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COMMISSION ON NARCOTIC DRUGS  
Sixth Session

SUMMARY RECORD OF THE HUNDRED AND TWENTY-THIRD MEETING

Held at Headquarters, New York,  
on Wednesday, 11 April 1951, at 10.30 a.m.

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<u>Chairman:</u>	Mr. SATTANATHAN	India
<u>Rapporteur:</u>	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
<u>Members:</u>	Colonel SHARMAN	Canada
	Mr. WEI	China
	Mr. KAMEL FAHMY	Egypt
	Mr. BOURGOIS	France
	Mr. AMINI	Iran
	Mr. RABASA	Mexico

Members: (continued)

Mr. KRUYSSSE

Mr. CABADA

Mr. BORATYNSKI

Mr. ARTUNER

Mr. ZAKUSOV

Mr. MORLOCK

Mr. NIKOLIC

Netherlands

Peru

Poland

Turkey

Union of Soviet Socialist Republics

United States of America

Yugoslavia

Observers:

Mr. EGIDI

Mr. WOULBROUN

Mr. SCHNEIDER

Italy

Belgium

Switzerland

Also present:

Mr. MAY

President of the Permanent Central

Opium Board

Mr. WOLFF

World Health Organization

Secretariat:

Mr. STEINIG

Director of the Division of Narcotic  
Drugs

Mr. BOLTON

Secretary of the Commission

ADOPTION OF THE AGENDA (E/CN.7/218, E/CN.7/218/Add.1, Conference Room Paper No. 1)

The CHAIRMAN directed attention to the report of the Agenda Committee (Conference Room Paper No. 1), in which the items of the agenda had been rearranged. In the new order, priority was given to the proposed interim agreement to limit the production of opium to medical and scientific needs, the single convention on narcotic drugs being placed at the end. The item on the proposed international agreement had been divided into two parts; the first was devoted to consideration of the problems outstanding, leaving the draft of the agreement to be examined in the light of the decisions on those questions.

There being no observations, the agenda, as submitted by the Agenda Committee, was adopted.

OTHER BUSINESS: STATEMENT BY THE REPRESENTATIVE OF THE WORLD HEALTH ORGANIZATION

Mr. WOLFF (World Health Organization) expressed his regret that other duties had prevented him from attending the previous session of the Commission.

The World Health Organization took a keen interest in the work of the Commission and was highly appreciative of the close co-operation that existed with its secretariat. It would be happy to continue to collaborate in the future.

He had observations to make on three points. First, there was the question of the definitions which the Commission had requested the Expert Committee on Drugs Liable to Produce Addiction of WHO to furnish. Some criticisms had been made of the definitions during the previous session of the Commission which he would like to answer. The Expert Committee had wished to draw a distinction between true addiction and habit, and had reached the conclusion that the term "addiction--producing drugs" was more appropriate for that purpose than the terminology previously employed. That conclusion was supported by modern thought on the subject, as would be seen by referring to the more recent conventions on narcotic drugs, where the use of the term "habit" had been avoided.

He agreed with the statement made at the previous session that any drug which would produce addiction would naturally also be habit-forming. But the contrary was not true. Hence, it was not "illogical" for the Expert Committee to desire to draw a distinction between the two. The Expert Committee had wished it to be clear from its definitions that the term "addiction--producing drug" could not be applied to a number of substances which might be designated "habit-forming", such as coffee. One of the main points of difference between the two was that addiction--producing drugs were detrimental to the individual and to society, which was not the case with habit-forming drugs, and that difference was now widely recognized by clinicians and pharmacologists. The Expert Committee's report had been sent to pharmacologists throughout the world, and no dissenting views had been expressed in the many communications received concerning it.

The question of alcoholism which had been referred to at the previous session of the Commission was still under study, and it was not possible at the present stage to say whether or not alcohol created addiction within the meaning of the Expert Committee's definition.

/With regard

With regard to the possibility of overlapping between the two categories, he agreed that it might occur and referred members of the Commission for more detailed information on the point to a paper which he had prepared and distributed.

In the report of the Commission of Enquiry on the coca leaf, the definition given by WHO on drug addiction had been taken into account; the Commission of Enquiry had, however, come to the conclusion that coca chewing was "not an addiction but a habit". He wondered, however, whether it could in fact be said, according to the definition of "habit-forming" drugs, that coca chewing "is not generally considered to be detrimental to the individual and to society". According to his own knowledge and observations, chronic chewing of coca leaves could be detrimental to both. The case might perhaps be considered as an example of an intermediate category if such might be recognized by the WHO Expert Committee on drugs liable to produce addiction; the Expert Committee had, however, not met since the publication of the report and he personally was, therefore, not in a position to refer to its opinion on the matter.

On the question of terminology to be used in the single convention on narcotic drugs, he thought some other words should be found for "narcotic drugs" and "stupefiants". Those terms were not sufficiently comprehensive and some such expression as "addiction-producing drugs" would be more appropriate. More detailed information on the point was to be found in Official Records WHO No. 9, part I, page 42 (in French, page 44) and in documents WHO/HFD/11, page 2, and WHO/HFD/19, page 2, footnote 3. The terms "narcotics" and "stupefiants" might, however, be used in daily language.

He was happy to announce that the International Pharmacopoeia being prepared by the World Health Organization would probably be published in the summer of 1951. The enormous difficulty entailed in such a task would no doubt be appreciated. In volumes I and II, the following addiction-producing drugs would be included: cocaine, codeine, hydrocodone (for dicodid), hydromorphone (for dilaudid), methadone, metopon, morphine, opium, oxycodone (for eucodal), pethidine, together with their different salts and prescription forms. New international terms had had to be created in some cases so as to avoid the use of trade names. It would be much appreciated if the Commission, as well as the Secretariat, would likewise use those international common names in their discussions and publications.

The CHAIRMAN thanked Mr. Wolff on behalf of the Commission for his very interesting statement.

/Colonel SHARMAN

Colore SEAMAN (Canada) expressed his thanks for the very interesting booklet which Mr. Wolff had sent to all members of the Commission.

PROPOSED INTERIM AGREEMENT TO LIMIT THE PRODUCTION OF OPIUM TO MEDICAL AND SCIENTIFIC NEEDS (E/CN.7/199/Rev.1, E/CN.7/220)

The CHAIRMAN extended a welcome, on behalf of the Commission, to the observers from Belgium, Italy and Switzerland, and invited them to be seated at the Commission table.

Mr. MORLOCK (United States of America) expressed the regret of Mr. Anslinger for his inability to be present during the first week of the session. Other duties required his presence in Washington.

Mr. BOURGOIS (France) stated that the great problem of overproduction of opium was one which the Opium Advisory Committee of the League of Nations had failed to solve during 20 years of effort. The principle of restriction of production had now been accepted by the producing countries and an agreement had been reached on the delicate issue of distribution of production. In the drawing up of the proposed agreement, four main problems were outstanding: the question of prices, international inspection, the export of alkaloids by the opium producing countries and the extraction of alkaloids from poppy straw.

France was willing to accept inspection; it was also prepared to extend the proposed international opium monopoly to include alkaloids for it felt that an alkaloids monopoly would no more be a dangerous impairment of the Havana<sup>Charter</sup> than would the opium monopoly, since the Charter's provisions could not be invoked in a sector where the social and humanitarian aspects were so much more important than the commercial.

He accordingly suggested that the Commission should give priority to the question of an international monopoly to cover both opium and alkaloids. France was prepared to support any proposal that would effectively restrict the production of opium to medical and scientific needs, without jeopardizing the interests of the sick.

The CHAIRMAN felt that the issue raised by the French representative was fundamental and should be settled at the outset. In his opinion, there had been nothing in the Economic and Social Council's proceedings which would preclude the Commission from considering the question of combining both monopolies in one agreement, and he invited observations on the point.

Mr. NIKOLIC (Yugoslavia) supported the French representative's proposal. It was absolutely essential that the two monopolies should be discussed together.

Mr. HOARE (United Kingdom) agreed with the Chairman that the Commission would be within its rights in discussing any proposal which would help it to solve the difficulties inherent in its task.

/Mr. MORLOCK

Mr. MORLOCK (United States of America) thought it would be more appropriate to dispose of the problems outstanding from the previous session of the Commission and to postpone consideration of the question of an international alkaloid monopoly.

Mr. AMINI (Iran), Mr. ARTUNER (Turkey), Mr. WOUJBROUN (Observer, Belgium), and Mr. SCHNEIDER (Observer, Switzerland) all supported the French proposal. Mr. Schneider added that the experience in the Joint Committee of the Principal Opium Producing Countries and of the Principal Drug Manufacturing Countries had shown that it was impossible to resolve the question of price without establishing the relation between the monopoly in raw opium and the alkaloid product.

Mr. ZAKUSOV (Union of Soviet Socialist Republics), Mr. BORATYNSKI (Poland), Mr. CABADA (Peru) and Mr. RABASA (Mexico) were all of the opinion that discussion should be confined to the actual item on the agenda, that is, the question of the proposed interim agreement to limit the production of opium.

Mr. EGIDI (Observer, Italy) reserved his right to state his country's views on the matter at the next meeting.

Mr. KRUYSSSE (Netherlands) was in favour of discussing both monopolies together. He was not, however, prepared to admit that a monopoly in alkaloids would effectively solve the problem, and it might be found necessary, as the Yugoslav representative had suggested the previous day, for the Commission to restrict itself to recommendations for limiting opium production at the present session, leaving the complicated economic question of monopolies to a later stage.

Mr. WEI (China) supported the French proposal in principle, but thought that the main emphasis should be laid upon the question of the interim agreement.

Colonel SHARMAN (Canada) considered that the main discussion should be on the subject laid down in the agenda; he would have no objection, however to widening the discussion if that was generally desired.

/ Mr. BOURGOIS

Mr. BOURGOIS (France) thought there was no need to include a special item in the agenda in order to discuss the question of a monopoly in alkaloids: it was already included under the general question of limitation of production of opium. In his view, the only way in which the problem as it had been stated could be solved would be by studying the question of setting up an opium monopoly and a monopoly in alkaloids.

The CHAIRMAN felt the terms of the agenda would not preclude discussions on the lines proposed by the French representative. In view of the sharp division of opinion, however, he suggested that the main problems outstanding from the previous session should first be disposed of. They were: prices, inspection, and the export of alkaloids by countries producing poppy straw.

Mr. AMINI (Iran) agreed with the Chairman's suggestion. He wished it to be clearly understood at the outset that his delegation favoured the establishment of a monopoly in opium.

The CHAIRMAN invited general observations on the question of price, the first of the four outstanding problems.

Mr. ZAKUSOV (Union of Soviet Socialist Republics) said that his country's position in the matter had already been outlined by the USSR delegation at previous meetings of the Commission.

The USSR believed that it would serve no useful purpose to conclude an interim agreement because the projected single convention should in any case settle the question of the limitation of opium production and promote the fight against illicit traffic in narcotic drugs.

The obligation to limit the production of opium to medical and scientific needs was not new. It had already been undertaken by the parties to the agreements on narcotic drugs concluded in 1925 and 1931. Article 5 of the 1925 Convention, for instance, clearly laid down the contracting parties' obligation to take the necessary legislative measures to limit the production, import, sale, distribution, export and use of narcotic drugs to medical and scientific needs. Similar obligations were laid down in Article 6 of the 1931 Convention. The same obligation was contained in the single convention now before the Commission

/As regards

As regards control of the implementation of that obligation, the measures proposed in the interim agreement were not more effective than the system already laid down by existing conventions, particularly the 1925 and 1931 Conventions. The latter contained a series of provisions concerning national and international control of narcotic drugs.

Under the 1925 and 1931 Conventions internal control was achieved by the contracting parties by legislation to ensure effective control of the production, distribution and export of opium, and also to ensure the implementation of the relevant provisions in existing conventions in their own territories. Internal control of narcotic drugs was also achieved through the creation by each contracting state of a special organ to implement the provisions of existing conventions and to control the trade in narcotic drugs.

Under the 1925 and 1931 Conventions control of international trade was achieved first by a system of certificates and authorizations to import and export narcotic drugs issued by the contracting parties; secondly by a system of statistics and information on the production, use, export, import, seizures and confiscations of narcotic drugs; and, thirdly, by sanctions against countries violating the conventions, irrespective of whether they were parties to the conventions.

The international monopoly proposed under the interim agreement was described as an organ of the United Nations; under Article 29 its senior staff would be appointed by the Secretary-General of the United Nations. Such a structure would be inconsistent with the principles of the United Nations Charter which did not allow United Nations organs to assume commercial functions.

It was idle to try to explain the creation of such a monopoly within the framework of the United Nations by the need to strengthen the control of production and trade in narcotic drugs, because the measures in the proposed interim agreement were not more effective than the existing system of international control. The proposed international monopoly would not guarantee success in the fight against illicit traffic, because such success depended mainly on the efforts of the various governments concerned.



As for the national monopolies proposed in the interim agreement, that was a matter which was within the domestic jurisdiction of various States. It should be noted that many of the provisions of the interim agreement were inconsistent with the principle of the sovereignty of States and that, contrary to the provisions of Article 7, paragraph 2, of the Charter, they would allow the international monopoly to intervene in the domestic affairs of the contracting parties. For instance, the contracting parties would have to undertake to convert their national currency into United States dollars. States would have no financial supervision over the currency transactions of the monopoly, which would determine the prices, the currency and various other conditions governing the sale and purchase of opium. Under the interim agreement, the monopoly would enjoy privileges that would place it outside the control of any State. It would, for instance, have the right to institute legal proceedings, but would itself enjoy full immunity. The organs of the international monopoly would enjoy the same privileges and immunities as diplomatic missions.

In addition to the existing control organs -- the Permanent Central Opium Board and the Supervisory Body -- the interim agreement also provided for the creation of two additional organs, co-ordinating committee and international purchasing and selling agency. That was clearly inconsistent with the aim of simplifying the existing system of international control, as laid down in Economic and Social Council resolution 159 (VII) E and in the draft single convention.

In the light of all those considerations it would be quite useless to conclude an interim agreement to limit the production of opium, and his delegation was therefore opposed to such an agreement.

Mr. BORATYNSKI (Poland) supported the USSR representative. In his opinion, there was an inherent contradiction between the two agreements contemplated by the Commission. The conclusion of the single convention would make it quite unnecessary to have an interim agreement. Furthermore, many of the provisions of the proposed interim agreement were inconsistent with the principles of the United Nations Charter.

/Mr. AMINI

Mr. AMINI (Iran) thought that the Commission should not reopen the discussion on the advisability of concluding an interim agreement, as that question had already been settled. The USSR representative would always have the opportunity of commenting on the various provisions of the interim agreement, such as control and prices, when they came up for discussion in the Commission.

Mr. MORLOCK (United States of America) said that his Government was in favour of an international monopoly and an international agency, provided they helped to strengthen the control of narcotics and did not entail excessive expenditure.

Mr. KRUISSE (Netherlands) agreed with the USSR representative that some limitation of production could be achieved by other means than the international monopoly, in the form which had been proposed thus far. He still thought, however, that it was imperative to try to find some way of limiting production.

The CHAIRMAN said that the Commission had thus far proceeded on the assumption that it was necessary to conclude an interim agreement, and nothing had happened since December 1950 to warrant a radical change of views on the matter. There was no inconsistency between the interim agreement and the single convention, because the principles of the interim agreement would be embodied in the single convention. The Commission should proceed with its work of preparing an interim agreement.

At the informal meeting on the previous day some members of the Commission had expressed the opinion that it would be advisable to hold closed meetings when discussing the question of prices. He therefore proposed that the Commission should continue to work in open meetings, but that its members should also form a committee of the whole, which would hold informal meetings in private. Neither visitors nor journalists would attend those meetings, but minutes would be kept by the Secretariat for the use of the members. Such informal meetings would give members of the Commission ample opportunity to express their views with perhaps more freedom and in more detail than would be the case if the meetings were open to the public and the press. He wished to make it clear that there

/was nothing

was nothing secret in the Commission's work, that the Commission's meetings would still be open to the public and that the only purpose of arranging informal meetings was to promote speedier agreement during discussions held in private.

The Commission accepted the Chairman's proposal.

The meeting rose at 12.35 p.m.

19/4 p.m.