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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 Single Convention on Narcotic Drugs, 1961

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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 Single Convention on Narcotic Drugs

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 Single Convention met at the Vienna International Centre from 11 to 15 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 a paper containing replies of Governments to a request of 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 Single Convention 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 (x). Governments which referred to each topic are indicated in parentheses.

- (i) International control of Papaver bracteatum (Canada, France Federal Republic of Germany and Switzerland)
- (ii) Submission to INCB of statistical data on poppy straw production (Canada, France and Switzerland)
- (iii) Redrafting of article 32 of the Single Convention to parallel the text of article 14 of the Convention on Psychotropic Substances (France)
- (iv) Introduction of a new schedule to apply to coca leaf and certain other natural narcotic substances (Peru)
- (v) Identification and forecasting of supply of and demand for opiates (Federal Republic of Germany and Sweden)
- (vi) Inclusion of poppy straw in Schedule I (Federal Republic of Germany)

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) Adequacy of method for scheduling substances in Single Convention (Canada)
- (viii) Introduction of broader definition of "cannabis" (Canada)
- (ix) New provision to expand use of "controlled delivery" (Canada)
- (x) Introduction of article in the Single Convention to parallel article 13 in the Convention on Psychotropic Substances (Canada)

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 (i). Governments which referred to the issues are indicated as for the first group.

- (a) arrangements for law enforcement authorities to board vessels flying foreign flags (Canada);
- (b) 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) adequacy of existing provisions regarding restrictions in free port areas (Canada);
- (d) possible improvements in implementation measures at the national level (Australia, Canada, Singapore and Sweden);
- (e) further requests to non-parties to take steps to become Parties (Australia, Federal Republic of Germany and Thailand);
- (f) possibility of merging the Single Convention with the Convention on Psychotropic Substances (Australia, Canada, Iran, Poland, Switzerland and Yugoslavia);
- (g) international control of khat (Madagascar);
- (h) revelation and exchange of financial data on illicit drug traffic activities (Canada);
- (i) 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 Single Convention 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 Substances were the end products of the lengthy negotiations required to translate economic, social and cultural realities into broad based international instruments. The Single Convention had been in force for almost eighteen years and had been the object of a thorough review in 1972, seven years after its entry into force; at that time an amending Protocol had been adopted. The present meeting was part of a global review of both Conventions, approximately a decade after the drafting of the Convention on Psychotropic Substances and the Protocol amending the Single Convention.

8. The group elected Mr. I. Bouzar as Chairman. Mr. M. Randrianame 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.

II. General discussion

9. The group was of the opinion that a thorough discussion on the functioning of the Single Convention was required. It also felt it necessary to recall various resolutions of the General Assembly, the Council and the Commission which had direct relevance to the implementation of the treaty. Several of those resolutions had not received sufficient attention and consequent action on the part of Governments. This was especially the case with Assembly resolutions 33/168 of 20 December 1978, 35/195 of 15 December 1980 and 36/168 of 16 December 1981; Council resolutions 1978/11 and 12 of 5 May 1978, 1979/8 of 9 May 1979, 1980/20 of 30 April 1980, 1981/8 of 6 May 1981 and 1982/12 of 30 April 1982; and that part of the annex to Commission resolution 1 (XXIX) of 11 February 1981 which concerned the achievement of balance between supply of and demand for narcotic drugs and psychotropic substances.

10. There was general agreement in the replies received from Governments that, on the whole, the Single Convention could be considered as functioning reasonably well and as having instituted a good regulatory system. Nevertheless

^{2/} A ninth expert, from South East Asia, was unable to attend because of difficulties which arose immediately prior to the meeting.

several experts drew attention to problems that had arisen in certain areas. This was particularly the case with respect to the balance between supply and demand and the fight against the illicit traffic, both of which were cornerstones of the Convention. Many of the topics categorized by the Secretariat fell into one or the other of these two main areas. A further problem in the efficient functioning of the treaty was to be found not in the provisions of the treaty itself but in the implementation of those provisions by States Parties.

III. Discussion of topics in the first category

- (i) International control of Papaver bracteatum
- (ii) Submission to INCB of statistical data on poppy straw production
- (v) Identification and forecasting of supply of and demand for opiates
- (vi) Inclusion of poppy straw in Schedule I

11. The group noted that, while the replies from Parties had referred to four general areas of concern which the Secretariat identified as topics of debate, all four topics under consideration were, in varying degrees, merely different aspects of the major problem of adequate balance between supply of and demand for licit opiates. Because of this the group considered the topics at the same time, and participants were able to make general statements concerning all four or to discuss them separately.

12. Some participants pointed out that the General Assembly, the Council and Commission had all adopted resolutions in recent years designed to assist traditional supplier countries at a time of market instability due to over-production of opiate raw materials. Other participants were of the opinion that those resolutions did not realistically address the supply issue in the light of modern technological developments. All participants agreed that there was a pressing need to find some solution to the present situation.

13. One expert felt that the Single Convention needed to be amended to make good deficiencies in certain areas. These related mainly to control over poppy straw and the question of ensuring a balance between demand and supply of opiate raw materials. The expert suggested the following six amendments to the Single Convention:

1. Providing for submission of estimates of production of poppy straw, concentrate of poppy straw and alkaloids, and for regulatory control and limitation of production of the same, on the lines of the existing provisions in respect of opium. This would involve amendment of articles 19 and 21 bis.
2. Providing for a strict system of control over the cultivation of opium poppy for the production of poppy straw, as is laid down in respect of the cultivation of opium poppy for production of opium in article 23. This would also involve amendment of article 25.

3. Providing for suitable restrictions and limitations on the production for export of opiate raw materials, particularly poppy straw and its concentrate, as well as alkaloids, by suitable amendment of article 24. In this connection the amendment of article 24 could be considered on the following lines:

- a. the traditional supplier countries, i.e. countries which were producing opiate raw materials for export of the same, or of alkaloids, during the ten years immediately prior to 1 January 1961 and were continuing to produce the raw materials for export, should alone be permitted to continue to produce the said raw materials for export;
- b. the other countries should restrict their production of opiate raw materials to meet their domestic requirements;
- c. importing countries should obtain their requirements of such raw materials from the traditional supplier countries;
- d. only in times of shortage in the availability of opiates as against their world-wide demand for legitimate purposes which are not fully met by the traditional supplier countries, INCB or the Commission may consider temporarily relaxing the aforesaid restrictions to tide over temporary shortfalls in the supply of opiate raw materials or opiates.

4. Providing for adequate control on production of alkaloids for export with a view to avoiding over-production by making suitable amendment to article 21.

5. Providing for strict regulatory control over international trading of alkaloids and for eliminating the role of intermediaries. Restriction may be imposed on import into any country of opiate raw materials or alkaloids for the purpose of export, other than export after further manufacture or in the form of preparations.

6. Providing stringent control measures over Papaver bracteatum by bringing the same within the purview of the Single Convention. In this connection a prohibition should also be introduced on the cultivation of Papaver bracteatum except for scientific and research purposes.

14. Another expert expressed the opinion that the spirit of the Single Convention was clearly directed at avoiding proliferation of sources of narcotic raw materials. Opium and poppy straw had been recognized by the international community as sources of raw materials for alkaloid manufacture. He felt on the other hand that Papaver bracteatum should be considered as one of the unwanted additional sources which the Convention was designed to preclude. Its commercialization for production of alkaloids should be prohibited. Inclusion of Papaver bracteatum in Schedule I of the

Single Convention would tend to legitimize an unwanted source. With respect to control of poppy straw he considered that the provisions of article 25 were sufficient and that that article should not be amended. The system it established was working well and no problems had arisen with respect to poppy straw.

15. Another participant agreed that the Single Convention had been relatively adequate and that the basic historic objectives of the treaty were quite clear. Nevertheless, it was essential to look realistically at the current situation. The fact was that a new system of illicit production and distribution had developed and was causing havoc in many parts of the world. While diversion from licit sources at the production level had not yet become a problem, it was essential to look forward and to try to identify possible future problems in advance. Papaver bracteatum was not under international control and could therefore be grown legally by any interested Party. The only appropriate action with respect to that substance would be to bring it under the control of the Single Convention.

16. With respect to the possible scheduling of poppy straw he felt that the issue was perhaps far more complex than the simple question of whether or not that substance should be included in Schedule I. It was essential for INCB to be able to monitor the situation fully. In order to do so, as a first step, a voluntary system of reporting was being applied by INCB. The observer from INCB indicated that INCB itself was satisfied with the first results of that system.

17. The question was raised whether the same controls could be applied to both poppy straw and opium. They were certainly different commodities. Furthermore, while concentrate of poppy straw was classified as a narcotic drug, the same was not true of poppy straw. In this context one expert felt that similar control measures should apply to poppy straw, concentrate of poppy straw and Papaver bracteatum; it was not logical to distinguish among them and apply different levels of control. If the problem of the present imbalance between supply and demand was to be alleviated the same control measures must apply to all three as were at present applied to opium.

18. The group agreed that it might be useful for INCB to try to determine what kind of statistics were currently being collected by national authorities with respect to Papaver bracteatum, poppy straw and concentrate of poppy straw.

19. The group considered it to be clear from recent INCB reports that the Board felt that some amendments to the Single Convention were necessary, especially as concerned Papaver bracteatum. It was, however, also clear that the position of Parties on many of the issues were divergent.

20. The observer from INCB stated that there was extensive cultivation of poppy straw for purposes other than extraction of alkaloids and the situation with respect to possible control of poppy straw under the Convention had been thoroughly reviewed in 1972 when a Plenipotentiary Conference drafted the Protocol amending the Single Convention. The argument presented in 1972 was that it was exceedingly difficult for many countries to control poppy straw in the same manner as opium. INCB nevertheless needed information on poppy straw production and stocks of that substance

for the manufacture of opiates, which was not required by the Single Convention. This data was essential in examining the supply/demand ratio. INCB already had data on concentrate of poppy straw, at least from the time when it entered the international trade. On the other hand little useful data was available on Papaver bracteatum. If Papaver bracteatum could be included in Schedule I, perhaps using the simplified procedure authorized by article 47, paras. 1(b) and 2, the Board would then receive data on production, stocks utilization and trade as well as reports on estimated requirements. One participant questioned the logic of a situation in which Papaver bracteatum would be included in Schedule I in order to supply the Board with specific data whereas the same treatment would not be given to poppy straw. The observer from INCB explained that the Board had already some data on poppy straw for control purposes. However, it needed more information not required under the treaty, in particular on production and stocks and forecast of requirements. Such information was now asked from governments on a voluntary basis. It indicated that at an appropriate time and in the light of the experience gained with the voluntary system of supplying this information, governments may then wish to consider possible amendments to the Single Convention designed to formalize the voluntary practice. The Board had indicated that as a priority governments might consider amendments relating to Papaver bracteatum since at present there was no control required under the treaties. Perhaps the approach which could lead to the most timely action might be to use the simplified amendment procedure. On the other hand additional control of poppy straw had always been the subject of serious debate and divergent views at earlier conferences.

21. The group noted that there had been periods of difficulties with respect to balance of supply and demand and particularly in the early 1970's. While the situation had now improved, excessive stocks of opiate raw materials were still held in certain countries. It was essential to keep an ongoing dialogue open in order to find a solution in a reasonable period of time.

22. There was a general agreement among the group that the recent General Assembly, Council and Commission resolutions already referred to had not produced all the results desired. One expert felt that attempts to introduce major amendments to the treaty might at present have little chance of meeting with immediate general acceptance and might thus jeopardize implementation due to difficulties with ratification. The subjects raised in those resolutions therefore required close continued consideration by the Parties.

(iii) Redrafting of article 32 of the Single Convention to parallel the text of article 14 of the Convention on Psychotropic Substances

23. Article 32 of the Single Convention contains provisions relating to the carriage of narcotic drugs in first aid kits of ships or aircraft engaged in international traffic, whereas article 14 of the Convention on Psychotropic Substances concerns the carriage of psychotropic substances in first aid kits not only of ships and aircraft but also of "other forms of public transport engaged in international traffic".

24. The group noted that the Plenipotentiary Conference had given close attention to the question of making narcotic drugs available in aircraft and in seagoing vessels because of the potential inaccessibility of hospitalization to crew and passengers aboard such craft. This was manifestly

not the case with regard to means of transportation such as trains or motor-coaches. As soon as such a vehicle entered the territory of a State it was only proper that any narcotic drugs contained therein should be subject to the domestic legislation of the State where they were located. The group accordingly did not endorse the proposal to redraft article 32.

- (iv) Introduction of a new schedule to apply to coca leaf and certain other natural narcotic substances

25. Coca leaf is at present controlled in Schedule I of the Single Convention together with such derivatives as cocaine and ecgonine. It was submitted that coca leaf, which was chewed in Andean regions, should be afforded special status in the Convention because of the widespread traditional use of coca leaf by indigenous populations.

26. The group noted that the social, economic and cultural questions related to coca leaf chewing had been examined in depth at the Plenipotentiary Conference and that the Single Convention contained special provisions with respect to coca leaf. Under the provisions of article 49, a Party, at the time of signature, ratification or succession, had the right temporarily to permit coca leaf chewing in its territory with the proviso that such use must be abolished within 25 years from the entry into force of the Convention; that is, by 13 December 1989. States where traditional coca leaf chewing was prevalent and which had become Parties to the Convention had had the opportunity to avail themselves of this transitional reservation and had undertaken the obligation to abolish the practice within the time limit established by the Convention. The time limit had not yet expired.

27. The group further expressed the opinion that many difficulties arising from the practice of coca leaf chewing could be traced to the imperfect implementation of the provisions of articles 26 and 27, which oblige a Party to apply special control to coca bush cultivation and to coca leaf, as well as to supply estimates and statistical information to the INCB as required by articles 19 and 20 of the Convention. It was in the stricter application of the terms of the Convention that a solution to the problem should first be sought. The group accordingly did not endorse the proposal.

- (vii) Adequacy of method for scheduling substances in the Single Convention

28. The group noted that both WHO and the Commission had recently adopted resolutions by which some practical guidelines had been established for carrying out the scheduling procedure set forth in article 3 of the Single Convention. ^{3/} The group expressed the hope that these resolutions would, inter alia, lead to a more realistic lapse of time between investigatory undertakings, notifications to Parties by the Secretary-General based on WHO recommendations and the decision-making process accomplished at Commission sessions. The question of the adequacy of the method established by the Single Convention was, nevertheless, subject to discussion.

29. It was recognized that the criteria for scheduling in the Single Convention were not the same as those set forth in article 2 of the Convention on Psychotropic Substances. There were historical reasons why the two texts were not parallel. The question arose whether the emphasis on the "degree of seriousness of the public health and social problem" created by a substance, which must be taken into consideration by WHO in

^{3/} Commission resolution 2(S-VII) of 8 February 1982 and WHO Executive Board resolution EB69.R9 of 22 January 1982.

examining scheduling questions under the Convention on Psychotropic Substances, should also be introduced into the terms of reference of the Single Convention. The group felt that the system instituted by the two Conventions were intentionally different and that no change in the Single Convention was called for. WHO was not prevented, when making recommendations as to scheduling, from taking into account the degree of seriousness of the public health and social problems arising in connection with the substance in question, as well as the specific criteria as set out in article 3. However, WHO recommendations must also be guided by the main purposes of the Convention which were concerned with the prevention of addiction through abuse and with the prevention of diversion into the illicit traffic. There was also a clear need for WHO to improve the collection of data on which its findings were based.

(viii) Introduction of broader definition of "cannabis"

30. It was submitted that, although article 28, paragraph 3, required Parties to "adopt such measures as may be necessary to prevent the misuse of and illicit traffic in, the leaves of the cannabis plant", there was a case for redrafting the definition of "cannabis" in article 1 of the Convention as it now excluded cannabis leaves. This exclusion had had legal repercussions in certain countries, where defendants in criminal proceedings had successfully argued that a substance in their possession was not under the control measures claimed by the prosecution. It was proposed that a new definition should take into consideration the amount of the active components of cannabis present in any of its various forms.

31. The group was of the opinion that the question was, to a large extent, scientific as well as legal. With respect to the scientific aspect it had neither the data nor the expertise to express an opinion. With respect to the legal aspect the group noted that most national legislation seemed to have avoided problems arising from the definition. In any event, it was the prerogative of each sovereign State to establish its own legislation with respect to all controlled substances and the Convention had specifically recognized the right of all States in article 39 to apply stricter national control measures than those required under the Convention.

32. The group accordingly did not feel that any redrafting of the definition of "cannabis" was essential but did suggest that a future meeting of Government representatives might wish to examine whether any redefinition was politically desirable at the international level. The World Health Organization might also be invited to reexamine the appropriateness of the definition in the Convention in the light of most recent scientific findings.

33. The group questioned the logic of having cannabis controlled under the Single Convention while the major isomers of tetrahydrocannabinol, the most important active element of cannabis, were controlled under the Convention on Psychotropic Substances. It would be useful if this issue could be addressed by the Expert Group to study the effectiveness of the Convention

on Psychotropic Substances which was scheduled to meet at the Vienna International Centre from 18 through 22 October 1982.

(ix) New provision to expand use of controlled delivery

34. The group noted that a recent paper on the subject of controlled delivery had been prepared by the Division and could be considered as a relatively complete statement of the present status of that law enforcement technique. The Office of Legal Affairs had expressed the opinion that the technique of controlled delivery was compatible with the provisions of the Single Convention and, in particular, with articles 35 and 37 thereof. It was essential that this opinion be brought to the attention of all Governments so that they be made fully aware of the possibility of using this technique in full compliance with the terms of the Convention. Naturally, each Government must weigh the risk/benefit ratio involved in each specific case where it might use the technique. Also, at the international level, the interplay of different legal systems which might occur during controlled delivery could lead to legal complications and must be considered on an ad hoc basis by the authorities concerned.

35. The Commission could be invited to adopt a resolution calling upon all Parties to give close consideration to the possible benefits which could be derived from the use of this law enforcement technique, especially in the light of the international co-operation called for by in article 35 para. (c) of the Single Convention.

(x) Introduction of an article in the Single Convention to parallel article 13 of the Convention on Psychotropic Substances

36. Article 13 of the Convention on Psychotropic Substances permits a State to prohibit or restrict import and export of substances into its territory by notification of that intent to all Parties through the Secretary-General, thus creating a legal obligation on the part of other Parties to take the necessary measures to impede export of the unwanted substances from their territory. The group noted that article 13 of the Convention on Psychotropic Substances had been introduced into the Convention to assist importing countries to exercise a sufficient measure of control over the import of substances in the absence of a system of estimated requirements such as is established by the Single Convention. Article 19 of the Single Convention regulates the estimates system which is monitored by INCB in order to ascertain that the quantity of substances exported from one State to another is within the estimated requirements established for the other State. If there is no estimated requirement for a given narcotic drug, no export may be made. The estimates system was not adopted by the Plenipotentiary Conference which drafted the Convention on Psychotropic Substances and article 13 was intended as a partial mitigation of that omission.

37. The group was of the opinion that, in view of the fact that the present functioning of the estimates system with respect to narcotic drugs was satisfactory the introduction in the Single Convention of an article on the lines of article 13 of the Convention on Psychotropic Substances would be unnecessary.

38. Nevertheless, the group further noted that there was room for improvement in reporting estimates to INCB and felt that Governments should reexamine

their obligation under the Single Convention to identify as accurately as possible their real maximum needs of narcotic drugs so as to permit INCB to monitor the situation with all desired accuracy. The expert meeting to examine the effectiveness of the Convention on Psychotropic Substances should be invited to examine whether the time had come to consider introducing a similar estimate system in that Convention.

IV. Discussion of topics in the second category

(a) Arrangements for law enforcement authorities to board vessels flying foreign flags

39. The group took note with interest that bilateral arrangements had been made in certain specified geographic areas whereby ships flying the flag of the other country concerned could be boarded and inspected in order to apprehend drug traffickers or to seize illicit narcotic drugs. It was evident that there was an increasing use of seagoing vessels for the transportation of illicit narcotic drugs and psychotropic substances. The existence of such arrangements could prove highly useful in combating the illicit traffic.

40. The group was of the opinion that, while it would be inappropriate to introduce a provision to that effect in the Single Convention, bilateral or multilateral regional arrangements concerning boarding should be encouraged. The Commission on Narcotic Drugs could, as a starting point, be invited to examine the possibilities of this law enforcement technique. The Commission might further wish to request the Division to carry out a project within the Five-Year Programme of Action to identify existing agreements analyse their structure and functioning and prepare a report for interested Governments on the usefulness and advisability of the technique.

(b) Preparation of detailed guideline on the obligations of Parties in respect of various control measures applicable to the substances in the various schedules of both Conventions

41. The group took note of the fact that both the Division and INCB had at various times prepared guidelines of one sort or another concerning the Single Convention. At the request of the Commission, an administrative guide had been prepared by the Secretariat shortly after the entry into force of the Single Convention, and INCB regularly published instructions on its "Green List" intended to serve as a guide to national authorities in complying with their obligations. The group was of the opinion that, although a good deal of data might already exist, its existence was unfortunately often unknown to responsible national authorities. It might, therefore, be highly desirable for the Division and INCB secretariat to undertake a joint project to prepare a simple guideline on the obligations contingent to each schedule of the current international drug control treaties.

(c) Adequacy of existing provision regarding restrictions in free port areas

42. The group noted that article 31 of the Convention created an obligation on Parties to apply the same control measures in free port areas as in other areas of the national territory. Nevertheless, it had become evident that

more and more transshipment through such areas was in fact destined for the illicit traffic in both narcotic drugs and psychotropic substances. Parties to the Convention were in many instances not exercising "in free ports and zones the same supervision and control as in other parts of their territories" as required by paragraph 2 of article 31. Indeed, the need for such control was underlined by the fact that the same paragraph further stipulates that Parties might apply "more drastic measures" if they so desired.

43. The group was of the opinion that all Parties to the Convention should be reminded of the obligations arising under the provisions of this article and invited to make every effort to implement both the letter and spirit of article 31 as it applies to traffic within and through free ports and zones. Governments requiring assistance to improve the implementation of that provision could be invited to make their requirements known to the Division or the INCB secretariat for action as appropriate.

(d) Possible improvements in implementation measures at the national level

44. The group agreed that every effort should be made at the international level to extend assistance to all Governments requesting it to improve implementation of the Single Convention in their territory. Both the Division and the Board were always ready to extend such assistance within the limits of available resources but very few Governments availed themselves of such services. It would perhaps be premature to suggest that under the United Nations Five Year Programme of Action a project should be established to identify the problems of implementation faced by various countries. Indeed that question had been addressed at several joint DND/INCB seminars during the past two years and had not elicited a large number of requests for assistance. Nevertheless, the issue could usefully be examined by the Commission for possible inclusion at a later stage of the Five Year Programme of Action.

(e) Further request to non-parties to take steps to become Parties

45. The group noted that a number of resolutions passed by the General Assembly, the Council and the Commission had called on non-parties to both the Single Convention and the Convention on Psychotropic Substances to give serious consideration to becoming Parties thereto. Further action along the same lines would not seem called for at the present time. In many cases the question of why a State had not become a Party to the Single Convention was closely linked to the previous topic, since it was often a foreseeable difficulty in proper implementation which was the source of hesitation on the part of non-parties to ratify or accede to the Convention. In this connection the group noted that Congo, Democratic Kampuchea, El Salvador and Liberia, which had all signed the Single Convention prior to 31 December 1961, had still not ratified that Convention more than 20 years later.

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

46. The group took note of the fact that a technical group of Government representatives was to be convened in 1983 under the United Nations Five

Year Programme of Action to examine this topic and that it might accordingly be inappropriate for it to discuss the issue at length. In the course of the ensuing short discussion it was pointed out that an international treaty, unlike most national legislation, did not simply abrogate the earlier treaties in the field. This should be borne in mind when discussing the advantages and disadvantages of a merger. INCB at present had to monitor not only the Single Convention, to which 113 States were Parties, but also that Convention as amended by the 1972 Protocol; 76 States were now Parties to the amended version.

(g) Control of khat

47. The group was informed that the question of khat (catula edulis), the leaves of which were chewed in various parts of East Africa and the Arabian Peninsula, had been examined on a number of occasions by the Commission. This substance had also been the subject of various scientific inquiries, and a meeting on the chemistry of that substance had been organized by the Division in 1978 in Madagascar. A number of Governments from the region were concerned with the social and economic consequences of khat chewing but recognized that the situation was purely local in nature. Khat leaves were chewed only when fresh and no known derivatives or extracts were made for abuse purposes.

48. The group accordingly agreed that the position adopted to date by the Commission on this issue was sound and that international control of khat under the Single Convention was not a realistic solution. On the other hand, the concerned Governments should be invited to examine together what kind of regional approach would be best adapted to controlling and improving the present unwanted situation. It might be appropriate for the Commission to request the Secretary-General to ascertain from the Governments of Democratic Yemen, Djibouti, Ethiopia, Kenya, Madagascar, Somalia, Tanzania and Yemen whether they would be interested in pursuing the search for a regional solution to the problem. The results of the initial inquiry could be presented to the Commission together with a draft programme and timetable which the Division would have co-ordinated with the Governments concerned. Following Commission approval of the approach to this issue, the Division could organize a regional meeting, within the Five-Year Programme of Action, with the possible ultimate objective of drafting a regional agreement focussing on the problem.

(h) Revelation and exchange of financial data on illicit drug traffic activities

49. The group noted that the enormous financial profits generated by the illicit drug traffic and the increasing recourse made by drug traffickers to the international banking system in recent years had created a growing awareness at both the national and international levels of the importance of attacking all financial assets available to drug traffickers, their financial backers and accomplices. Various meetings and seminars had examined the question. Nevertheless, further work on the subject was required.

50. The group was informed that both article 36 and 37 of the Single Convention could be considered as having direct relevance to the subject. In fact, article 37 on "seizure and confiscation" concerned objects directly associated with the commission of an offence and could not as now formulated be construed as applicable to objects acquired with illegal assets arising from the drug traffic. Article 36.2(a)(ii) should accordingly be considered as the basic provision of the Single Convention with respect to this subject. It was the opinion of the group that many Governments might feel that the provision as stated in the Single Convention was more oriented toward financial operations than to seizure or confiscation of assets.

51. It was recognized that many Governments had encountered difficulties in applying existing legislation or in enacting new legislation aimed at attacking such financial assets because of constitutional limitations. Existing legislation relating to seizure of financial assets often applied only in the aftermath of a conviction in court rather than to preliminary activities or conspiracy. Such legislation also was often directed more specifically to the illicit arms trade or to cases of international fraud. There were clear indications that the international community would welcome further legislative activity at the national level to facilitate attachment and seizure of drug related financial assets.

52. The question was raised as to whether the Single Convention went far enough to encourage the enactment of special legislation directed against financial assets. It was felt that, in the context of an international instrument such as the Single Convention, provisions on this subject could conceivably be strengthened and existing provisions could be more broadly interpreted in practice. In view of the absence of a specific mention in the Single Convention of the possibility of enacting legislation aimed at attacking traffickers' financial assets, many Parties might be reticent to do so. It would accordingly be appropriate for the Commission to ask the Secretary-General to request an opinion of the Legal Counsel with respect to the appropriateness of the enactment of national legislation as being in accordance with the provisions of article 36. Once that legal question was clarified, the Division should inform all Governments of the position taken by the Legal Counsel and invite them, if that opinion so allows, to consider the enactment of appropriate national legislation, if they deem it to be useful in the context of their national drug traffic situation. Such legislation could, inter alia, provide for the forfeiture of all moneys and other assets of traffickers, their financial backers and accomplices as well as the seizure of assets of convicted traffickers. Parties which deem it advisable to enact such legislation should also be encouraged to enter into bilateral or regional multilateral agreements on the subject.

(i) Mandatory extradition rights

53. The group noted the sense of frustration encountered by many Governments when trying to obtain extradition of offenders from other States. Nevertheless, it must be recognized that because of varying legal and constitutional systems it would be highly impractical to try to institute a mandatory extradition provision in the Single Convention. Indeed, many States had legal systems in which a bilateral treaty on extradition was an absolute prerequisite for

such activity. In that context the wording of article 36.2(b)(ii) had been very carefully studied at the time of the Plenipotentiary Conference in 1961 and had been further reenforced in the amended version of the Convention.

54. The group noted that there seemed to be insufficient bilateral treaties concerning drug offences and that far greater international co-operation in this area should be encouraged. It was noted that one problem in concluding such treaties was the diversity of penal sanctions applied by various States for similar offences. A State which punished a specific offence severely would hesitate to extradite offenders to countries where the same offence was punished less severely.

55. The group was informed that the Division was to organize a project in 1983 in the context of the Five-Year Programme of Action to evaluate the impact of the severity of penal sanctions for drug related offences.

56. Some participants of the group felt that a general international instrument such as the Single Convention was not an appropriate vehicle for the inclusion of a mandatory extradition clause. This was a highly complex juridical question which could best be resolved on a bilateral or multilateral regional basis. Other participants were of the opinion that mandatory extradition should be considered as a long-term goal, although they recognized that it would be essential to first obtain greater uniformity of penal sanctions for similar offences in all States Parties to the Convention.

V. Discussion of additional topics

57. The group noted that the Commission in its resolution 4(S-VI) of 20 February 1980 had addressed the question of precursors which were essential elements in the chemical transformation process for the conversion of certain substances into narcotic drugs or of narcotic drugs to other forms of narcotic drugs. These precursors were often essential chemicals widely used in legitimate industry for a variety of purposes. Because of this it had been noted that attempts to control the substances would probably be difficult at the international level. However, there was an urgent need for Governments to introduce national monitoring systems and systems for the exchange of information between Governments. All Governments should be urged to encourage the strictest national control possible over precursors which could be used in the transformation process ending in manufacture of either narcotic drugs or psychotropic substances.

58. It was noted that the question of replacing crops which could be used for the production of narcotic drugs with other viable crops had been examined on many occasions in the past. Pilot projects carried out in various parts of the world had proven the feasibility of such crop replacement plans. The group was cognizant of the fact that crop eradication and substitution often required huge economic investments and the development of a complex infrastructure which was often lacking in geographical regions where illicit cultivation occurred. The international community should be continually reminded of the importance of crop eradication and substitution projects. International organizations and financial institutions should be encouraged to assist all countries where efforts in that direction might have a possibility of success.

ANNEX

List of participantsExperts

Edward Armenakovich Babayan
President of the Permanent
Committee on Narcotic Drugs
of the USSR
and

Head of Department
Ministry of Health
Rachmanovski Pereulok 3/5
101 451 Moscow
USSR

Ecmel Barutçu
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative
Turkish Embassy
Prinz Eugen-Strasse 40
1040 Vienna
Austria

Madan M. Bhatnagar
Narcotics Commissioner of India
Government of India
Central Bureau of Narcotics
19, The Mall, Morar
Gwalior - 6 (M.P.)
India

Ismail Bouzar
Sous-Directeur de la Pharmacie
Ministère de la Santé
Algiers
Algeria

Brian O. Bubbear
Drugs Branch
Home Office
Queen Anne's Gate
London SW1 9AT
United Kingdom

Ronald Buzzeo
Chief of Operations
Diversion Control
Drug Enforcement Administration
Department of Justice
Washington D.C.
USA

Kenneth W. Edmondson
First Assistant Director-General
Therapeutics Division
Department of Health
P.O. Box 100
Woden A.C.T.
Australia

Maurice Randrianame
Chef du Service Central
des Stupéfiants
Directeur
Services Contrôle et
Surveillance Economiques
Ministère de l'Interieur
Antananarivo
Madagascar

Chavalit Yodmani a/
Deputy Secretary-General
Narcotic Control Board
Office of the Prime Minister
Bangkok
Thailand

Observers

Joseph Dittert
International Narcotic Control Board
Vienna International Centre
Vienna
Austria

a/ Unable to attend meeting. Notice received by Secretariat at too late a date for replacement to be invited.