit intercepting future export by the same source.

47. The observer from INCB informed the group that only two special permits under the terms of article 13.3 had been brought to its attention. The group agreed that Governments exchanging such special authorizations under the terms of article 13.3 would greatly facilitate the work of the Board if a copy of the special import licence were sent to the Board.

IV. Discussion of topics in the second category

(a) Adequacy of existing provisions regarding restrictions in free port areas

48. The group took note of the fact that the expert group which had met from 11 to 15 October 1982 to examine the effectiveness of the Single Convention had reviewed this general question with reference to article 31 of the Single Convention. In view of the fact that the provisions on this matter were identical in both Conventions the group endorsed the opinion of the earlier expert group contained in paragraphs 42-43 of its report. ^{4/} It was noted, however, that while few problems arose with respect to narcotic drugs trans-itting free ports and zones, the case was just the opposite with respect to psychotropic substances. There was no question that large quantities of psychotropic substances from licit sources were being diverted and re-exported through free zones for the illicit traffic. Inadequate control usually occurred for one of three reasons: (i) failure by a Party adequately to apply the treaty provisions; (ii) unawareness by a national authority of the obligations undertaken by a Party (e.g. Ministry of Health aware of treaty requirements but customs authorities or Ministry of Justice unaware of the requirements); and (iii) absence of treaty obligations because a State was not a Party to the Convention. The group conceded that the very notion of control was foreign to the philosophy behind the organization of free zones, the object

^{4/} E/CN.7/1983/2/Add.1

of which was to provide minimum control over commerce. Nevertheless, it was essential that this minimum control be enforced and that Parties fully respect their treaty obligations to apply at least the same measures of control in those zones as in the rest of their national territory.

- (b) Desirability of preparation of a detailed guideline on the obligations of Parties in respect of control measures applicable to the substances in the various schedules

49. The group took note of the position expressed by the expert group on the Single Convention in paragraph 41 of its report 4/ and partially endorsed that position.

50. The general question of "guidelines" or "manuals" was always a problem. A great wealth of data on the implementation of both the Single Convention and the Convention on Psychotropic Substances was available to national authorities but was not always known to them. How much data to include or exclude was an open question. Furthermore, in many instances, the competent national authorities might not be sufficiently acquainted with any of the official languages into which such reference works would usually be translated; this was especially true in many developing countries. Nevertheless, the group recognized that a general reference manual would, no doubt, be widely welcome in many developing countries provided that it would outline the obligations of Parties arising under the various schedules in language easily understood by a layman and did not duplicate other reference works in the field. One expert underlined the fact that too narrow an approach should be avoided and that technical assistance and other forms of co-operation between States could be included. The group further emphasized the continuing importance of developing appropriate training manuals for use of staff in various national administrations. That need was felt not only in developing countries but also in industrialized states.

- (c) Possible improvements in implementation measures at the national level

51. The group took note of the position expressed by the expert group on the Single Convention in paragraph 44 of its report. 4/ In the course of its general discussions the present group had emphasized on many occasions the importance of expanding assistance to national authorities, at their request and of helping develop educational programmes when appropriate. The Division, INCB and WHO had all contributed their efforts in this general area and should be encouraged to continue to make their services available especially to developing countries.

- (d) Further requests to non-parties to take steps to become Parties

52. The group noted and endorsed the position taken by the expert group on the Single Convention in paragraph 45 of its report. 4/ In view of the fact that there were now still far fewer Parties to the Convention on Psychotropic Substances than there were to the Single Convention it was even more necessary to encourage States to become Parties thereto. In this connection it might be appropriate for the Commission to request the Division to contact Governments of countries which are major manufacturers of psychotropic substances and which

have not yet become Parties to the Convention in order to try to pinpoint problem areas which are delaying their ratification of the treaty. One expert referred to the recommendation 7.2 contained in the Report of the International Working Group on the Convention on Psychotropic Substances which had been held at Toronto in September 1980 under the auspices of the Addiction Research Foundation of Ontario. That report had been submitted by the Government of Canada as an annex to its reply to the request by the Secretary-General for comments on the effectiveness of the Convention on Psychotropic Substances. That recommendation also referred to the possibility of improving the rate of ratification of the Convention by contacting policy advisers and decision makers in countries which had not yet become Parties to the Convention. The group considered that it would be useful for future meetings on the effectiveness of the international drug control treaties to refer to the report of the Toronto meeting as well as the report of the recent international symposium organized in Tangiers by the International Council on Alcohol and the Addictions (ICAA).

(e) Possibility of merging the Single Convention with the
Convention on Psychotropic Substances

53. The group took note and endorsed the position of the expert group on the Single Convention contained in paragraph 46 of its report. ^{4/} One expert was of the opinion that any discussion on the subject would be purely theoretical at the present time and, therefore, of little usefulness. The opinion was expressed by another expert that a premature attempt to consider such a merger might have the negative effect of impeding the present good working of the Single Convention. There was general agreement among the group that while it would be useful to seek to harmonize the two Conventions whenever consensus could be reached in various areas where there were divergent systems, the question of merging the Conventions - desirable though this was - could only be considered as a long-term goal. One expert mentioned that the recent international symposium organized in Tangiers by ICAA had also concluded that a merger of the Conventions was a long-term objective. Lastly, the group concluded that the feasibility of merging the two Conventions would be enhanced if the number of Parties to the Convention on Psychotropic Substances were closer to that of the Single Convention. There were now 113 Parties to the Single Convention and 76 to the Convention on Psychotropic Substances.

54. The group was aware that a technical group of Government representatives was scheduled to meet in 1983 in the context of the United Nations Basic Five-Year Programme of Action and that their terms of reference ^{5/} were "to study the advantages and disadvantages of merging the Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances". The present group felt that it might be appropriate and helpful for the Commission to interpret the terms of reference of the 1983 group of Government representatives as extending to the harmonization of the existing Conventions and development of possible amendments designed to bring the texts of the two Conventions into line. The 1983 group should be requested to focus on the introduction of an estimates system for psychotropic substances in Schedule II of the Convention on Psychotropic Substances analogous to the system applied to narcotic drugs under the existing provisions of the Single Convention.

^{5/} Report of Commission on Narcotic Drugs, seventh special session, paragraph 102.A.1.

(f) Mandatory extradition rights

55. The group took note of the discussion of this subject as contained in paragraphs 53 to 56 of the report of the expert group on the Single Convention. 4/ The majority of the group endorsed the position of the earlier expert group and agreed that it would be inappropriate for either the Single Convention or the Convention on Psychotropic Substances to have any mandatory clause relating to extradition. In this connection, the Commission should be invited to encourage the conclusion of more bilateral and multilateral agreements on this subject. It might be appropriate for the Commission to submit a draft resolution to the Economic and Social Council with respect to the conclusion of such agreements. One expert expressed the opinion that article 22, para.2(b) should be formally amended so as to make extradition for drug-related offenses mandatory.

V. Discussion of additional topics

56. One expert drew the group's attention to paragraphs 34 and 49 of the report of the expert group on the effectiveness of the Single Convention. 4. Those paragraphs referred respectively to the law enforcement technique of controlled delivery and to exchange of financial data on illicit drug traffic activities. All of the comments of the earlier expert group contained in those paragraphs relating to the Single Convention were applicable, mutatis mutandis, to the Convention on Psychotropic Substances.

ANNEX

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